

T H E
STATUTES OF CALIFORNIA,

PASSED AT THE

Seventeenth Session of the Legislature,

1867-8,

BEGAN ON MONDAY, THE SECOND DAY OF DECEMBER, EIGHTEEN HUNDRED
AND SIXTY-SEVEN, AND ENDED ON MONDAY, THE THIRTIETH DAY
OF MARCH, EIGHTEEN HUNDRED AND SIXTY-EIGHT.



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320	An Act to amend an Act entitled an Act amendatory of Article Fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article Four, approved the twenty-fifth day of April, eighteen hundred and sixty-two—approved March 26, 1868.....	S. B. 293.....	358
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STATE OFFICERS.

NAME.	OFFICIAL POSITION.	RESIDENCE.
Henry H Haight	Governor Alameda.
William Holden	Lieutenant-Governor.....	..... Mendocino.
H L Nichols.....	Secretary of State.....	..... Sacramento.
Robert Watt	Controller .....	..... Nevada.
Antonio F. Coronel.....	Treasurer .....	..... Los Angeles.
Jo Hamilton	Attorney-General .....	..... Placer.
John W. Bost.	Surveyor-General.....	..... Merced.
O. P. Fitzgerald.....	Superintendent Public Instruction.....	..... San Francisco.
D W. Gelwicks	State Printer .....	..... El Dorado.
James M. Allen.....	Adjutant-General .....	..... Sacramento.
W. C. Stratton	State Librarian .....	..... Sacramento.
Edward R. Taylor.....	Governor's Private Secretary.....	..... Sacramento.
James H Cutter	State Harbor Commissioner.....	..... San Francisco.
James Laudley	State Harbor Commissioner.....	..... San Francisco.
S. S. Tilton.....	State Harbor Commissioner .....	..... San Francisco.
Robert E C. Stearns	Secretary Harbor Commissioners .....	..... San Francisco.

JUDGES, CLERKS AND REPORTER OF SUPREME COURT.

Lorenzo Sawyer	Judge, term two years (Chief Justice).....	..... Sacramento.
A. L. Rhodes.....	Judge, term four years.....	..... Santa Clara.
Joseph B. Crockett.....	Judge, term six years.....	..... San Francisco.
S. W. Sanderson.....	Judge, term eight years.....	..... Sacramento.
Royal T. Sprague.....	Judge, term ten years.....	..... Shasta
George Seckel	Clerk.....	..... Tuolumne.
W. G Wood.....	Deputy Clerk.....	..... Sacramento.
J. E. Hale.....	Reporter.....	..... Placer.

SENATORS.

L. B. MIZNER.....President pro temp.

NAME.	COUNTIES REPRESENTED.	RESIDENCE.
Banning, Phineas	Los Angeles.....	Wilmington.
Beach, Horace	Yuba	Marysville.
Belden, David	Nevada.....	Nevada City.
Bradlev, E. L.	Placer.	Dutch Flat.
Chappell, J. N.	Shasta and Trinity.....	Shasta.
Conly, John.....	Butte, Plumas and Lassen .	Laporte.
Conn, William A.	San Diego and San Bernardino.....	San Bernardino.
Curtis, N. Greene	Sacramento	Sacramento.
Ewer, S.	Butte, Plumas and Lassen.....	Oroville.
Freeman, J. W.	Fresno, Kern and Tulare.....	Havilah.
Green, James J.....	Contra Costa and Maria	San Quentin.
Hager, John S.....	San Francisco	San Francisco.
Hardy, Thomas	Calaveras.....	Copperopolis.
Heacock, E. H.	Sacramento.	Sacramento.
Hunter, George W	El Dorado.....	Spanish Dry Diggings.
Johnson, James.....	El Dorado	Placerville.
Kincaid, H.	San Francisco and San Mateo	Redwood City.
Lawrence, James H.	Mariposa, Merced and Stanislaus.	Mariposa.
Lewis, E. J.	Tehama and Colusa.....	Red Bluff.
Maclay, Charles	Santa Clara	Santa Clara.
Mandeville, J. W.	Tuolumne, Mono and Inyo	Columbia.
McDougall, F. A.....	Monterey and Santa Cruz.	San Juan.
Mizner, L. B.	Solano and Yolo.....	Benicia.
Morill, D. L.....	Calaveras	Campo Seco.
Murch, L. H.	Del Norte, Humboldt and Klamath	Forks of Salmon River.
Murphy, P. W.	San Luis Obispo and Santa Barbara ..	San Luis Obispo.
Pearce, George	Sonoma	Petaluma.
Pendegast, William Wirt.	Napa, Lake and Mendocino	Napa City.
Perley, J. E.....	San Joaquin.....	Woodbridge.
Pratt, L. E.	Sierra	Downsville.
Roberts, E. W.	Nevada	Grass Valley.
Robinson, Henry.	Alameda.....	Alameda.
Rose, A. H.	Amador and Alpine.....	Amador City.
Saunders, John H.	San Francisco	San Francisco.
Shaw, W. J.....	San Francisco	San Francisco.
Teegarden, E.....	Sutter and Yuba.....	Marysville.
Tubbs, A. L.	San Francisco ..	San Francisco.
Tweed, Charles A.....	Placer.....	Auburn.
Wadsworth, E.....	Siskiyou	Yreka.
Wolcott, Oliver.	Tuolumne, Inyo and Mono.....	Sunora.

Term, four years.

OFFICERS OF THE SENATE.

NAME.	OFFICIAL POSITION.	RESIDENCE.
James S. McDonald.....	Chaplain	Sacramento.
John White	Secretary.....	San Francisco.
Wilbur F. Huestis.....	Assistant Secretary.....	Eureka.
F. S. Lardner.....	Sergeant-at-Arms	Sacramento.
Timothy Mahony.....	Assistant Sergeant-at-Arms.	San Quentin.
C. E. Barnes	Minute Clerk	Laporte.
John E. Dent.....	Journal Clerk	Sacramento.
W. H. Frink.....	Engrossing Clerk.....	Sacramento.

LIST OF OFFICERS.

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NAME.	OFFICIAL POSITION.	RESIDENCE.
Hawkins, W. L.....	Enrolling Clerk..... Gold Run.
Perley, A. W.....	Copying Clerk..... Sacramento.
Marston, B. S.....	Copying Clerk.....	..... Centreville.
Edwards, Ellis.....	Clerk to Sergeant-at-Arms.....	..... Meadow Lake.

MEMBERS OF ASSEMBLY.

C. T. RYLAND.....Speaker.

NAME.	COUNTIES REPRESENTED.	RESIDENCE.
Ables, Thomas J.....	Marin.....	..... Tomales.
Angney, W. Z.....	Santa Clara.....	..... Gilroy.
Ayer, Isaac.....	Calaveras.....	..... Murphys.
Batchelder, A. J.....	Yuba.....	..... Foster's Bar.
Battelle, T. S.....	Sierra.....	..... Sierra Valley.
Bever, T. S.....	Calaveras.....	..... Rich Gulch.
Biggs, Marion.....	Sacramento.....	..... Sacramento.
Bud, A. B.....	El Dorado.....	..... Latrobe.
Broderson, B. J.....	San Francisco.....	..... San Francisco.
Brown, J. C.....	Tulare and Kern.....	..... Visalia.
Brown, Thomas A.....	Contra Costa.....	..... Martinez.
Buckbee, J. R.....	Plumas and Lassen.....	..... Quincy.
Caldwell, William.....	Sonoma.....	..... Cloverdale.
Canavan, Matthew.....	San Francisco.....	..... San Francisco.
Church, A. M.....	Alameda.....	..... Alvarado.
Clark, L. B.....	Yuba.....	..... Smartsville.
Cochran, R. M.....	Butte.....	..... Chico.
Coggins, Paschal.....	Sacramento.....	..... Sacramento.
Comto, A. Jr.....	Sacramento.....	..... Sacramento.
Connely, David W.....	San Francisco.....	..... San Francisco.
Crigler, John C.....	Napa and Lake.....	..... Lakeport.
Cureton, William H.....	Mendocino.....	..... Ukiah Valley.
Davies, William A.....	Tuolumne, Mono and Inyo.....	..... Columbia.
Days, J. M.....	Nevada.....	..... Grass Valley.
Dornin, George D.....	Nevada.....	..... North San Juan.
Downer, J. W.....	Sierra.....	..... Table Rock.
Dryer, Perry.....	Shasta.....	..... Shasta.
Dwinelle, John W.....	Alameda.....	..... Oakland.
Ellis, Asa.....	Los Angeles.....	..... El Monte.
Fairchild, J. A.....	Siskiyou.....	..... Fort Jones.
Farish, T. E.....	San Francisco.....	..... San Francisco.
Frisbie, John B.....	Solano.....	..... Vallejo.
Gildea, Charles.....	El Dorado.....	..... Placerville.
Giltner, Francis.....	Mariposa.....	..... Mariposa.
Green, W. S.....	Colusa and Tehama.....	..... Colusa.
Gregory, J. B.....	Amador and Alpine.....	..... Lone City.
Hayes, Benjamin.....	San Diego.....	..... San Diego.
James, John M.....	San Bernardino.....	..... San Bernardino.
Jones, T. E.....	Trinity.....	..... Douglas City.
Kelley, John M.....	Yolo.....	..... Woodland.
Lee, Bruce B.....	Sacramento.....	..... Rancho de San Juan.
Lupton, Samuel L.....	San Francisco.....	..... San Francisco.
Mace, R. T.....	Fresno.....	..... Miller-ton.

MEMBERS OF ASSEMBLY—Continued.

NAME.	COUNTIES REPRESENTED.	RESIDENCE.
Mahou, Frank.....	San Francisco.....	San Francisco.
Mardis, B. A.....	Tuolumne, Mono and Inyo.....	Sonora.
Martin, Silas M.....	Sonoma.....	Petaluma.
Mattingly, R. L.....	San Mateo.....	San Mateo.
McElhany, William T.....	Santa Barbara and San Luis Obispo.....	Santa Barbara.
Meagher, Michael.....	Tuolumne, Mono and Inyo.....	Independence.
Mentzel, Otto.....	Calaveras.....	West Point.
Middleton, John.....	San Francisco.....	San Francisco.
Moore, John H.....	Santa Clara.....	San Jose.
Morrow, L. J.....	San Joaquin.....	Farmington.
Newell, Hugh B.....	El Dorado.....	Gold Hill.
Newsom, John M.....	Merced and Stanislaus.....	Hill's Ferry.
Oliver, Warner.....	San Joaquin.....	Stockton.
O'Malley, J. J.....	San Francisco.....	San Francisco.
Ord, W. M.....	Butte.....	Martinsburg.
Papy, Jasper J.....	San Francisco.....	San Francisco.
Pardee, George.....	Santa Cruz.....	Watsonville.
Payne, George M.....	Amador and Alpine.....	Monitor.
Rector, Thomas H.....	Klamath and Del Norte.....	Trinidad.
Rollins, H. G.....	Nevada.....	Meadow Lake.
Russ, A. G.....	San Francisco.....	San Francisco.
Ryland, C. T.....	Santa Clara.....	San Jose.
Scudder, Frank V.....	San Francisco.....	San Francisco.
Smith, J. K.....	Yuba.....	Smartsville.
Spencer, C. G.....	Placer.....	Forest Hill.
Spilman, B. R.....	Sutter.....	Yuba City.
Steele, Elijah.....	Siskiyou.....	Yick.
Tully, E. C.....	Monterey.....	Gilroy.
Tuttle, C. A.....	Placer.....	Aubun.
Waldron, M.....	Placer.....	Lincoln.
Ward, Thomas N.....	San Francisco.....	San Francisco.
Warfield, J. B.....	Sonoma.....	Sonoma Valley.
Watson, James A.....	Los Angeles.....	Los Angeles.
Westmoreland, Charles.....	Humboldt.....	Eureka.
White, James D.....	Nevada.....	Washington.
Wilets, Stephen.....	El Dorado.....	Green Valley.
Wolfeh, Charles.....	Sacramento.....	Sacramento.

OFFICERS OF THE ASSEMBLY.

NAME.	OFFICIAL POSITION.	RESIDENCE.
Rev. T. H. B. Anderson.....	Chaplain.....	Sacramento.
John A. Eagan.....	Chief Clerk.....	Fiddletown.
William S. Byrne.....	Assistant Clerk.....	Grass Valley.
Newton Benedict.....	Minute Clerk.....	San Francisco.
H. G. Sieberst.....	Journal Clerk.....	San Francisco.
D. F. Beveridge.....	Enrolling Clerk.....	Fairfield.
R. M. Clarken.....	Engrossing Clerk.....	San Jose.
W. S. Cooper.....	Copying Clerk.....	Sonora.
Juan J. De la Guerra.....	Copying Clerk.....	Santa Barbara.
J. K. Luttrell.....	Sergeant-at-Arms.....	Port Jones.
W. H. Peterson.....	Assistant Sergeant-at-Arms.....	Los Angeles.
William G. English.....	Clerk to Sergeant-at-Arms.....	Sacramento.

COMMISSIONERS OF DEEDS,

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

EXTRACT

*From an Act empowering the Governor to appoint Commissioners of Deeds, and defining the
duties of such officers, approved March 20, 1850.*

“Sec. 3. Before any Commissioner, appointed as aforesaid, shall proceed to perform any of the duties of his office, he shall take and subscribe an oath before any officer duly authorized to administer oaths in the State for which such Commissioner may be appointed, that he will faithfully perform and discharge all the duties of his office, which oath shall be filed in the office of Secretary of State of California within six months after the taking the same.”

And By section one of said Act the Commissioner is “to continue in office four years.”

ALABAMA.

DATE OF APPOINTMENT	NAME.	RESIDENCE.	DATE OF FILING OATH.
December 8, 1865	Sidney T. Douglas.....	Mobile .....	.....
February 8, 1866	Lawrence Worrall	MobileApril 21, 1866

ARKANSAS.

November 28, 1866	Charles P. Redmund.....	Little RockMarch 11, 1867
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CONNECTICUT.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
February 4, 1867.....	W. Edgar Simons.....	HartfordMay 20, 1867
April 8, 1867.....	James M Bunker.....	New Bedford.....June 25, 1867

FLORIDA.

September 13, 1867.....	Mavimo P. De Riobro.....	Pensacola.
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GEORGIA.

April 9, 1868.....	E. Yule.....	Savannah.....
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ILLINOIS.

May 2, 1865.....	Simeon W. King.....	ChicagoJuly 26, 1865
October 3, 1865.....	Philip A. Hoyne.....	ChicagoJanuary 4, 1866
December 6, 1867.....	O. W. R Lull	Chicago .....	.....February 4, 1868
May 4, 1868	Frank P. Fisher... ..	Chicago

IOWA.

August 18, 1866	W. A. Burton	Ottumwa. October 12, 1866
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INDIANA.

October 23, 1865.....	Luther R. Martin... ..	Indianapolis...
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KANSAS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
February 13, 1866	J. R. De Land.....	Leavenworth
August 9, 1867.....	J. M. O'Brien.....	Leavenworth .....	.....
January 21, 1868.....	Matcus D. White.....	Irving.....	.....

KENTUCKY.

October 23, 1865.....	N. R. Wilson	Louisville .....	.....
March 19, 1867.....	George H. Owen. . .	Louisville .....	.....May 22, 1867

LOUISIANA.

June 15, 1865.....	James Graham.....	New Orleans.....	.....September 5, 1865
Sept. 8, 1865	Arthur Brocard.....	New Orleans .....	.....
May 29, 1866	J. Bendernagel.....	New Orleans.....	..... August 20, 1866
June 20, 1866.	Robert T. Buckner.....	Shreveport .....	.....
June 13, 1866.	P. C. Chevallier	New Orleans.....	..... January 3, 1867
July 19, 1866.....	Geo. W. Christie	New Orleans.....	..... October 25, 1866
Aug. 25, 1866	Justin Castania.....	New Orleans.....	..... October 29, 1866
Nov. 28, 1866	Henry J. Labatt.....	New Orleans .....	.....
Dec. 10, 1867	Edward Barnett.	New Orleans .....	..... February 10, 1868
May 4, 1868.....	Henderson A. Morse...	New Orleans.....	.....

MAINE.

Jan. 6, 1865	John E. Godfrey.....	Bangor .....	.....
Jan. 20, 1866	James O'Donnell.....	Portland.....	..... March 29, 1866
Feb. 12, 1866	Lewis W. Howes.....	Rockland.....	.....
April 10, 1868.....	Daniel W. Fessenden....	Portland .....	.....

MARYLAND.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
March 21, 1865	William P. Eaton.....	Baltimore .....	.....
April 29, 1865.....	H. L. Emmons, Jr.	Baltimore .....	..... July 5, 1865
November 4, 1865.	Thomas Whelan, Jr. . .	Baltimore .....	..... February 3, 1866
January 7, 1867.....	Joseph T. Akinson.....	Baltimore .....	..... April 2, 1867
April 29, 1868	Samuel T. Morgan.....	Baltimore .....	.....
January 30, 1868.....	James A. Buchannan... .	Baltimore .....	.....

MASSACHUSETTS.

March 9, 1864.....	Hales W. Sutter.....	Boston.....	..... May 3, 1864
July 23, 1864.	George S. Hall	Boston .....	..... December 10, 1864
October 3, 1864	Samuel S. Curtis	Boston .....	..... October 3, 1864
October 24, 1864.....	Samuel C. Crocker.. .	Boston.....	..... January 3, 1865
November 1, 1864.....	Otis G. Randall	Boston.....	..... January 10, 1865
November 1, 1864	William Henry Towne..	Boston .....	.....
December 3, 1864	Samuel Curtis.	Boston .....	.....
January 13, 1865.....	H. F. Sherman.....	New Bedford.....	.....
January 19, 1865.....	Charles A. F. Swan . .	Boston.....	..... July 18, 1865
April 26, 1865.....	Charles B. F. Adams.. .	Boston. . . . .	..... July 8, 1865
April 29, 1865	Albert W. Adams.....	Boston. . . . .	..... July 8, 1865
July 14, 1865	J. Henry Hill.....	Worcester . . . . .	.....
August 18, 1865	George T. Angell.....	Boston.....	..... October 23, 1865
September 27, 1865. . .	Daniel Sharp	Boston .....	..... November 28, 1865
October 3, 1865	James B. Bell	Boston .....	..... December 8, 1865
February 27, 1866. . .	Samuel Jennison	Boston .....	.....
February 27, 1866.	N. C. Towle.....	Boston .....	.....
April 20, 1866.....	Charles E. Kendall. . .	Boston. . . . .	.....
January 24, 1867.....	Benjamin Pond	Boston.....	..... May 11, 1867
July 12, 1867.....	Benjamin H. Currier....	Boston .....	..... January 16, 1868
February 26, 1868.....	William C. Binney.....	Amesbury.....

MICHIGAN.

February 18, 1866.....	James O. Forrest.....	Detroit
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MINNESOTA.

April 23, 1865.....	John Murray, Jr.....	Minneapolis
May 31, 1865.....	P. Hefferman.....	Ramsay County.....
August 20, 1866.....	Cyrus Aldrich.....	Minneapolis.....	.....

MISSOURI.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
February 13, 1866.	Francis W. Rawle.	St. Louis.....	.....April 16, 1866
April 18, 1866	George W. Lubke. . . .	St. Louis . . . . .	.....March 29, 1864
June 13, 1866	Nelson C. Gridley.	St. Louis.....	.....August 7, 1866
December 5, 1866	Joel G. Harper.	St. Louis.....	.....March 14, 1866
September 25, 1867.	E. W. Shands.	St. Louis.....	.....December 7, 1867
January 3, 1868	Theodore Papin.....	St. Louis.....	.....February 18, 1867

NEVADA.

November 5, 1864	S. A. Brown.....	Aurora .. . . . .	.....November 25, 1864
November 10, 1864.....	Henry M. Morgan	Virginia City.....	.....March 29, 1864
November 21, 1864.....	W. P. Hutchings.....	Virginia City.....	.....December 15, 1864
December 3, 1864.....	Edward Cahill.	Virginia City .....	.....December 16, 1864
December 3, 1864.....	William E. Hale.....	Gold Hill.....	.....December 20, 1864
December 3, 1864.....	A. C. Knox	Virginia City .....	.....January 3, 1865
December 6, 1864	Samuel D. King	Carson City.....	.....January 4, 1865
December 15, 1864.....	John E. Garrett	Carson City.....	.....February 14, 1865
December 26, 1864.....	Andrew J. Holmes.....	Austin .....	.....February 21, 1865
December 26, 1864.....	George W. Turney.....	Gold Hill .....	.....July 13, 1865
December 27, 1864	George E. Talmadge.....	Virginia City.....	.....April 8, 1865
February 3, 1865.....	G. A. Swasey	Tone City .....	.....April 10, 1865
February 17, 1865	Charles H. Fish	Virginia City.....	.....September 20, 1865
March 21, 1865.....	John W. Grier	Silver City .....	.....February 3, 1866
March 30, 1865	W. A. M. Van Bokkelen	Virginia City.....	.....March 19, 1866
April 1, 1865	S. A. Mann.....	Washoe City.....	.....June 18, 1866
April 29, 1865.....	Thomas Barclay.....	Virginia City .....	.....July 2, 1866
January 13, 1866.....	A. E. Shannon	Austin .....	.....July 11, 1866
March 8, 1866.....	W. E. F. Deal.....	Virginia City .....	.....July 23, 1866
April 7, 1866	John H. Scheimer.....	Austin .....	.....September 27, 1866
May 29, 1866	John S. Bowker.....	Washoe City.....	.....November 15, 1866
June 25, 1866.....	Samuel W. Chubbock.....	Gold Hill.....	.....November 1, 1866
July 6, 1866	William S. Hoover.....	Virginia City.....	.....October 25, 1866
July 19, 1866.....	W. H. Burrell.....	Virginia City.....	.....December 10, 1866
September 14, 1866.....	Joseph L. King.....	Virginia City.....	.....December 15, 1866
September 20, 1866	H. Doyle	Genoa .....	.....June 19, 1867
October 18, 1866.....	Thomas Wells.....	Virginia City.....	.....April 18, 1867
October 18, 1866.....	Joel A. Harvey.....	Genoa .....	.....July 5, 1867
November 26, 1866	James M. Meredith.....	Aurora. . . . .	.....August 30, 1867
December 5, 1866.....	N. H. Hall	Gold Hill.....	.....September 23, 1867
January 24, 1867.....	H. C. Lillie.....	Virginia City.....	.....October 17, 1867
April 11, 1867.....	Frederick F. Wight.....	Belmont.....	.....December 7, 1867
June 24, 1867	James A. Stephens.....	Gold Hill.....	.....January 31, 1868
July 26, 1867	H. M. Barnes.....	Belmont.....	.....
August 28, 1867	W. J. Blake.....	Austin .....	.....
October 5, 1867	F. R. Bechtel.....	Aurora.....	.....
November 26, 1867.....	Lyman C. Crockett	Dayton .....	.....
January 6, 1868	P. E. Shannon	Washoe City.....	.....
February 26, 1868.....	John Webber.....	Gold Hill .....	.....

NEW HAMPSHIRE.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
May 31, 1865.....	Charles W. Woodman...	Dover.....	.....August 19, 1865

NEW JERSEY.

September 8, 1865..	H. Howard Burgess	South Orange.....December 8, 1865
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NEW YORK.

June 3, 1864.....	F. A. Wilcox	New York..... August 25, 1864
June 3, 1864.....	Frederick F. Connell ..	New York..... September 30, 1864
June 22, 1864.....	John Bissell	New York.....	..... September 10, 1864
July 21, 1864.....	Charles E. Patterson....	New York.....	..... December 1, 1864
July 23, 1864.....	Meyer S. Isaacs	New York.....	..... December 29, 1864
July 22, 1864.....	Juhus Silversmith	New York.....	..... August 10, 1864
October 12, 1864.....	Augustus I. Brown.....	New York.....	..... May 16, 1865
October 27, 1864.....	William D. Powell.....	New York.....	.....
November 21, 1864 ..	William N. Denman ...	New York .....	..... February, 1865
December 6, 1864	Amos G. Hull	New York .....	.....
December 31, 1864.....	William H. Field.....	New York.....	..... May 26, 1865
January 16, 1865.....	Josiah Porter	New York.....	..... April 10, 1865
January 16, 1865.....	John K. Hackett.....	New York.....	..... April 10, 1865
January 16, 1865.....	Edmund Ketchum	New York.....	..... April 10, 1865
January 21, 1865.....	O. P. C. Billings.....	New York.....	..... April 10, 1865
February 17, 1865.....	G. J. Turner.....	New York.....	..... October 3, 1865
March 11, 1865.....	Christian Von Hesse ..	New York.....	..... May 15, 1865
March 11, 1865.....	Henry R. De Witt.....	New York.....	..... May 19, 1865
May 4, 1865.....	Clinton Rice	New York.....	.....
May 31, 1865	J. G. Hyer	New York .....	..... February 24, 1866
June 15, 1865.....	Fisher A. Baker	New York.....	.....
June 15, 1865.....	Edwin F. Corey, Jr ..	New York.....	.....
June 15, 1865.....	Lewis Hurst	New York.....	..... August 23, 1865
June 21, 1865.....	F. S. Winchester.....	New York.....	..... January 30, 1866
July 20, 1865.....	John Hoyt	New York.....	.....
September 8, 1865	Aug B Sage	New York.....	..... January 31, 1866
September 27, 1865 ..	Frederick Bull	New York.....	..... November 29, 1865
September 27, 1865 ..	William L. Gardner ..	New York.....	..... December 11, 1865
September 28, 1865.....	Asa W. Parker.....	Brooklyn .....	.....
September 30, 1865.....	Martin H. Luff	New York.....	..... February 19, 1866
October 7, 1865	Channing G. Fenner ..	New York.....	.....
October 23, 1865.....	William H. Meeks	New York.....	..... January 4, 1865
October 23, 1865.....	John Whipple, Jr.	New York.....	.....
November 28, 1865.....	L. W. Sloat.....	New York.....	.....
November 28, 1865.....	George P. Johnson.....	New York.....	..... April 6, 1865
January 20, 1866.....	J. Spencer Smith.....	New York.....	..... March 29, 1866
February 8, 1866.....	Alexander Ostrander...	New York.....	.....
February 13, 1866.....	John Butcher	New York.....	.....
February 15, 1866.....	Andred Anderson, Jr ..	New York.....	.....
February 27, 1866.....	Horatio King	New York.....	.....
March 8, 1866.....	George W. Calles	New York.....	.....
April 20, 1866.....	Samuel C. Bradshaw.....	New York.....	.....

NEW YORK—Continued.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
May 29, 1866.....	John I. Livingston.....	New York.....	November 6, 1866
June 13, 1866	A. A. Aiken	New York .....	.....
June 13, 1866.....	Thomas Sudler	New York	August 16, 1866
June 15, 1866	Robert Maclay	New York.....	August 9, 1866
June 15, 1866	Frederick R. Anderson	New York	October 2, 1866
June 25, 1866	Samuel Swan	New York	August 24, 1866
June 25, 1866	Andrew J. Hennon.....	New York	October 2, 1866
July 6, 1866	Maiker F. Bache	New York .....	.....
August 15, 1866	Michael Phillips	New York.....	October 6, 1866
August 15, 1866	Frederick R. Anderson	Auburn .....	.....
August 25, 1866	A. J. Beirian	New York.....	.....
September 10, 1866 . . .	John Warren Lawton..	New York	April 3, 1867
November 14, 1866.....	James C. Cloyd	New York	March 20, 1867
December 5, 1866	C. H. S. Williams	New York	April 25, 1867
December 19, 1866 . . .	Edmund P. Barnum ..	New York	February 21, 1867
January 24, 1867	William Sutphen	New York	April 3, 1867
January 7, 1867.....	Dexter Gilmore	Utica .....	.....
February 4, 1867	Charles Nettleton ..	New York	May 13, 1867
February 7, 1867	J. L. Michaels	New York.....	.....
March 19, 1867	Robby D. Cook	Troy.	June 8, 1867
April 8, 1867.	Z. Platt	New York	April 8, 1867
May 6, 1867.....	Orrin Welch	Syracuse .....	.....
May 16, 1867	Charles J. Jones	New York	July 15, 1867
May 15, 1867.....	David McAdam	New York	July 9, 1867
June 28, 1867.....	James L. Crittenden ..	New York	September 17, 1867
June 19, 1867.....	Theodore F. Miner.....	Albany.....	.....
July 26, 1867.....	Matthew H. Ellis	New York .....	.....
July 26, 1867.	Charles P. Hart.....	New York	September 24, 1867
August 10, 1867.....	William F. Lott	New York	October 11, 1867
August 12, 1867	Daniel L. Hubbard.....	New York	October 1, 1867
August 15, 1867.....	Gordon L. Ford.....	Brooklyn.....	October 29, 1867
August 15, 1867	Frank Fuller.....	New York .....	.....
September 13, 1867.....	William H. Mosely	Syracuse	November 4, 1867
October 24, 1867	Joseph B. Nones	New York	December 12, 1867
November 9, 1867.....	Sigismund Lasar	New York	January 14, 1868
November 9, 1867	Frederick B. Swift	New York.....	January 13, 1868
November 12, 1867	E. L. Sanderson	Brooklyn	February 3, 1868
November 24, 1867	William Furness	New York .....	.....
December 7, 1867	John A. McSorley	New York.....	March 10, 1868
December 31, 1867	George P. Johnson	New York.....	March 24, 1868
January 3, 1868	George W. Hart.....	New York .....	.....
January 6, 1868	J. K. Lovejoy	New York	February 18, 1868
January 9, 1868	Charles T. Morson	New York	March 3, 1868
January 14, 1868.....	Edward S. DeSelding..	New York .....	.....
January 15, 1868	Archibald F. Cushman	New York.....	.....
February 4, 1868	Moses B. McClay	New York.....	March 27, 1868
February 4, 1868.....	Henry C. Banks	New York	March 30, 1868
February 8, 1868.....	Herbert Kittell	New York .....	.....
February 15, 1868	David W. Price.....	New York .....	.....
March 3, 1868	Watson J. Hildreth.....	New York.....	April 30, 1868
March 26, 1868	Sylvester Lay	New York	May 11, 1868
April 9, 1868	William V. Archer.....	New York .....	.....
April 9, 1868.....	Charles J. Bushnell ..	New York

NORTH CAROLINA.

February 27, 1866.....	A. G. Brenizer.....	Greensboro
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OHIO.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
June 21, 1865.....	James E. Campbell.....	HamiltonDecember 16, 1865
November 4, 1865.....	John A. Lynch.....	Cincinnati.....	.....
May 9, 1866.....	Samuel S. Carpenter ...	Cincinnati.....	..... July 17, 1866
September 20, 1866.....	Reuben Tyler.....	Cincinnati.....	.....November 21, 1866
June 28, 1867.....	Victor Abraham	Cincinnati.....	.....August 23, 1867
July 12, 1867.....	Alexander H. McGaffy.....	Cincinnati.....	.....September 12, 1867

OREGON.

January 6, 1865.....	C. H. Larabee.....	Portland.....	.....
September 8, 1865	D. W. Williams	Portland.....	..... November 1, 1865.
November 4, 1865.....	Seth R. Hamner	Salem.....	.....December 6, 1865.
February 8, 1866.....	Hamilton Boyd	Portland.....	..... March 10, 1866.
June 28, 1867.....	Charles W. Parrish	Portland.....	..... July 27, 1867.

PENNSYLVANIA.

October 12, 1864.....	Theodore D. Rand.....	Philadelphia.....	..... December 10, 1864
March 21, 1865	Joshua Spring	Philadelphia.....	..... June 20, 1865
April 29, 1865.....	John McClarren	Pittsburg.....	.....August 31, 1865
May 15, 1865	Robert Arthurs.....	Pittsburg.....	.....
August 18, 1865.....	William V. Archer.....	Philadelphia.....	.....November 27, 1865
September 8, 1865.....	Charles H. T. Collis.....	Philadelphia.....	..... December 20, 1865
September 30, 1865.....	Benjamin F. Blood.....	Philadelphia.....	.....
November 14, 1865.....	George W. A. Hathwell.....	Philadelphia.....	.....January 16, 1866
November 27, 1865	John O'Niell.....	Titusville .....	..... February 12, 1866
February 8, 1866.....	Henry B. Hurst.....	Philadelphia.....	.....
February 8, 1866.....	Samuel L. Taylor.....	Philadelphia.....	.....April 12, 1866
June 20, 1866	Warren Jackson.....	Philadelphia.....	.....September 27, 1866
July 19, 1866	J. H. T. Jackson	Philadelphia.....	.....
August 15, 1866.....	Samuel B. Huey.....	Philadelphia.....	..... October 4, 1866
September 20, 1866.....	Edward Shippen.....	Philadelphia.....	..... December 5, 1866
October 26, 1866.....	William H. Martin.....	Philadelphia.....	..... December 13, 1866
November 28, 1866.....	Gardner S. Berry.....	Titusville .....	.....February 6, 1867
January 24, 1867.....	Edward Yardley.....	Pottsville.....	.....
March 19, 1867.....	Edgar H. Sharp.....	Philadelphia.....	.....
April 8, 1867.....	Kunley H. Tener.....	Philadelphia.....	.....May 27, 1868
August 9, 1867	R. S. Morrison	Pittsburg.....	.....
August 28, 1867	Frederick Dittman.....	Philadelphia.....	.....
October 3, 1867	William F. Robb.....	Pittsburg.....	.....
February 1, 1868.....	William H. Whiting.....	Philadelphia.....	..... March 25, 1868
April 9, 1868.....	William M. Barlow.....	Philadelphia.....	.....
May 4, 1868.....	Frank F. Brightley	Philadelphia.....	.....

RHODE ISLAND.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
February 27, 1866	Henry Martin.....	Providence .....	.....

SOUTH CAROLINA.

March 7, 1866	Nathaniel Levan.....	.....	.....
January 22, 1868.....	Augustus E. Cohen.	Charleston.....	.....March 25, 1868

TEXAS.

April 7, 1866.....	Christopher Dart.....	Houston .....	.....
March 26, 1868.	R L. Fulton.....	Galveston.....	.....

VIRGINIA.

December 9, 1865	John Johns, Jr.	Richmond	February 23, 1866.....
February 8, 1866.	D. H. Loudon.....	Richmond .....	.....
February 12, 1866	Thomas W. Upsher. . .	Richmond . . .	.....
June 15, 1867	Frank P Turner.....	Richmond .....	.....
December 16, 1867.....	William S. Barton	Fredericksburg.....	.....

WISCONSIN.

April 10, 1865.....	Francis Bloodgood. . . .	Milwaukee .....	.....September 26, 1865
April 31, 1865.	James Chapman.	La Point. ....	.....

DISTRICT OF COLUMBIA.

April 10, 1865	H. C Spalding.....	Washington .....	..... June 5, 1865
January 19, 1865.....	John F. Callan.	Washington.....	.....
February 20, 1866	Frederick Koones.	Washington.....	.....
April 20, 1866	John S. Hollingshed. . .	Washington.....	.....
August 15, 1866.....	William Lully.....	Washington. ....	..... December 31, 1866

ARIZONA TERRITORY.

DATE OF APPOINTMENT	NAME.	RESIDENCE.	DATE OF FILING OATH.
January 6, 1865	William L. Berry.. . . .	Prescott .....	.....January 20, 1865
September 13, 1867.....	David Henderson.....	Prescott.....	.....
March 20, 1868.....	James P. Bull	Hardysville.....	.....

IDAHO TERRITORY.

July 23, 1864	John C. Henley.....	Idaho City.....	.....
October 3, 1864	Jerome B. Knight . . .	.....	.....
January 19, 1865.....	A. Raphael	Idaho City .....	..... June 13, 1865
March 1, 1865.....	Thomas M Pomeroy . .	Lewiston.....	..... April 17, 1865
March 6, 1865.....	W. R. Keithly	Idaho City.....	..... May 5, 1865
March 11, 1865.....	O. S. Tibbitts.....	.....	.....
December 8, 1865.....	James Lyman	Owyhee . . . . .	.....
April 23, 1866	Elansen S. Penwell	Soda Springs.....	.....
November 14, 1866.....	Louis Lobenstein	Ruby City.....	.....December 21, 1866
December 7, 1867.....	Romly E Foote	Idaho City . . . . .	.....
December 7, 1867.....	Theodoro Burmester.. .	Boise City.....	.....January 11, 1868

MONTANA TERRITORY.

March 8, 1866	James Thompson.....	Virginia City.....	.....
May 3, 1866	J. B. Johnson	Blackfoot City. . . . .	.....
October 29, 1866	Otto Greenhood	Helena.....	.....December 15, 1866
February 15, 1868.....	J. M. Auderson.....	Helena.....	..... March 31, 1868

TERRITORY OF NEW MEXICO.

July 27, 1864.....	John Watt.....	Santa Fe.....	.....February 28, 1865
September 27, 1864.....	Samuel Ellison.....	Santa Fe.....	.....
June 6, 1865.....	William W. Beman.....	Mesilla .....	.....

UTAH TERRITORY.

November 1, 1864.....	Joseph A. Thompson . .	Salt Lake City .....	.....
July 6, 1866.....	William Clayton	Salt Lake City.....	..... July 23, 1866

WASHINGTON TERRITORY.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
February 28, 1865.....	H. Parker	Walla Walla.....	.....
May 29, 1865.	H. E. Johnson ..	Walla Walla.....	..... June 19, 1865
July 6, 1866.....	P. P. Johnson.....	Walla Walla..... August 30, 1866

ALASKA.

December 31, 1867.....	J. H. Kinkead.....	Sitka.....
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KINGDOM OF GREAT BRITAIN.

May 28, 1864.....	John Copeland.....	Victoria, V. I.....September 13, 1864
December 8, 186	John H. Grain..	London .....	.....
December 8, 1865.	William Grain.....	London.....

REPUBLIC OF MEXICO.

August 2, 1867.....	Edward Connor.....	Guaymas.....
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SANDWICH ISLANDS.

December 26, 1866.....	John H. Patty.....	Honolulu.....March 14, 1867
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ITALY.

May 15, 1867.....	William H. Oatis.....	NaplesOctober 22, 1867
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CONSTITUTION OF THE STATE OF CALIFORNIA.

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

WE, The People of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

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

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

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever, but a jury trial may be waived by the parties, in all civil cases, in the manner to be prescribed by law.

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

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

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

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

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

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right, and no law shall be passed to restrain or abridge

the liberty of speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted, and the jury shall have the right to determine the law and the fact.

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

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

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace; and in time of war no appropriation for a standing army shall be for a longer time than two years.

SEC. 13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner to be prescribed by law.

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

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

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

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

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

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

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

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

ARTICLE II.

RIGHT OF SUFFRAGE.

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

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

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

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

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

SEC. 6. All elections by the people shall be by ballot.

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the Government of the State of California shall be divided into three separate departments: the Legislative, the Executive, and Judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

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

SEC. 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days — [Amended, 1862.]

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

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

SEC. 5. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State and of the county or district for which he shall be chosen one year next before his election — [Amended, 1862.]

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

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

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

SEC. 9. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

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

SEC. 11. Each house shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the journal.

SEC. 12. Members of the Legislature shall, in all cases except treason, felony and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

SEC. 13. When vacancies occur in either house, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

SEC. 14. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

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

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

SEC. 17. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it he shall sign it, but if not he shall return it, with his objections, to the house in which it originated, which shall enter the same upon the journal, and proceed to reconsider it. If, after such reconsideration, it again pass both houses, by yeas and nays, by a majority of two thirds of the members of each house present, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law, in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return.

SEC. 18. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the members present.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Justices of the Supreme Court, and Judges of the District Court, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit under the State, but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such a manner as the Legislature may provide.

SEC. 20. No Senator or member of Assembly shall, during the term for which he shall have

been elected, be appointed to any civil office of profit under this State, which shall have been created or the emoluments of which shall have been increased, during such term, except such offices as may be filled by election by the people.

Sec. 21. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia to which there is attached no annual salary, or local officers, and Postmasters, whose compensation does not exceed five hundred dollars per annum, shall not be deemed lucrative.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE V.

EXECUTIVE DEPARTMENT.

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

SEC. 2. The Governor shall be elected by the qualified electors, at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday in December subsequent to his election, and until his successor is elected and qualified.—
[Amended, 1862.]

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

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

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

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

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

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

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened.

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

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

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

SEC. 13. The Governor shall have the power to grant reprieves and pardons after conviction, for all offences except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence or grant a further reprieve. He shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the pardon or reprieve.

SEC. 14. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

SEC. 15. All grants and commissions shall be in the name and by the authority of The People of the State of California, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 16. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor; and his term of office, and his qualifications of eligibility, shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled or the disability shall cease.

SEC. 17. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

SEC. 18. A Secretary of State, a Controller, a Treasurer, an Attorney-General and a Surveyor-General shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor.—
[Amended, 1862.]

SEC. 19. The Secretary of State shall keep a fair record of the official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law; and in order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said Article Five by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded or suspended thereby, until the election and qualification of the several officers provided for in said amendments.—[*Amended, 1862.*]

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

SEC. 21. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General and Surveyor-General shall each, at stated times during their continuance in office, receive for their services a compensation, which shall not be increased or diminished during the term for which they shall have been elected, but neither of these officers shall receive for his own use any fees for the performance of his official duties.

ARTICLE VI.

JUDICIAL DEPARTMENT.

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

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

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

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll or municipal fine, or in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars, also, in all cases arising in the Probate Courts; and also in all criminal cases amounting to felony, on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition and habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State, upon petition on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any District Court, or any County Court, in the State, or before any Judge of said Courts.—[*Amended, 1862.*]

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

SEC. 6. The District Courts shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars; and also in all criminal cases not otherwise provided for. The District Courts and their Judges shall have power to issue writs of habeas corpus, on petition by or on behalf of any person held in actual custody in their respective districts.—[*Amended, 1862.*]

SEC. 7. There shall be, in each of the organized counties of the State, a County Court, for each of which a County Judge shall be elected by the qualified electors of the county, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this Article. The County Judges shall hold their offices for the term of four

years from the first day of January next after their election. Said Courts shall also have power to issue naturalization papers. In the City and County of San Francisco, the Legislature may separate the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years.—[Amended, 1862.]

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

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

SEC 10 The Legislature shall fix by law the jurisdiction of any Recorder's or other inferior municipal Court which may be established in pursuance of section one of this Article, and shall fix by law the powers, duties and responsibilities of the Judges thereof.—[Amended, 1862.]

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

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

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

SEC 14 The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person.—[Amended, 1862.]

SEC 15 The Justices of the Supreme Court, District Judges and County Judges shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, provided, that County Judges shall be paid out of the County Treasury of their respective counties.—[Amended, 1862.]

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

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

SEC 18 The style of all process shall be: "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.—[Amended, 1862.]

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

ARTICLE VII.

MILITIA.

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

SEC 2. Officers of the militia shall be elected or appointed, in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor.

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

ARTICLE VIII.

STATE DEBTS.

SECTION 1. The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, with any previous debts or liabilities, exceed

the sum of three hundred thousand dollars, except in case of war, to repel invasion or suppress insurrection, unless the same shall be authorized by some law for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from 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 have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each Judicial District, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

ARTICLE IX.

EDUCATION.

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

SEC. 2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement. The proceeds of all lands that may be granted by the United States to this State for the support of schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of Common Schools throughout the State.

SEC. 3. The Legislature shall provide for a system of Common Schools, by which a school shall be kept up and supported in each district at least three months in every year, and any school district neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public fund during such neglect.

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

ARTICLE X.

MODE OF AMENDING AND REVISING THE CONSTITUTION.

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

SEC. 2. And if, at any time, two thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors at the next election for members of the Legislature to vote for or against a Convention, and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a Convention, the Legislature shall, at its next session provide by law, for calling a Convention, to be held within six months after the passage of such law, and such Convention shall consist of a number of members not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such Convention shall be submitted to the people, at a special election, to be provided for by law, for their ratification or rejection, each voter shall express his opinion by depositing in the ballot box a ticket, whereon shall be written or printed,

the words "For the New Constitution," or "Against the New Constitution." The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer and Secretary of State, and compare the votes so certified to him. If, by such examination, it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.—[Amended, November 4, 1856.]

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

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

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

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

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

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

SEC. 4. The Legislature shall establish a system of county and town governments, which shall be as nearly uniform as practicable throughout the State.

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 17. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 18. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practice.

SEC. 19. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

SEC. 20. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

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

ARTICLE XII.

BOUNDARY.

SECTION 1. The boundary of the State of California shall be as follows:

Commencing at the point of intersection of forty-second degree of north latitude with the one hundred twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred twentieth degree of west longitude, until it intersects the thirty-ninth degree of north latitude, thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude, thence down the middle of the channel of said river, to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight, thence, running west and along said boundary line, to the Pacific Ocean and extending 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, all the islands, harbors and bays along and adjacent to the coast.

SCHEDULE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wm. G. MARCY, Secretary.

R. SEMPLE,
President, and Delegate from Benicia.

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

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



STATUTES.



STATUTES OF CALIFORNIA,

PASSED AT THE

SEVENTEENTH SESSION OF THE LEGISLATURE.

CHAPTER I.

An Act to provide for purchasing Postage Stamps and Express Envelopes for Members and Officers of the Legislature.

[Approved December 18, 1867.]

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

SECTION 1 The sum of thirty-one hundred and fifty dollars is hereby appropriated out of the General Fund for the purchase of postage stamps, envelop wrappers and express envelopes for the use of the Lieutenant-Governor, Senators and members of the Assembly, Secretary of the Senate, Clerk and Assistant Clerk of the Assembly, and Sergeant-at-Arms of the Assembly.

Appropriations for postage and expressage

SEC. 2 Each of the persons named in section one of this Act shall be entitled to receive, during the present session of the Legislature, such an amount of postage stamps, envelops and wrappers, and express envelopes, as he may require, not exceeding twenty-five dollars

SEC. 3. The Controller of State is hereby authorized and required to draw his warrants from time to time in favor of the Sergeant-at-Arms of the Senate and the Sergeant[at-Arms] of the Assembly for such sums as they may require, respectively, under the provisions of this Act, not exceeding in the aggregate the sum of ten hundred and seventy-five dollars in favor of the Sergeant-at-Arms of the Senate, and two thousand and seventy-five dollars in favor of the Sergeant-at-Arms of the Assembly; *provided*, that the warrants drawn on the Treasurer under the provisions of this Act shall be paid in legal tenders,

Controller draw warrants.

which legal tender notes so paid shall be applied by the respective Sergeant-at-Arms for the purchase of postage stamps.

Duty of
Sergeants-
at-Arms.

SEC. 4. The Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the Assembly shall, respectively, open a postage and express account with each person mentioned in section one of this Act, and shall furnish to each of said persons, during the present session of the Legislature, such postage stamps, envelopes and wrappers, and express envelopes, as he may require, not exceeding twenty-five dollars

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

CHAPTER II.

An Act repealing an Act entitled an Act imposing further duties on the Board of Supervisors of the County of Mariposa.

[Approved December 21, 1867.]

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

Repealing
Act.

SECTION 1. An Act entitled an Act imposing further duties upon the Board of Supervisors of Mariposa County, approved January twenty-third, eighteen hundred and sixty-four, is hereby repealed

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

CHAPTER III.

An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Tehama County to levy taxes for county purposes, approved February twenty-sixth, eighteen hundred and sixty-six.

[Approved December 21, 1867.]

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

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

Supervisors
to levy tax

Section 1. The Board of Supervisors of Tehama County are hereby authorized and directed to levy, at the same time that other State and county taxes are levied, eighty cents upon each one hundred dollars worth of the taxable property of said county, which tax shall be assessed and collected as provided by law, and be applied to and known as the General Fund of said county.

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

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

CHAPTER IV.

An Act amendatory of and supplementary to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

[Approved January 10, 1868.]

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

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

Section 12. For the purpose of providing for the payment of the interest on the debt of said city, for the extinguishment of said debt, for improving streets now traveled by wagons within the limits of said city, and for the purpose of keeping fire apparatus in proper repair, the Board of Supervisors of Solano County are hereby empowered and directed each and every year to levy, upon the assessment made by the County Assessor of property within the corporate limits of said city, which assessment shall be adopted as and for the city assessment, a tax of one hundred and ten cents on each one hundred dollars, which shall be collected by the Sheriff of said county in the same manner as county taxes are collected, and shall be paid over by said Sheriff to the Treasurer of said county, less his fees for collecting the same, which shall be the same as for collecting State and county taxes; for all of which the said Sheriff and Treasurer shall be responsible on their official bonds. The payment of said taxes may be enforced by said Sheriff in the same manner as the payment of the State and county taxes may be enforced under the laws of this State. The fund created by said tax shall be divided into three funds :

First—The Interest and Redemption Fund;

Second—City Road Fund; and

Third—Fire Department Fund.

And shall be apportioned to the respective funds as follows : To the Interest and Redemption Fund, forty-six per cent. each year until all the bonds and warrants now outstanding are redeemed; to the City Road Fund, forty-six per cent. each year; and to the Fire Department Fund, eight per cent. each year. The said Treasurer shall apply such funds in the following manner: The Interest and Redemption Fund, in redeeming the bonds and warrants of said city; the Road Fund and the Fire Department Fund, in paying orders of said Board of Trustees or a majority of them, on the respective funds, in the order in which they may be drawn. The said Road Fund shall first be applied to the purpose of planking "A" street from First street to the east line of Second street east; and to the end that the said plank road on "A" street may be constructed without delay, the said Board of Trustees are hereby empowered and directed, immediately after the passage of this Act, to advertise(d) for proposals for such work and materials, and to contract for the same, giving five days pub-

Supervisors
to levy tax.

How to be
collected.

Divided into
funds.

How applied

Road and
Fire Depart-
ment Fund.

lic notice by posting written notices in three of the most public places in said city; and in payment thereof the said Board of Trustees, or a majority of them, shall draw their warrants on the County Treasurer (payable out of the City Road Fund) for such sums and in such manner as they may think proper, which warrants shall be paid in the order in which they are drawn, and shall bear interest at the rate of ten per cent. per annum, from and after the time they shall be presented to the County Treasurer (and indorsed "not paid for want of funds") until paid; *provided*, the outstanding and unpaid warrants drawn on the City Road Fund shall never exceed in the aggregate the sum of three thousand dollars at any time. For all services rendered by the said Treasurer under this Act he shall be entitled to and receive the same fees as he is entitled to for like services as County Treasurer.

Treasurer's
fees.

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

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

CHAPTER V.

An Act to amend an Act entitled an Act providing for the time of holding the several Courts of Record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

[Approved January 11, 1868]

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

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

Courts to be
held
San Joaquin
County
Tuolumne
County.

Section 6. There shall be held in the Fifth Judicial District, terms of said Court as follows: In the County of San Joaquin, on the first Monday of February, May and August, and third Monday of October; in the County of Tuolumne, on the first Monday of March and July, and third Monday of November

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

CHAPTER VI

An Act to amend an Act entitled An Act to provide for the formation of Chambers of Commerce, Boards of Trade, Mechanic Institutes, and other kindred protective associations, approved March thirty-first, eighteen hundred and sixty-six.

[Approved January 14, 1868.]

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

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

Section 7 Corporations formed under the provisions of this Act shall be capable in law to lease, purchase, have, hold, use, take possession and enjoy, in fee simple or otherwise, any personal or real estate within this State necessary for the uses and purposes of such corporation, and the same to sell, deed in trust, alien and dispose of at their pleasure. All real estate owned by the corporation shall be held in the name of the same, and all conveyances made by such corporations shall be signed by the President and Secretary, and attested by the corporate seal; *provided*, that the real estate owned by any corporation under this Act shall not exceed in value three hundred and fifty thousand dollars; and *provided* further, that no corporation formed under this Act shall engage in any mercantile, commercial or mechanical business

To hold real estate.

Not to exceed \$350,000.

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

CHAPTER VII.

An Act to legalize the location of the San Francisco and Alameda Railroad from Haywards to Washington Corners, in the County of Alameda.

[Approved January 15, 1868.]

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

SECTION 1. The location of the railroad of the San Francisco and Alameda Railroad Company, from the point of the termination of its present track at Haywards to a connection with the track of the Western Pacific Railroad, at a point near Washington Corners, in Alameda County, as the same is designated in the map and survey thereof, filed in the office of the County Clerk of said County of Alameda, on the twenty-ninth day of June, A D eighteen hundred and sixty-seven, and certified to by the Chief Engineer, President and Secretary of said company, is hereby in all respects legalized and made valid, any different or other route or termination of said road mentioned in any article of incorporation or resolution of said company to the

contrary notwithstanding; *provided*, nothing in this Act shall be so construed as to affect the legal rights of parties upon or through whose lands and tenements said road is located.

Not to affect rights.

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

CHAPTER VIII.

An Act to provide for the relief of Drury P. Baldwin.

[Approved January 15, 1868.]

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 thirty-six dollars is hereby appropriated, out of any money in the General Fund in the State Treasury not otherwise appropriated, to pay Drury P Baldwin amount due him for services rendered the State during the session of the Legislature of eighteen hundred and fifty-one, and for which a warrant was drawn in favor of the said Baldwin, but which has been lost and never paid; *provided*, that he, the said Baldwin, shall first execute a bond to the State of California in double that sum, with two or more sufficient sureties, to the effect that he will save and protect the State against any demand that may hereafter be made for the payment of said warrant or sums so due as aforesaid.

To execute bond.

SEC 2. The bond mentioned in the first section shall be approved by the State Treasurer, and shall be kept on file in his office.

CHAPTER IX.

An Act to authorize the Board of Supervisors of Solano County to pay a certain claim.

[Approved January 16, 1868.]

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

SECTION 1. The Board of Supervisors of Solano County, California, are hereby authorized and empowered to pay the claim of Julius Opperman for damages sustained by reason of locating the county road through his lands in Benicia; said claim to be the actual damage sustained, and in no event to exceed the sum of five hundred dollars.

Claim of Julius Opperman.

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

CHAPTER X.

An Act to fix the terms of the Probate Court in and for the County of Tuolumne.

[Approved January 16, 1868.]

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

SECTION 1. A regular term of the Probate Court in and for the County of Tuolumne shall hereafter be holden on the fourth Monday in each month during each year. Probate Court to be held monthly.

SEC. 2 All Acts or parts of Acts inconsistent with the provisions of this Act, so far as the same relate to the County of Tuolumne, are hereby repealed.

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

CHAPTER XI.

An Act to amend an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six.

[Approved January 16, 1868]

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

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

SECTION 3 The Sheriff, for all services as jailer or otherwise, except for the board of prisoners, shall receive two thousand dollars per annum, to be paid out of the General Fund of said county, the same as other indebtedness is paid. Sheriff's salary.

CHAPTER XII

An Act to repeal an Act entitled an Act supplementary to an Act to provide for the funding of the indebtedness of the County of San Louis Obispo outstanding on the first day of July, in the year eighteen hundred and sixty-three, approved March sixth, eighteen hundred and sixty-three, approved March thirteenth, eighteen hundred and sixty-six.

[Approved January 20, 1868.]

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

SECTION 1. An Act entitled an Act supplementary to an Act to provide for the funding of the indebtedness of the County of Repealing Funding Act

San Luis Obispo outstanding on the first day of July, in the year eighteen hundred and sixty-three, approved March sixth, eighteen hundred and sixty three, approved March thirteenth, eighteen hundred and sixty-six, is hereby repealed; *provided*, that the balance of the taxes already levied and assessed under the provisions of said Act, and remaining unpaid, shall be collected and paid into the fund for current expenses for said county; and all moneys now in the treasury of said county, which have been collected under and by virtue of the provisions of said Act, shall be transferred to said fund for current expenses.

Balance to be paid into fund for current expenses.

SEC 2. This Act shall take effect immediately.

CHAPTER XIII.

An Act to repeal an Act entitled an Act to exclude traitors and alien enemies from the Courts of Justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and the Acts supplemental thereto and amendatory thereof

[Approved January 17, 1868]

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

Repealing Act.

SECTION 1. An Act entitled an Act to exclude traitors and alien enemies from the Courts of justice in civil cases, approved April twenty-fifth, eighteen hundred and sixty-three, and all Acts supplemental thereto and amendatory thereof, are hereby repealed.

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

CHAPTER XIV.

An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States

[Approved January 17, 1868.]

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

Convey lands

SECTION 1. The President and Trustees of the City of San Diego are hereby authorized and empowered to convey to the United States such pueblo or city lands of said city as the United States or the authorities thereof may require for military or naval purposes.

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

CHAPTER XV.

An Act amendatory of and supplementary to an Act entitled an Act to authorize the County Auditor of Fresno County to issue bonds to pay for constructing and furnishing a County Jail and Court-house, approved March second, eighteen hundred and sixty-six.

[Approved January 21, 1868.]

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

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

Section 1. The County Auditor of the County of Fresno is hereby authorized, upon the order of the Board of Supervisors thereof, to issue the bonds of said county for any amount not exceeding twenty-two thousand five hundred dollars. Said bonds shall be signed by the County Auditor, and countersigned by the County Treasurer of said county; shall be of the denomination of five hundred dollars each; shall bear interest at the rate of ten per cent per annum, and shall be payable in not less than one, nor more than ten years.

Authorized
to issue
bonds.

SEC. 2. The Board of Supervisors of Fresno County are hereby authorized and directed to order the issuance of said bonds for the amount of two thousand five hundred dollars, in addition to those amounts by them already ordered, in favor of Charles P. Converse, upon his first executing and delivering to said Board his final release, acquitting and discharging Fresno County of and from all claims, demands, debts and suits growing out of the construction and furnishing of a Court-house and Jail for said county, the same having heretofore been accepted and received from said Converse, as contractor, pursuant to the provisions of the Act of which this is amendatory and supplementary.

In favor of
Charles P.
Converse.

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

CHAPTER XVI.

An Act to continue in force in Humboldt County a certain Act therein named, and to regulate the disbursement of road moneys in said county.

[Approved January 20, 1868.]

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 Board of Supervisors of Humboldt County to levy an additional tax for road purposes, approved December the twenty-seventh, A. D.

Levy road
tax.

eighteen hundred and sixty-five, is hereby continued in force in said county until the twenty-seventh day of December, A. D. eighteen hundred and seventy-one.

SEC 2. It shall be the duty of said Board of Supervisors, in disbursing the moneys received in the County Treasury, under the Act named in the preceding section, to keep in view, as far as practicable, the wants of the several road districts or townships of said county, so that each road district or township may receive, as nearly as practicable, the benefit of the taxes paid therein under said Act; *provided*, it may be lawful for said Board to appropriate a sum not to exceed eight hundred dollars for one year to the improvement of the road now passing over Humboldt Hill in said county.

To appropriate money for road

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

CHAPTER XVII.

An Act to fix and determine the salary of County Judge in and for the County of Santa Cruz.

[Approved January 23, 1868.]

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

FIXING salary.

SECTION 1 The County Judge of the County of Santa Cruz shall receive, and his salary is hereby fixed at, the sum of fifteen hundred dollars per annum.

SEC. 2. This Act shall take effect from and after the expiration of the term of the present County Judge elect of said county.

CHAPTER XVIII.

An Act in relation to the indigent sick in the County of Humboldt.

[Approved January 29, 1868.]

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

Care of indigent sick.

SECTION 1. It shall be the duty of the Board of Supervisors of Humboldt County to make provision for the care, keeping and medical attendance of the indigent sick of that county, as follows :

First—For all indigent sick whose diseases are natural or the result of unavoidable accidents, and who, when in health, had some lawful and visible means of support ;

Second—For all indigent sick of that county whose diseases are not venereal or the result of intemperance ;

Third—For all other indigent sick of said county; *provided*, the Board of Supervisors shall not provide for the indigent sick of the third class unless there is an unexpended balance in the "Indigent Sick Fund" after providing for all the indigent sick of the first and second classes in the section named.

SEC. 2. The Board of Supervisors shall not, for any purpose, audit or allow any account, claim or demand, or authorize or permit the issuance of any order or warrant payable out of the Indigent Sick Fund, unless at the time of auditing or allowing such account, claim or demand, and the issuance of such order or warrant, there is an unexpended balance in the Indigent Sick Fund of said county to meet the payment of such order or warrant on presentation.

Not to audit unless balance in fund.

SEC. 3. It is hereby made the duty of the County Treasurer of said county to report to said Board of Supervisors, on the first day of each regular meeting of said Board, the amount of money remaining and then on hand in the Indigent Sick Fund of the county subject to their order; and in no case shall the Board of Supervisors at any meeting audit or allow any demand, account or claim, or direct the issuance of any order or warrant, which will singly, or in the aggregate, exceed the sum reported by the Treasurer, as aforesaid, to be subject to their order at said meetings; and in no case shall any order or warrant be issued payable out of any other than the Indigent Sick Fund, for any service or supplies rendered or furnished for or on behalf of the indigent sick of said county; and any member of said Board of Supervisors consenting to the issuance of any orders or warrants in violation of any of the provisions of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum double the amount of such order or warrant, and in default of payment shall be imprisoned in the County Jail for any time not exceeding sixty days; *provided*, that nothing in this Act shall be construed to prevent the Board of Supervisors from auditing any just claim, account or demand, and directing the issuance of warrants for the payment thereof out of the General or County Fund of the county (in case there is a deficiency in the Indigent Sick Fund of said county), for the payment and discharge of any and all indebtedness, whether in the form of accounts or claims, or demands, or warrants, which may have been lawfully incurred or issued for the care and maintenance of the indigent sick of said county prior to the time that this Act takes effect; and *provided*, that all moneys in the Indigent Sick Fund of said county at the time this Act takes effect shall be applied to the payment, in the order of registration, of outstanding warrants, as far as it will go, drawn heretofore on said fund.

Treasurer to report.

Not payable out of any other fund.

Violation punished.

Payable out of General Fund.

In order of registration.

SEC. 4. The Board of Supervisors of said county shall have power, and it shall be their duty, under such rules and regulations as said Board may prescribe, to contract for the care, maintenance and medical treatment of the indigent sick of the county; but all contracts shall be in writing, and shall particularly specify that the party or parties agreeing to keep said indigent sick will not charge or demand for that service any other or greater sum than shall be received into said Indigent Sick Fund during the continuance of said

Provides for maintenance of sick by contract,

Price per
week.

contract. And said contract shall further specify the price per week at which each indigent sick person shall be kept, which price shall not in any case exceed eight dollars per week; *provided*, such contract shall be let at the lowest reasonable figure.

Applica-
tions, how
made.

SEC. 5. All applications for the benefit of this Act shall be made to the Board of Supervisors, or some member thereof; *provided*, all the indigent sick of said county, when it is practicable so to do, shall be kept at one place, and their care or keeping shall be by the same contractor.

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

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

CHAPTER XIX.

An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for building purposes.

[Approved January 29, 1868.]

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

Levy special
tax for build-
ing purposes

SECTION 1. The Board of Supervisors of the County of Inyo may, in addition to the taxes now authorized by law, levy a special tax for building purposes not to exceed forty-five cents on each one hundred dollars of taxable property in said county. Said tax shall be collected at the same time and in like manner as other taxes for county and State purposes are collected.

When excess
collected
place to
Sinking
Fund.

SEC. 2. When the amount of money collected under and by virtue of this Act shall amount to the sum of one thousand eight hundred dollars, no more taxes shall be assessed for said purpose; but if in any year an amount shall be collected under this Act which, added to the sum already in the Treasury to the credit of said fund, shall exceed the amount herein authorized to be raised, the amount of such excess shall be placed to the credit of the Sinking Fund of said county.

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

CHAPTER XX.

An Act to appropriate money for Contingent Expenses of the Legislature.

[Approved January 29, 1868.]

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

SECTION 1. The sum of twelve thousand dollars is hereby appropriated, out of any money in the General Fund of the State Treasury not otherwise appropriated, for the following purposes, viz: Five thousand dollars for the payment of contingent expenses of the Senate, and seven thousand dollars for the payment of contingent expenses of the Assembly, for the seventeenth session of the Legislature. Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXI.

An Act to repeal an Act entitled an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union, approved April fifteenth, eighteen hundred and fifty-two.

[Approved January 29, 1868.]

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

SECTION 1. An Act entitled an Act respecting fugitives from labor, and slaves brought to this State prior to her admission into the Union, approved April fifteenth, eighteen hundred and fifty-two, is hereby repealed. Repealing Act.

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

CHAPTER XXII.

An Act to prevent the destruction of Fish in the waters of Napa River and Sonoma Creek.

[Approved January 29, 1868.]

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

SECTION 1. From and after the passage of this Act it shall be unlawful for any person to use nets, traps, weirs, poisons or seines of any description for the purpose of catching fish in the waters of Napa River, Sonoma Creek, in Sonoma County, or of the waters of any of the tributaries thereof. Unlawful to use traps, poisons, etc., on Napa River and other streams.

Violation a
misdeme-
anor.

SEC. 2. Any person who shall violate the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace of the counties in which such offence shall have been committed, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the County Jail in the county where such person or persons shall have been convicted of such offence, for a period of not less than one month nor more than six months.

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

CHAPTER XXIII.

An Act to extend the time for finishing the construction of a Wharf under the provisions of an Act entitled an Act to authorize the construction of a Wharf in the County of Contra Costa, at or near the Town of Antioch, and on the southerly bank of the San Joaquin River, approved April second, eighteen hundred and sixty-six.

[Approved January 31, 1868.]

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

Additional
time.

SECTION 1. One year's additional time is hereby granted for finishing the construction of a wharf under the provisions of the Act whose title is recited in the title of this Act.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXIV.

An Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

[Approved February 1, 1868.]

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

Directors to
petition.

SECTION 1. Whenever a petition shall be presented to the Board of Supervisors of Los Angeles County, from the Board of Directors of the Los Angeles and San Pedro Railroad Company, organized for the purpose of constructing a railroad by which railroad connection shall be formed between the City of Los Angeles and the Bay of San Pedro, in said county, petitioning the said Board of Supervisors of said county to take and

subscribe the sum of one hundred and fifty thousand dollars to the capital stock of any such railroad company, the said Board of Supervisors shall cause to be entered in the journal of their proceedings a copy of such petition, and shall, on the same day of the filing of such petition, order a special election to be held in the various precincts of the County of Los Angeles, on the twentieth day thereafter, for the purpose of submitting said proposition to the qualified electors of said county. In said order the said Board of Supervisors shall designate the place at which the said election shall be held in said precincts of said county, and the same shall be, as nearly as possible, at the places where elections have usually been held in the precincts of said county.

Order for special election.

SEC. 2. It shall be the duty of said Board of Supervisors of said county to cause a notice, of at least fifteen days, to be published in some newspaper printed and published in said city, stating the proposition to be submitted to said electors, and the time, manner and place of holding said election and voting on said proposition. It shall be the duty of said Board of Supervisors to cause ballots to be prepared with the words, "Subscription of one hundred and fifty thousand dollars, in gold coin of the United States of America, to the Los Angeles and San Pedro Railroad Company," to be printed or written thereon. Every ballot in favor of said proposition shall have the word "Yes" printed or written thereon, and every ballot against said proposition shall have the word "No" printed or written thereon. Sealed returns shall be made of the vote cast on said proposition to the Clerk of said county within ten days after the day of such election, on which said tenth day the same shall be opened and counted by the said Board of Supervisors, and the result thereof declared by them.

Notice of election.

Ballots.

Returns made.

Opened and counted.

SEC. 3. For the purpose of taking and counting the vote on the subscription to the Los Angeles and San Pedro Railroad Company, as provided for by this Act, it shall be sufficient that the several Boards of Registration of the County of Los Angeles shall, on the tenth day prior to such election, hold a meeting, having first given three days notice thereof, in writing, by posting the same in some public place in each of said townships, at which said meeting they shall revise the poll lists of their respective townships in the manner prescribed by law; and it is further *provided*, that the election herein provided for shall in all other respects be regulated by the Registry Act for the election of persons to office, so far as the same is compatible with and not in any wise repugnant to the provisions of this Act; *provided*, however, that no provisions of the Registry Act which, from want of time or other cause whatsoever, cannot from its nature be complied with in proceeding under this Act, or in any wise incompatible with this Act, shall be ground to set aside an election held in pursuance of this Act; but the same shall, notwithstanding, be in all respects valid and binding.

Board of Registration to meet and revise poll lists.

When Registry Act incompatible, not ground to set aside.

SEC. 4. If at said election a majority of the electors of said county voting upon said proposition vote "Yes," then and in that event the said Board of Supervisors shall, in the name of the said County of Los Angeles, immediately, for the use, benefit and advantage of said county, subscribe, to the capital stock of

If the vote is "Yes," the Board of Supervisors to subscribe for stock.

any railroad company organized for the purpose herein mentioned, stock to the amount of one hundred and fifty thousand dollars, and therefor to pledge the faith of said County of Los Angeles for the payment of the same in the manner hereinafter provided.

Subscription
how made.

SEC. 5. The said subscription shall be made by a committee of two members of said Board of Supervisors, to be appointed by an order of said Board for that purpose, and who shall perform that duty immediately thereafter.

Payable in
bonds.

SEC. 6. The said committee so appointed shall make such subscription on the books of such railroad company, conditioning the same to be paid in the bonds of said Los Angeles County, the principal and interest of which shall be payable in gold coin of the United States of America, which said bonds shall be issued as hereinafter directed, and not otherwise; and for such subscription said bonds shall be received at par, dollar for dollar.

Loan Com-
missioners
created and
to issue
bonds.

Interest.

Bonds pay-
able 15 years.

Who to sign.

Enter upon
journal.

SEC. 7. The said Board of Supervisors of said Los Angeles County, from time to time, as the payment of said subscription is required to be made by the Board of Directors of said railroad company, shall by order direct the Chairman of said Board of Supervisors, the County Treasurer and County Auditor of said county, who for that purpose, and their successors in office, shall constitute a Board of Commissioners to be styled the Loan Commissioners of said county, as such Loan Commissioners to issue bonds in sums of five hundred and one thousand dollars, in equal proportions, for such amount of such subscriptions to said capital stock as said Board of Supervisors may direct. Said bonds shall draw interest at the rate of ten per cent. per annum from the date of their issue, and the principal thereof shall be made payable on a day specified, to be named in said bonds, which shall be fifteen years after the date of their issue, at the office of the Treasurer of said county, or in the city of San Francisco, at the option of such railroad company. The interest accruing on said bonds shall be due and payable semi-annually so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day to be named, in coupons, at the said Treasurer's office, or in the city of San Francisco, as before provided for the payment of the principal of said bonds. Said bonds shall be signed by the Chairman of the Board of Supervisors, the Auditor and Treasurer of said county, as such officers and ex officio Loan Commissioners; and when so signed shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same as such Clerk in the presence of a quorum of said Board, at a meeting thereof. And it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date and amount of such bonds so countersigned by such Clerk. And upon the countersigning of said bonds it shall be the duty of said Board of Supervisors to cause the seal of said county to be affixed to each bond, and appoint a committee of two of their number to deliver said bonds to said railroad company, to whom the same shall be issued; and it shall be the duty of such committee to take a receipt from the Secretary of said railroad

company for the bonds so delivered by them, setting forth the numbers, dates and amount of the bonds so delivered, and report the same to the Board of Supervisors.

SEC. 8. Coupons for the interest shall be attached to each bond, so that the coupons may be removed without mutilation to the bonds. Said coupons shall be signed by the said Loan Commissioners. When any interest is paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, and deliver the same to the County Clerk of said county, taking his receipt therefor, whose duty shall be to file the same in his office and make a report thereof at the next meeting of the Board of Supervisors. Coupons.

SEC. 9. It shall be the duty of the said Board of Supervisors, previous to the making out of the duplicate of the general assessment list for said county in each year, to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued hereunder; and previous to the making out of the duplicate of the general assessment list for said county in the year eighteen hundred and sixty-eight, and for every year thereafter until the said Board of Supervisors shall, should it be necessary, levy a tax equal in amount to one-tenth part of the whole amount of said bonds, for the purpose of raising a fund for the liquidation of said bonds, which shall be styled a "Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and, when collected, shall be paid in to the County Treasurer, who shall account for and deliver the same over to the said Loan Commissioners, to be by them applied: Interest Tax how levied.

First—The Interest Tax, to the payment of the interest falling due on said bonds; Tax for Loan Fund.

Second—The Loan Fund, to the redemption of said bonds as hereinafter provided. How applied

SEC. 10. If there should be collected as such interest tax in any one year a sum greater than is required to pay the annual interest on said bonds issued hereunder, then the Loan Commissioners shall pass over such surplus into the said Loan Fund.

SEC. 11. It shall be the duty of the said Loan Commissioners to make arrangements for the payment of the interest on said bonds when the same falls due, at least thirty days before the time of payment; and in the event said Interest Fund is inadequate, the said Treasurer shall draw on the Common or General Fund for such purposes, and deliver the same to the said Commissioners; and in the event that these funds prove inadequate, the said Commissioners are hereby authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of the County of Los Angeles. Payment of interest.

SEC. 12. Whenever at any time there shall be in the said Loan Fund a sum of money amounting to three thousand dollars or upwards, the said Commissioners shall advertise in a public newspaper published in said county, and also a newspaper published in San Francisco, for the space of four weeks, for sealed When to advertise for redemption of bonds.

proposals for the redemption of said bonds; and ten days after the expiration of the time for such publication the Commissioners shall open the sealed proposals, and shall pay and liquidate, so far as the Loan Fund then on hand shall extend, such bonds presented under such proposals as shall have the lowest value proposed at which they may be liquidated, provided the same shall not be for more than the par value thereof; *provided*, should there be no proposals made for less than par value, then the payment of said Loan Fund then on hand shall be made on said bonds according to the number of their issue, of which said Commissioners shall give four weeks notice of the number of the bonds to be so paid, after which time such bonds shall cease to draw interest; and *provided*, whenever there may be sufficient moneys in such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of said Commissioners to advertise in like manner, for the space of four weeks, for the redemption of all outstanding bonds issued under this Act, after which time said bonds shall cease to draw interest. Any money remaining in said Sinking Fund after the redemption of said bonds shall be by the said Commissioners paid over to the County Treasurer, to be by him paid into the General Fund of Los Angeles County.

Bonds when not to draw interest.

Moneys on hand to be paid to General Fund.

Bonds how cancelled.

Interest Tax and Loan Fund account.

Commissioners' liabilities and compensation.

Rights as subscriber.

Dividends.

SEC. 13. Whenever any bonds shall have been paid and redeemed by the said Commissioners, they shall mark the same "cancelled," over their own signatures as Commissioners, and immediately deliver the same to the County Clerk, taking his receipt therefor; and the County Clerk, upon the receipt of such cancelled bonds, shall file the same in his office.

SEC. 14. The County Clerk shall open with the said Loan Commissioners an "Interest Tax Account," and a "Loan Fund Account," and shall balance the same quarterly, on the first Monday of April, July, October and January of each year.

SEC. 15. The said Commissioners, and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall in all things herein required of them be subject to all the liabilities and penalties to which they are subjected in the performance of any other of the duties of their respective offices; and they shall, when the fees or salary is not fixed by law for the services herein required, be allowed by the Board of Supervisors a reasonable compensation therefor, to be paid by said county as other fees and salaries are paid; and the said Board of Supervisors may, and they are hereby fully authorized so to do, require of each of said Commissioners such bonds and security for the performance of their duties herein required of them, as they, the said Board of Supervisors, shall deem proper; *provided*, however, that the penal sum of such bonds to each Commissioner shall not exceed the sum of five thousand dollars. The said Commissioners shall, when so required, execute the said bonds in the same manner as other official bonds are executed, and to be approved by the said Board of Supervisors and filed in the office of the Clerk of said county.

SEC. 16. The Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all the dividends, issues and profits

arising from such subscription to said capital stock, and shall set apart and transfer the same, together with the taxes that may be paid by said company to said county, from time to time, to the said Loan Fund, to be applied by the said Loan Commissioners to the payment of the interest on the bonds issued as herein provided, and the redemption of the principal thereof, in the manner provided by section nine of this Act; and after the full payment of said bonds and the interest on the same, the said dividends, issues and profits arising from such stock subscription, shall be paid into the General Fund of said county.

How applied

SEC. 17. The said Board of Supervisors shall have authority to authorize a committee of any one or more of their number, or any other persons, to cast all votes representing the capital stock so subscribed by them; and they shall, by order made for that purpose, have full power to sell, transfer and assign the said capital stock, or any part thereof, so taken by them under the provisions of this Act, whenever upon a submission to the qualified voters of said county at any county or general election, of a proposition to sell the same, a majority of the votes cast thereon shall approve of such sale.

Casting the votes as stockholders

Selling and transferring stock.

SEC. 18. The subscription of stock authorized by virtue of the provisions of this Act shall be made by said Board of Supervisors on the books of said company upon the express condition that the said county shall not be liable for any of the debts or liabilities of said company beyond the amount so subscribed; and this provision, as to the liability of said county, shall be a part of, and expressly stipulated in, all contracts made by said company for the construction and equipment of said road; and in case the said company shall fail or refuse to make such stipulation in all of their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover from said company any previous payments that may have been made thereon at the time of such failure or refusal.

Conditions of subscription.

SEC. 19. If such railroad company shall not, within three years after the passage of this Act, petition the said Board of Supervisors for the subscription contemplated by this Act, then this Act shall be null and void and of no effect. *Be it further enacted*, that said railroad company shall have the right to assign the said stock and bonds to be issued under this Act to the Atlantic and Pacific Railroad Company upon the condition that said company connect their said road with the City of Los Angeles, or with any other Atlantic and Pacific railroad company which shall so connect with the City of Los Angeles, and to combine and unite with said company upon such terms as shall be agreed upon by said companies.

Act when to be void.

Right to assign to.

SEC. 20. The Directors of said railroad shall have power to unite and combine with any railroad extending to, or to extend to San Bernardino, on the Colorado River, on such terms as they may see fit.

Unite with other company.

SEC. 21. The dividends and profits arising from said road to the County of Los Angeles, as stockholders, shall be devoted to the payment of said bonds, and first to the accruing interest thereon; and if the same are sufficient to pay the interest on

Dividends how applied.

said bonds, no tax shall be levied on the taxpayers of the County of Los Angeles for that purpose.

SEC. 22. This Act shall take effect and be in force from and after its passage.

CHAPTER XXV.

An Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto.

[Approved February 1, 1868.]

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

Order special
election.

SECTION 1. Whenever a petition from the Board of Directors of the Los Angeles and San Pedro Railroad Company, organized for the purpose of constructing a railroad, by which a railroad connection shall be formed between the City of Los Angeles and the Bay of San Pedro, in the County of Los Angeles, shall be presented to the Mayor and Common Council of the City of Los Angeles, petitioning the said city to take and subscribe the sum of seventy-five thousand dollars to the capital stock of said railroad company, the said Mayor and Common Council shall, on the same day of the filing of said petition, order a special election to be held at the Mayor's office, in the City of Los Angeles, on the fifteenth day thereafter, for the purpose of submitting said proposition to the qualified voters of said city.

Notice.

SEC. 2. It shall be the duty of said Mayor and Common Council of said city to cause a notice of at least ten days to be published in some newspaper printed and published in said city, stating the proposition to be submitted to said electors, and the time, manner and place of holding said election and voting on said proposition. It shall be the duty of said Mayor and Common Council to cause ballots to be prepared, with the words "Subscription of seventy-five thousand dollars, in gold coin of the United States of America, to the Los Angeles and San Pedro Railroad Company," to be printed or written thereon; and every ballot in favor of said proposition shall have the word "Yes" printed or written thereon, and every ballot against proposition shall have the word "No" printed or written thereon. Sealed returns shall be made of the vote cast on said proposition to the Clerk of the Common Council of said city, within three days after the day of such election, on which said third day the same shall be opened and counted by the said Mayor and Common Council, and the result thereof declared by them.

Ballots.

Returns.

SEC. 3. For the purpose of taking and counting the vote on the subscription to the Los Angeles and San Pedro Railroad

Company, as provided for by this Act, the Mayor and Common Council of the City of Los Angeles—a majority of whom shall constitute a quorum for the transaction of business—shall, for all the purposes of this Act, be a Board of Registration, as also Judges of Election, with authority to appoint a Clerk of Election; and the said Board of Registration, within five days after the order of election, as herein provided, is made, shall cause to be entered on a poll list, in the form prescribed by the Registry Act, the names of the legally qualified electors who are known to them, and who for thirty days next preceding said election have resided within the corporate limits of the City of Los Angeles, and whose names are recorded in the Great Register of the County of Los Angeles, a copy of which said poll list shall be posted up in the office of the Mayor eight days prior to said election; and the said Board of Registration shall, on the fourth day prior to such election, hold a meeting, having first given two days notice thereof by posting the same in writing in three public places in said City of Los Angeles, at which said meeting they shall revise the said poll list of the said City of Los Angeles, rejecting therefrom the names of all persons improperly enrolled thereon, and enrolling the names of all qualified electors presenting themselves for enrolment who have resided within the said city limits for a period of thirty days next preceding said election, and whose names have been entered on the Great Register for the County of Los Angeles.

SEC. 4. The election to be held by virtue and in pursuance of this Act shall be by ballot as hereinbefore provided for, and shall be held by the Judges of Election as provided for in the next preceding section, at the place and on the day prescribed in the first section of this Act, they the said Judges of Election being invested with the same duties and powers as to taking oath of office, opening and closing the polls, administration of oaths, receiving and rejecting votes, custody of ballot box, making list of voters and tally paper, which are prescribed by the Election Laws now in force in this State in reference to Judges of Election; *provided*, however, that after the counting of the said ballots the Judges of Election shall, in writing, certify to the correctness of the poll list and tallies, stating the number of votes cast "Yes," and the number of votes cast "No," and shall, within three days after the date of said election, seal up said ballots, poll list and tallies, and mark the package with the words "Election returns," and deliver the same to the Clerk of the Common Council of the City of Los Angeles; *provided* further, that no other act or duty in the conducting and return of said election there, as above specified, shall be required of the said Judges of Election; and *provided* further, that the provisions of the Act known as the Registry Act, except so far as herein expressly adopted, shall not apply to the election or the proceedings therewith connected herein provided for, but the same shall be held in the manner herein provided for, and being so held the same shall be valid and binding, to all intents and purposes, the said Registry Act and all other Acts and parts of Acts to the contrary notwithstanding.

SEC. 5. If at said election a majority of the electors of said

Officers of election.

Registration

Duties of officers.

Result of election.

city voting upon said proposition vote "Yes," then and in that event the said Mayor and Common Council shall, in the name of the said City of Los Angeles, for the use, benefit and advantage of said city, take and subscribe to the capital stock of said railroad company stock to the said amount of seventy-five thousand dollars, in gold coin of the United States of America, and therefor to pledge the faith of the City of Los Angeles for the payment of the same in the manner hereinafter provided.

Subscriptions how made.

SEC. 6. The said subscription shall be made by a committee of three members of said Common Council, to be appointed by an order of said Council for that purpose, and who shall perform that duty immediately thereafter.

Payable in bonds at par.

SEC. 7. The said committee so appointed shall make such subscription, conditioning the same to be paid in the bonds of the said City of Los Angeles, the principal and interest of said bonds to be paid in United States gold coin, which said bonds shall be issued as hereinafter directed, and not otherwise; and for such subscription said bonds shall be received at par, dollar for dollar.

Loan Commissioners.

SEC. 8. The said Mayor and Common Council, from time to time, as the payment of said subscription shall be required to be made of such capital stock so subscribed, shall by order direct the Mayor of said city, the President of said Common Council and the City Treasurer, who for that purpose, and their successors in office, shall constitute a Board of Commissioners to be styled the Loan Commissioners of said city, as such Loan Commissioners, to issue bonds in sums of five hundred and one thousand dollars, in equal proportions, for such amount of such subscription to said capital stock as said Mayor and Common Council may direct. Said bonds shall draw interest at the rate of ten per cent. per annum from the date of their issue, and the principal thereof shall be made payable on a specified day, to be named in said bonds, which shall be fifteen years after the date of their issues, at the office of the Treasurer of said city, or in the City of San Francisco, at the option of such railroad company. The interest accruing on said bonds shall be due and payable semi-annually so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day to be named in coupons, at the said Treasurer's office, or in the City of San Francisco, as provided for the payment of the principal

To issue bonds.

Interest.

Bonds payable 15 years.

Who to sign.

Enter upon journal.

of said bonds. Said bonds shall be signed by the Mayor, President of said Common Council, and Treasurer of said city, as such officers and ex officio Loan Commissioners; and when so signed shall be presented by the President of said Common Council to the Clerk of said city, who shall countersign the same in the presence of a quorum of said Common Council at a meeting thereof; and it shall be the duty of said Common Council to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date and amount of such bonds so countersigned by such Clerk, and said Common Council to cause the seal of said city to be affixed to each bond, and appoint a committee of two of their number to deliver said bonds to said railroad company to whom the same shall be issued; and it shall be the duty of such committee to take a receipt from the Secretary of said railroad

company for the bonds so delivered by them, setting forth the number, date and amount of the bonds so delivered, and report the same to the Common Council.

SEC. 9. Coupons shall be attached to each bond, so that the coupons may be removed without mutilation to the bonds. Said coupons shall be signed by said Loan Commissioners. When any interest is paid upon a bond issued under the provisions of this Act, the City Treasurer shall detach the coupons for the interest then due and paid, and deliver the same to the City Clerk of said city, taking his receipt therefor, whose duty it shall be to file the same in his office and make a report thereof at the next meeting of the said Common Council. Coupons.

SEC. 10. It shall be the duty of the said Mayor and Common Council of the City of Los Angeles, previous to the making out of the duplicate of the general assessment list for said city in each year, to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued hereunder; and previous to the making out of the duplicate of the general assessment list for said city in the year eighteen hundred and sixty-eight, and for every year thereafter until the bonds issued under this Act shall be paid and liquidated, the said Mayor and Common Council shall, should it be necessary, levy a tax equal in amount to one tenth part of the whole amount of said bonds, for the purpose of raising a fund for the liquidation of said bonds, which shall be styled a "Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for city purposes, and when collected shall be paid in to the City Treasurer, who shall be paid for and deliver the same over to the said Loan Commissioners, to be by them applied: Interest Tax
how levied.

First—The Interest Tax, to the payment of the interest falling due on said bonds. Tax for Loan
Fund.

Second—The Loan Fund, to the redemption of said bonds as hereinafter provided.

SEC. 11. If there should be collected as such interest tax in any one year a sum greater than is required to pay the annual interest on said bonds issued hereunder, then the said Loan Commissioners shall pass over such surplus into the said Loan Fund. Taxes how
applied.

SEC. 12. It shall be the duty of said Loan Commissioners to make arrangements for the payment of the interest on said bonds when the same falls due, at least thirty days before the time of payment; and in the event said Interest Fund is inadequate, the said Treasurer shall draw on the Common or General Fund for such purposes, and deliver the same to said Commissioners; and in the event that these funds prove insufficient, the said Commissioners are hereby authorized and directed to make such contracts and arrangements as may be necessary for the payment of the said interest and the protection of the faith of the City of Los Angeles. Payment of
interest.

SEC. 13. Whenever at any time there shall be in the said Loan Fund a sum of money amounting to three thousand dollars or upwards, the said Loan Commissioners shall advertise in a public newspaper in said city of Los Angeles, or in the city of San Francisco, for the space of four weeks, for sealed pro- Redemption
of bonds.

posals for the redemption of said bonds; and ten days after the expiration of the time for such publication the Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Loan Fund then on hand shall extend, such bonds presented under such proposals as shall have the lowest value proposed at which they may be liquidated, provided the same shall not be for more than the par value thereof; and *provided*, should there be no proposals made for less than par value, then the payment of said Loan Fund then on hand shall be made on said bonds according to the number of their issue, of which said Commissioners shall give four weeks notice of the number of the bonds so to be paid, after which time such bonds shall cease to draw interest; and *provided*, whenever there may be sufficient money in such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of said Commissioners to advertise in like manner for the space of four weeks, for the redemption of all outstanding bonds issued under this Act, after which time the said bonds shall cease to draw interest. Any money remaining in said Sinking Fund after the redemption of said bonds shall be by the said Commissioners paid over to the City Treasurer, to be by him paid into the General Fund of the City of Los Angeles.

When not to draw interest.

Bonds cancelled.

SEC. 14. Whenever any bonds shall have been paid and redeemed by the said Commissioners, they shall mark the same "cancelled," over their own signatures as Commissioners, and immediately to deliver the same to the City Clerk, taking his receipt therefor; and the said Clerk, upon the receipt of such cancelled bonds, shall file the same in his office.

Interest Tax and Loan Fund account.

SEC. 15. The City Clerk shall open with the said Loan Commissioners an "Interest Tax Account" and a "Loan Fund Account," and shall balance the same quarterly, on the first Monday of April, July, October and January of each year.

Commissioners' liabilities and compensation.

SEC. 16. The said Commissioners, and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall, in all things herein required of them, be subject to all the liabilities and penalties to which they are subjected in the performance of any other of the duties of their respective offices; and they shall, when the fees or salary is not fixed by law for the services herein required, be allowed by the Mayor and Common Council a reasonable compensation therefor, to be paid by said city as other fees and salaries are paid; and the said Mayor and Common Council of the City of Los Angeles may, and they are hereby fully authorized so to do, require of each of said Commissioners such bonds and security for the performance of their duties herein required of them as they, the said Mayor and Common Council, shall deem proper; *provided*, however, that the penal sum of such bonds to each of said Commissioners shall not exceed the sum of five thousand dollars. The said Commissioners shall, when so required, execute the said bonds in the same manner as other official bonds are executed, and to be approved by the said Mayor and Common Council and filed in the office of the Clerk of said city.

Rights as subscribers.

SEC. 17. The Mayor and Common Council shall have all the rights and powers appertaining to any other subscriber to

such capital stock, and shall receive all dividends, issues and profits arising from such subscription to said capital stock, and shall set apart and transfer the same, together with the taxes that may be paid by said company to said city, from time to time, to the said Loan Fund, to be applied by the said Loan Commissioners to the payment of the interest on the bonds issued as herein provided, and the redemption of the principal thereof, in the manner provided by section eleven of this Act; and after the full payment of said bonds and the interest on the same, the said dividends, issues and profits arising from such stock subscription shall be paid into the General Fund of said city.

Dividends
how applied.

SEC. 18. The said Mayor and Common Council shall have authority to authorize a committee of any one or more of their number, or any other persons, to cast all votes representing the capital stock so subscribed by them; and they shall, by order made for that purpose, have full power to sell and transfer and assign the said capital stock, or any portion thereof, so taken by them under the provisions of this Act, whenever upon a submission to the qualified voters of said city, at any city or general election, of a proposition to sell the same, a majority of the votes cast thereon shall approve of such sale.

Voting stock

Selling and
transferring
stock.

SEC. 19. The subscription of stock authorized by virtue of the provisions of this Act shall be made by the said Mayor and Common Council on the books of said company upon the express condition that the said city shall not be liable for any of the debts or liabilities of said company beyond the amount so subscribed; and this provision, as to the liability of said city, shall be a part of and so expressly stipulated in all contracts made by said company for the construction and equipment of said road; and in case the said company fail or refuse to make such stipulation in all of their said contracts, then the said Mayor and Common Council shall have power to declare the said subscription void and of no effect, and may recover from said company any previous payments that may have been made thereon at the time of such failure or refusal.

Conditions.

SEC. 20. If such railroad company shall not, within three years after the passage of this Act, petition the Mayor and Common Council of the City of Los Angeles for the subscription contemplated by this Act, then this Act shall be null and void and of no effect. *Be it further enacted*, that the said railroad company shall have the right to assign stock and bonds, to be issued under this Act, to the Atlantic and Pacific Railroad Company, upon condition that said company connect their said road with the City of Los Angeles, or with any other Atlantic and Pacific railroad company which shall so connect with the City of Los Angeles, and to combine and unite with said company upon such terms as shall be agreed upon by said company.

Act when to
be void.

Right to
assign to or
unite with
another
company.

SEC. 21. The Directors of said road shall have power to unite and combine with any railroad extending to or to extend to San Bernardino, on the Colorado River, on such terms as they may see fit.

SEC. 22. The dividends and profits arising from said road to

Dividends devoted to payment of interest and bonds.

the County of Los Angeles as stockholders shall be devoted to the payment of said bonds, and first to the accruing interest thereon; and if the same are sufficient to pay the interest on said bonds, no tax shall be levied on the taxpayers of said county for that purpose.

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

CHAPTER XXVI.

An Act for the protection of cemeteries in Nevada County.

[Approved February 1, 1868.]

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

Misdemeanor or to injure anything within boundaries.

SECTION 1. Every person who shall cut, or chalk, or mark or write upon, or who shall in other manner whatever deface, or who shall intentionally break, mutilate, injure, destroy, or damage, or who, without the consent of the Superintendent, shall remove or alter any tombstone, or gravestone, or monument, or stake, or fence, or mark, or post, or rail, or wall, within the exterior boundaries, to wit: any cemetery in the County of Nevada; and every person who shall cut, or break, or pluck, or remove, or in any manner intentionally destroy or injure any tree, or shrub, or plant, or flower, or twig, or branch, or limb of any tree, or shrub or plant within the aforesaid boundaries, or who shall destroy, injure or molest any bird or bird's nest, or bird's eggs within the aforesaid limits, or who shall discharge any firearms of any kind or nature within, or within two hundred and fifty yards on the outside of, said limits, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than ten dollars nor more than two hundred and fifty dollars, or by imprisonment for not less than five days nor more than four months, or by both fine and imprisonment.

Penalty.

SEC. 2. This Act shall take effect ten days after passage thereof.

CHAPTER XXVII.

An Act authorizing the construction of a wharf at New San Diego, in San Diego County, by Stephen S. Culverwell and others.

[Approved February 1, 1868.]

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

Right to construct.

SECTION 1. Stephen S. Culverwell, his associates and assigns, shall have the right to construct and maintain a wharf on San

Diego Bay, at New San Diego, in the County of San Diego, at a point fronting lots G, H, I, J, K, L, of block seven hundred and sixty-six, according to the official map of the City of San Diego by Charles H. Poole, United States Deputy Surveyor, eighteen hundred and fifty-six.

SEC. 2. For the purposes of such wharf there is hereby granted to the party named in section one of this Act, his associates and assigns, the right to use and occupy a strip of land three hundred and seventy-five feet in width, commencing at high water mark and extending into said bay until a sufficient depth of water shall be obtained for the accommodation of commerce; *provided*, the free navigation of said bay shall not be obstructed; and the franchise hereby granted shall continue for the term of twenty years. Granting
land.

SEC. 3. Such wharf shall be built and completed within two years from the passage of this Act, and shall thereafter be maintained in good repair, and may thereafter be enlarged as the business or commerce may require; and the said Culverwell, his associates and assigns, shall be allowed to charge and collect such dockage, wharfage and tolls thereon as the Board of Supervisors of the said County of San Diego may allow. When to be
completed.

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

CHAPTER XXVIII.

An Act concerning the office of Public Administrator in the County of Marin.

[Approved February 1, 1868.]

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

SECTION 1. The Public Administrator in the County of Marin shall hereafter be entitled to receive for his services the same fees as are allowed executors and administrators by an Act to regulate the settlement of the estates of deceased persons, passed May first, one thousand eight hundred and fifty-one. Fees.

SEC. 2. The Public Administrator shall be *ex officio* Coroner; he shall give such bonds as the Supervisors of said county, in their discretion, shall from time to time order, for the faithful performance of the duties of his office. Ex officio
Coroner.

SEC. 3. This Act shall take effect from and after its passage. All laws and parts of laws in conflict with this Act are to be so construed as to be held inapplicable to the county aforesaid.

CHAPTER XXIX.

An Act authorizing the construction of a wharf in the Bay of San Luis Obispo.

[Approved February 1, 1868.]

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

Right to
construct.

SECTION 1. David P. Mallagh and Hub Hollister shall have the right to construct, maintain and use a wharf at such point in the Bay of San Luis Obispo, in the County of San Luis Obispo, to the west of and near the mouth of San Luis Creek, as they shall, on examination, deem most suitable therefor.

Granting
land.

SEC. 2. For the purposes of said wharf there is hereby granted to said Mallagh and Hollister, their associates and assigns, the right to use and occupy a strip of land three hundred feet wide, commencing at high water mark, at the point to be selected as aforesaid, and extending into said bay until a sufficient depth of water shall be obtained for the accommodation of commerce; *provided*, that the free navigation of said bay shall not be obstructed, and that the franchise herein granted shall continue for twenty years.

SEC. 3. The said Mallagh and Hollister, their associates or assigns, shall build and erect said wharf within two years from the passage of this Act, and shall thereafter keep the same in good repair, and enlarge it as the business and commerce of the country may require; and the said Mallagh and Hollister, their associates and assigns, shall be allowed, and they are hereby authorized, to collect and receive to their own use such dockage and wharfage thereon as the Board of Supervisors of the County of San Luis Obispo may, by an order entered upon its minutes fixing said dockage and wharfage, allow.

SEC. 4. This Act shall take effect immediately.

CHAPTER XXX.

An Act to authorize A. E. Horton, E. W. Morse and Lansing Haight, their associates or assigns, to construct and maintain a wharf at Horton's addition to New San Diego, in the County of San Diego.

[Approved February 1, 1868.]

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

SECTION 1. The right to build, maintain and use a wharf in the Bay of San Diego, at or near the foot of Fifth street, or at such other point as the aforesaid parties may deem expedient, in Horton's addition to New San Diego, in the County of San Diego, is hereby granted to A. E. Horton, E. W. Morse and

Lansing Haight, their associates, assigns or legal representatives, for twenty years.

SEC. 2. For the purposes of said wharf there is hereby granted unto the said A. E. Horton, E. W. Morse and Lansing Haight, their associates, assigns or legal representatives, the right to use and occupy a strip of land in front of lot number eleven hundred and fifty-six (1,156) according to the map and plan known as Poole's map, and at or near the foot of Fifth street aforesaid, three hundred (300) feet wide, commencing at ordinary high tide and extending into said Bay of San Diego until a sufficient depth of water shall be obtained for the accommodation of commerce; *provided*, said wharf shall not unnecessarily obstruct the navigation of said bay.

SEC. 3. That said Horton, Morse and Haight, their associates, assigns or legal representatives, shall commence the construction of said wharf within one year, and complete the same within three years from the passage of this Act. Said wharf shall be firmly and substantially built, of such materials and of such dimensions as to make it sufficient for the requirements of the commerce of the vicinity.

SEC. 4. If said wharf shall not be commenced within one year, and finished within three years from the passage of this Act, all the rights herein granted shall be forfeited.

SEC. 5. It shall be lawful for the said Horton, Morse and Haight, their associates, assigns or legal representatives, to charge, collect, demand, recover and receive the same rates of wharfage as may be from time to time allowed by the Board of Trustees of the Town of San Diego.

CHAPTER XXXI.

An Act to amend an Act entitled an Act to fund the indebtedness of the County of Los Angeles, now existing in the form of County Auditor's warrants, or that may be outstanding on the first day of July, eighteen hundred and sixty-one, or warrants issued for indebtedness accruing prior to the first day of July, eighteen hundred and sixty-one, and to provide for the payment of the same, approved April fifth, eighteen hundred and sixty-one.

[Approved February 1, 1868.]

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

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

Section 11. For the payment of the principal and interest of the bonds issued in pursuance of this Act, there shall, until the same are paid and discharged, be annually levied and collected, in the same manner as is or may be provided by law for the collection of State taxes, a tax, to be determined by the Board of Supervisors, of not less than thirty nor more than

Granting land.

Time for commencing and completing.

When forfeited.

Collection of tolls.

Board of Supervisors to levy tax to be applied to the Interest and Sinking Fund of 1861.

fifty cents upon each one hundred dollars of the assessed value of the real and personal property of said county; and the fund derived from this tax shall be set aside and applied exclusively to the payment of the interest and the final redemption of the bonds issued in pursuance of this Act, and shall be known by the name of the "Interest and Sinking Fund of eighteen hundred and sixty-one;" and if the proceeds derived from this tax should be insufficient, from any cause, to pay the interest to accrue upon the said bonds in any year, then it shall be the duty of the County Treasurer, in anticipation of such insufficiency, and in advance thereof, to set apart, out of the first moneys paid into the County Treasury, to the credit of the General Fund thereof, a sum sufficient to pay the said interest to fall due.

If insufficient Treasurer to set apart from General Fund.

CHAPTER XXXII.

An Act supplementary to an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements, and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four.

[Approved February 1, 1868.]

Preamble.

WHEREAS, in certain proceedings taken under the above Act, approved April fourth, eighteen hundred and sixty-four, by the Board of Supervisors of the City and County of San Francisco, in the matter of widening Kearny street and Third street therein, certain parties assessed for benefits of said improvements claim to have paid the amounts of their respective assessments to the Collector of Taxes for said city and county under protest, and in consequence thereof further delay in completing said improvement will take place; and whereas, the public interests of said city and county require that said improvements shall be completed as speedily as possible; now, therefore,

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

Transfer \$40,000 from General Fund to fund for widening Kearny street.

SECTION 1. That the said Board of Supervisors of said city and county are hereby authorized and required to transfer from the General Fund of the Treasury of said city and county the sum of forty thousand dollars (\$40,000) in legal tender notes into the fund collected and received, and now in the hands of the Treasurer of said city and county under said proceedings for widening said Kearny street and Third street, to be appropriated and paid out to the parties entitled thereto as if the same had been duly paid in and collected under and by virtue of said proceedings.

SEC. 2. That whensoever the questions raised by such protestants of any of them, as to the right of said Tax Collector to

Montana Railway

Law Division.

retain and pay into the Treasury of said city and county the several sums of money so received by him from them respectively, or any of them, to the fund for said improvements, shall be finally decided against said protestants, either by the withdrawal of said protests or a legal decision thereon, or in any other legal manner, the said sums respectively so received by said Tax Collector under protest shall be transferred from said fund for said improvements to the General Fund of the Treasury of said city and county to an amount not exceeding said sum of forty thousand dollars.

When decision against protestants, said \$40,000 to be transferred to General Fund.

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

CHAPTER XXXIII.

An Act for the relief of Debtors

[Approved February 1, 1868.]

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

SECTION 1. By agreement between creditor and debtor, a less sum than the whole amount may be paid and received in full payment and discharge of any indebtedness, if such agreement be clearly manifested by a receipt or instrument, in writing, signed by such creditor.

Compromise to be in writing.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXIV.

An Act to amend an Act entitled an Act to grant the Oakland Railroad Company the right of way for a railroad track in the City of Oakland and Alameda County, and to run horse cars thereon, approved March third, eighteen hundred and sixty-six.

[Approved February 4, 1868.]

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

SECTION 1. Section seven of the Act whose title is recited in the title of this Act is hereby amended so as to read as follows:

Section 7. Work shall be commenced within three years, and at least one track be laid within the limits of the City of Oakland within three years and six months from the passage of this Act, and the whole road shall be completed within five years from the passage of this Act.

When work to be commenced and completed.

SEC. 2. This Act shall take effect immediately.

CHAPTER XXXV.

An Act to amend an Act entitled an Act concerning offices, approved April twenty-second, eighteen hundred and sixty-three.

[Approved February 5, 1868.]

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

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

When townships changed officers to remain in office.

Section 12. When any Justice of the Peace, Constable or Road Commissioner, by the formation of a new township, shall be brought within the limits thereof, such Justice of the Peace, Constable or Road Commissioner shall continue in his office as such officer for such new township until his successor is elected and qualified ; and if, in the formation of such new township, there shall be wanting within the limits thereof the number of such officers allowed by law, the Board of Supervisors of the county wherein such township is situated shall fill such offices by appointment, as in cases of vacancy ; *provided*, that where by the formation of such new township there shall be more than one Road Commissioner therein, such Commissioners shall continue in office for the terms for which they were elected or appointed, and shall hold and exercise the same within and for the districts for which they were severally elected or appointed, to the end of their terms of office ; but no successor of such Road Commissioner shall be elected or appointed for such districts after the office shall become vacant, either by the expiration of the term of the incumbent or otherwise ; *provided*, that the provisions of this Act, so far as the same relates to Road Commissioners, shall only obtain in those counties in which Road Commissioners are township officers.

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

CHAPTER XXXVI.

An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax.

[Approved February 5, 1868.]

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

Supervisors may levy additional tax.

SECTION 1. The Board of Supervisors of Solano County are hereby authorized, at their regular meeting in February, A. D. one thousand eight hundred and sixty-eight, and at their regular meeting in February, A. D. one thousand eight hundred and sixty-nine, to levy an additional tax not exceeding thirty cents on each one hundred dollars on all taxable property in said

county. Said tax shall be assessed and collected in the same manner as other taxes are assessed and collected, and when collected shall be paid into the Treasury and placed to the credit of the Road Fund of said county, and shall be subject to the order of the Board of Supervisors of said county. Said fund shall be used for no other purpose than for the laying out and improving public roads and building and repairing bridges in Solano County. For road purposes.

SEC. 2. This Act shall remain in force until the first day of January, A. D. eighteen hundred and seventy, and no longer. Remain in force until 1870.

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

CHAPTER XXXVII.

An Act to amend an Act entitled an Act to create the Sixteenth Judicial District, approved April second, eighteen hundred and sixty-six.

[Approved February 5, 1868.]

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

SECTION 1. Section three of an Act entitled an Act to create the Sixteenth Judicial District, approved April second, eighteen hundred and sixty-six, is hereby amended so as to read as follows:

Section 3. The terms of the District Court of the Sixteenth Judicial District during each year shall be commenced as follows: In the County of Alpine, on the first Mondays of April and October; in the County of Mono, on the third Mondays of April and October; in the County of Inyo, on the first Mondays of May and November; in the County of Kern, on the third Mondays of May and November. Terms of Court, when to commence

SEC. 2. A special term of the District Court may be held in any county of said district, upon the Judge thereof giving ten days notice of the time of holding such special term to the County Clerk of the county in which the same shall be held. Special terms.

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

CHAPTER XXXVIII.

An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven.

[Approved February 5, 1868.]

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

SECTION 1. Section eight of article third is hereby amended so as to read as follows:

Common Council may take private property.

Section 8. Whenever it shall become necessary for the Common Council to take private property for the purpose of laying out, altering or widening any streets, alleys or public grounds, or for the purpose of constructing any levee and keeping the same in repair, for the protection of said city or any part thereof from overflow or damage by water, they may direct proceedings to be taken to ascertain the value of such property and the compensation to be made to the owner or owners thereof, and the assessments to be levied for the payment of the same.

May construct levee.

SEC. 2. The Common Council shall have power to build, construct and keep up a levee around said city, or such portion or part thereof as to them from time to time may seem necessary or expedient, and of such a character, size and height as they may deem proper, and may from time to time extend and repair the same in such manner and to such extent as to them may seem most advantageous for the protection of the whole or a part of said city from overflow or injury from water; and for such purpose may levy and cause to be assessed and collected such taxes as may be necessary; and may use therefor any public streets, alleys, squares or grounds in said city; and may also acquire for such levee purposes any and all private property they may deem necessary for the use, construction, extension and repairs of such levee.

Use public lands and acquire private property.

SEC. 3. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

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

CHAPTER XXXIX.

An Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes.

[Approved February 5, 1868.]

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

SECTION 1. The Mayor and the Common Council of the City of Marysville, in the County of Yuba, are hereby authorized

and empowered to provide for the payment of the funded or bonded indebtedness of said city now outstanding, which may now be due or shall hereafter become due under any Funding Act or Law now existing and in force, in the manner hereinafter provided, and they are hereby authorized and directed to order the Funding Commissioners of the City of Marysville, by an ordinance to be passed therefor, to procure and prepare the bonds of the City of Marysville in any sum they may deem necessary and not exceeding the sum of sixty thousand dollars, to be used and applied as hereinafter provided.

Funding
Commissioners to pre-
pare bonds.

Amount.

SEC. 2. Upon the Mayor and the Common Council of the City of Marysville so ordering, by ordinance as aforesaid, specifying the amount, not exceeding the said sum of sixty thousand dollars, for which such bonds shall be procured and prepared, the said Funding Commissioners of the City of Marysville shall, without delay, cause to be prepared bonds for the amount so ordered, in sums of not less than five hundred nor more than one thousand dollars each, payable in gold coin of the United States of America, for both the principal and interest, dollar for dollar, and bearing interest at the rate of eight per cent. per annum from the date of their issue, which bonds shall be made payable at the office of the Treasurer of said City of Marysville fifteen years after their date; and the interest accruing on such bonds shall be due and payable in like gold coin on the first days of January and July of each year after the date of their issue, at the office of the Treasurer of said city. Said bonds shall be signed by the Mayor and Treasurer of said city of Marysville and attested by the Clerk of said City subscribing the same and affixing the corporate seal thereto. There shall be coupons attached to such bonds for each semi-annual interest to accrue thereon, which coupons shall specify the amount of such semi-annual interest, when and where payable, and that the same is payable in United States gold coin as aforesaid, and such coupons shall be signed by the Mayor and Treasurer of said city.

Description
of bonds.

Where and
when
payable.

Coupons.

SEC. 3. It shall be the duty of the Funding Commissioners of the City of Marysville, as soon as such bonds shall have been prepared and executed, to advertise, for the period of not less than thirty days, in a newspaper published in each of the Cities of Marysville, Sacramento and San Francisco, and, if they deem it expedient, also in a newspaper published in the City of New York, that such bonds will be put in the market to be sold for the highest price or sum that can be obtained therefor; and immediately after the expiration of such thirty days advertising, the Funding Commissioners of the City of Marysville aforesaid shall proceed to dispose of such bonds for the best sums or prices in lawful money of the United States they can procure therefor; *provided*, they shall not negotiate or sell said bonds at less value than seventy-five cents in gold coin on the dollar; and out of the proceeds of the sale or disposition of such bonds the Funding Commissioners of the City of Marysville aforesaid shall retain and set apart sufficient moneys for the paying of all the principal of the funded or bonded indebtedness of the the City of Marysville outstanding at the date of the passage of this Act, paying the surplus, if any, to the City Treasurer,

Advertise for
sale of bonds.

Proceeds
how applied.

Surplus to be invested. to be by him placed in the General Fund of said city; which money so retained and set apart by the Funding Commissioners of the City of Marysville for the paying of the principal of the funded or bonded indebtedness of said city, such Commissioners are hereby authorized and directed, until such time as the same shall be needed to pay the principal of such funded or bonded indebtedness, to invest and reinvest in such funds, currency, Government or other security as they shall or may deem for the best interest of said city and the taxpayers thereof; and it shall be the duty of such Commissioners, at the times and places at which the principal of said funded or bonded indebtedness becomes due and payable, to have the moneys so retained and set apart, or the incomes and proceeds thereof, on hand at such times and places, and then and there pay or cause to be paid the principal of such funded or bonded indebtedness, returning any surplus into the City Treasury, to be placed by the Treasurer in said General Fund.

Unlawful to levy tax to pay bonded indebtedness. SEC. 4. On and after the passage of this Act it shall not be lawful for the Mayor and the Common Council of the City of Marysville, the Funding Commissioners of the City of Marysville, nor for any officer of said city, except as hereinafter provided, to order, lay, levy, assess, demand or collect any assessment or tax, to be in any way applied or used for the purpose of paying off or discharging any of the principal of such funded or bonded indebtedness so outstanding at the date of the passage of this Act; but it shall be lawful, and is hereby declared to be the duty of the proper city officers, to make provision for the payment and to pay the interest upon such funded or bonded indebtedness in the mode and manner as is now provided by law; *provided*, that the interest that may hereafter fall due or be collected upon any money now invested by such Funding Commissioners belonging to any Sinking Funds now in their hands, as well as any interest upon any moneys belonging to such Sinking Funds, now in their hands, that may be collected upon any investment thereof hereafter to be made, shall be first applied, so far as the same will go, to the payment of the interest to fall due upon such funded or bonded indebtedness.

Provide for payment of interest.

Creating Levee Fund. SEC. 5. It shall be the duty of the Funding Commissioners of the City of Marysville, immediately upon the passage of this Act, to pay into the City Treasury the sum of ten thousand dollars in gold coin of the money now in their hands uninvested, belonging to the sinking funds heretofore provided by law for the payment of such funded or bonded indebtedness; which amount shall be by the Treasurer of said city placed in a fund to be called a Levee Fund, to be used and applied in such manner as the Mayor and the Common Council shall, by a resolution therefor, order and direct, for the purpose of building and constructing a levee around said city or such portion thereof as they may deem advisable and expedient. The balance of all money in the hands of the Funding Commissioners of the City of Marysville, after such payment of said sum of ten thousand dollars, the said Commissioners shall retain and invest and reinvest in such funds, currency, Government or other security as they may deem for the best interest of said city and the taxpayers thereof, until such time as they may require the same, or

Balance to be invested.

the proceeds and incomes thereof, to apply, with the moneys raised upon the bonds herein ordered to be issued, upon the payment of the principal of the funded or bonded indebtedness of said city.

SEC. 6. The said Commissioners, previous to making out the general assessment list of said city, in each and every year after the Mayor and Common Council of said city shall order, by ordinance as aforesaid, the bonds herein provided for to be issued, shall certify and deliver to the City Assessor the amount which shall be necessary to be raised for the payment of the interest of said bonds for the current year; and the said Assessor in completing said assessment list shall add to the amount which may be authorized by law to be raised for other purposes the amount so certified for the payment of such interest, and of the Sinking Fund, when due, as hereinafter specified; and the first moneys collected on the whole of such general assessment list which shall remain in the hands of the City Treasurer shall be paid by said Treasurer into the hands of said Commissioners as fast as the same be collected; and no payment other than that shall be, directly or indirectly, made out of the money assessed or collected in said assessment list for any other purposes until the amounts authorized by this section to be assessed and collected shall have been actually paid over to said Commissioners. The Common Council of said city shall not have power to enact any provision which shall prevent or hinder the collection, in gold coin of the United States, of the amounts authorized to be raised by this section; and if any such provisions are attempted to be enacted, it shall be the duty of the City Collector to disregard the same and to collect and pay over the coin as authorized by this section. The said Commissioners shall have the right at all times to inspect the books of the Collector and Assessor of said city.

Levy yearly tax to pay interest.

First moneys received to be paid for interest.

City Collector shall collect tax.

SEC. 7. The said Commissioners shall receive into their custody all the money which shall be levied and collected for the purposes of this Act. Out of the same they shall pay the interest of the bonds issued hereunder when the same falls due, and the residue thereof they shall place in the Sinking Fund hereinafter provided. They shall keep regular books of accounts [and] minutes of their proceedings, which shall be open at all times to the inspection of the Common Council of the city; and shall, within one month before the expiration of the fiscal year of said city, transmit to the Common Council thereof a statement, verified by oath of one or more of said Commissioners, showing the amount of moneys received and paid out by them, the expenditures by them made, the amount of bonds outstanding and the amount redeemed within the current year, with the condition of the moneys and securities in their hands, which statement the Common Council shall forthwith cause to be published in a newspaper published in said city.

Tax, how disbursed.

Annual statement.

SEC. 8. Five years after the date of the issue of the bonds provided to be issued by this Act, there shall commence to be assessed and collected annually, and paid over by the City Collectors to the Commissioners, in addition to, and in the same manner as the interest is specified to be assessed and paid over, ten per cent. upon the aggregate amount of the whole debt

Bonds to be redeemed after advertising.

herein created, as a Sinking Fund for the payment of the principal of said bonds at maturity; whenever at any time there shall be in said Sinking Fund a sum of money equal to ten per cent. of the whole amount of said bonds, the said Commissioners shall advertise in a public newspaper published in each of the Cities of Marysville and San Francisco, for the space of at least thirty days, for sealed proposals for the redemption of said bonds, and ten days from the expiration of the time for such publication the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Sinking Fund then on hand shall extend, such bonds presented under such proposals as shall have the lowest value proposed at which they may be paid; *provided*, the same shall not be for more than the par value thereof; and *provided*, should there be no proposals made for less than par value, then the payment of said Sinking Fund on hand shall be made on said bonds according to the number of their issue, of which the Commissioners shall give two weeks notice of the number of the bonds to be so paid, after which time such bonds shall cease to draw interest; and *provided*, that when there shall be sufficient money in said Sinking Fund for the extinguishment of the said bonds, it shall be the duty of the said Commissioners to advertise in like manner, for the space of four weeks, for the redemption of all the outstanding bonds issued under this Act, after which time such bonds shall cease to draw any interest. Any money remaining in said Sinking Fund after the redemption of said bonds shall be paid over by said Commissioners to the City Treasurer, to be by him placed in the General Fund of said city. Whenever any of the coupons upon said bonds are paid, or any of said bonds are redeemed, as herein provided, they shall be effectually canceled and filed away in the office of the Commissioners.

Coupons
cancelled.

Official oath
and bonds.

SEC. 9. The said Commissioners, before entering upon the discharge of their duties, shall take and subscribe an oath for the faithful performance of their duties, and shall each give good and sufficient bonds, to be approved by the Common Council of said city, in the penal sum of fifteen thousand dollars each, except the Treasurer, whose official bonds shall provide for the faithful performance of his duties as Commissioner in addition to the covenants now therein contained.

Funding
Commissioners.

SEC. 10. The term "The Funding Commissioners of the City of Marysville," as used in this Act, is intended to mean the Mayor, the President of the Council and the Treasurer of said City, as now provided by law, and the duties hereby required to be performed by said Commissioners shall be deemed a part of their official duties as such Mayor, President of the Council and Treasurer, respectively, and shall be performed without compensation; *provided*, the said Commissioners may employ a clerk for such time as they may deem necessary, not to exceed three months, at a rate of compensation not to exceed one hundred dollars per month.

SEC. 11. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAPTER XL.

An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies.

[Approved February 8, 1868.]

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

SECTION 1. The Assessor of the City and County of San Francisco shall be allowed, to assist him in making his assessments, in lieu of the deputies now provided by law, as follows: for the office, one Chief Deputy, five Office Deputies and one Draughtsman; for the field, one Chief Deputy and fourteen Under Deputies. Four of the Office Deputies shall be paid at the rate of one hundred and fifty dollars per month each, and shall be employed and paid only from the first day of February until the assessment roll is finally completed and handed over to the Auditor, and only for such time as they shall be actually employed in the discharge of their duties. The fourteen Under Field Deputies shall be paid at the rate of one hundred and fifty dollars per month each; the term for which such Field Deputies shall be paid shall not exceed an average of three months each. The Chief Office Deputy, Chief Field Deputy, Under Office Deputy and Draughtsman may be employed the entire year, and shall be paid, the Chief Deputies two hundred dollars per month each, the Under Office Deputy and Draughtsman one hundred and fifty dollars per month each.

Office
and Field
Deputies.

Compensa-
tion.

SEC. 2. The Auditor of the said city and county is hereby directed to audit, and the Treasurer of said city and county to pay, out of the General Fund, the salaries herein provided for.

SEC. 3. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

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

CHAPTER XLI.

An Act to amend section twenty-four of an Act entitled an Act concerning Jurors in certain counties, approved April fourth, eighteen hundred and sixty-four.

[Approved February 10, 1868.]

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

SECTION 1. Section twenty-four of an Act entitled an Act concerning jurors in certain counties, approved April fourth, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

In force in
counties
named.

Section 24. This Act shall only be in force in the Counties of Plumas, Humboldt, Klamath, Del Norte, Butte, Siskiyou, Nevada, El Dorado, Tehama, Colusa, Tulare, Sutter, Trinity, Sierra, Lassen and Kern; and all laws and parts of laws being in conflict with this Act are hereby repealed, so far as the same may apply to the Counties of Plumas, Sierra, Humboldt, Klamath, Del Norte, Butte, Trinity, Siskiyou, Nevada, El Dorado, Tehama, Colusa, Tulare, Sutter, Lassen and Kern.

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

CHAPTER XLII.

An Act for the relief of Henry N. Morse, Sheriff of Alameda County.

[Approved February 10, 1868.]

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

Appropriation.

SECTION 1. The Controller of State is hereby authorized and directed to draw his warrant for the sum of five hundred dollars in favor of Henry N. Morse, Sheriff of the County of Alameda, to be paid out of any moneys in the State Treasury not otherwise appropriated; and the State Treasurer is hereby authorized and directed to pay the same.

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

CHAPTER XLIII.

An Act to amend an Act entitled an Act to create the County of Kern, to define its boundaries, and to provide for its organization, approved April second, eighteen hundred and sixty-six.

[Approved February 10, 1868.]

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

SECTION 1. Section two of an Act entitled an Act to create the County of Kern, to define its boundaries, and to provide for its organization, approved April second, eighteen hundred and sixty-six, is hereby amended so as to read as follows :

Boundaries
of Kern
County.

Section 2. The boundaries of Kern County shall be as follows: commencing at a point on the western boundary line of Tulare County one half mile due north of the sixth standard south, of the Mount Diablo base line; thence running due east to the western boundary line of Inyo County; thence southerly and easterly, following the western boundary of Inyo County and northern boundary of Los Angeles County, to the northeast

corner of Los Angeles County; thence south along the eastern boundary of Los Angeles County to the line between Townships Eight and Nine north, of the San Bernardino base line; thence due west to the Tulare County line; thence southerly along the said Tulare County line to the southwest corner of Tulare County; thence northerly, following along the western boundary of Tulare County, to the place of beginning.

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

Section 10. The County Judge shall receive for his services the sum of twelve hundred dollars per annum, to be paid monthly; the District Attorney shall receive for his services the sum of one thousand dollars per annum, to be paid in the same manner; the other county officers whose salaries are not fixed by law shall receive for their services such fees as are allowed the same officers for like services in the County of Tulare. Salaries of officers.

SEC. 3. All Acts and parts of Acts inconsistent with the provisions of this Act, so far as applicable to the County of Kern, are hereby repealed.

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

CHAPTER XLIV.

An Act to give to Grand and Trial Jurors mileage in the Counties of Marin and Santa Cruz.

[Approved February 10, 1868.]

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

SECTION 1. In Marin and Santa Cruz Counties any grand or trial juror shall receive mileage at the rate of twenty-five cents per mile for the distance necessarily traveled by him in going from his place of residence to the County Court-house. Jurors to receive mileage.

SEC. 2. The County Clerk shall issue to any juror who may be entitled to mileage, a certificate of the number of miles traveled, with the amount of mileage due him, and such mileage shall be allowed and paid out of the County Treasury as other dues; *provided*, that no mileage shall be allowed to trial jurors for attendance before Justices' Courts. Allowed and paid.

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

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

CHAPTER XLV.

An Act to amend an Act dividing the State into Counties, and establishing the seats of justice therein, passed April twenty-fifth, eighteen hundred and fifty-one.

[Approved February 10, 1868.]

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

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

Boundary of
Sonoma
County.

Section 24. Sonoma County, beginning at a point in the Pacific Ocean three miles west of the mouth of Gualali River, thence east to the middle of the mouth of said river, and up the middle of the main channel of said river two miles; thence in a direct line to the most northern and highest peak or summit of the Redwood Mountains immediately north of Cloverdale and Oak Valley; thence due east to the western boundary of Napa County, on the summit of the Mayacamas Ridge; thence southerly along the Napa County boundary, in the Mayacamas Mountains, to the westerly branch of Guichica Creek; thence southerly along said Napa County boundary to its initial point in the mouth of Guichica Creek; thence in a direct line to the northwest corner of Contra Costa County, in San Pablo Bay; thence down the middle of said bay to the northeast corner of Marin County; thence, following the boundary of Marin County, to the mouth of Petaluma Creek; thence up the centre of said creek to the mouth of San Antonio Creek; thence up the centre of said creek to its head; thence in a direct line to the head of the Estero Americano, on the line surveyed and established by William Mock under the direction of the Surveyor-General in the year eighteen hundred and fifty-six; thence down the middle of said Estero Americano to its mouth; thence due west three miles to a point in the Pacific Ocean; thence northerly and northwesterly, parallel with the coast and with the meanders thereof, to the point of beginning.

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

CHAPTER XLVI.

An Act entitled an Act to amend section five of an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Judge and District Attorney, and fixing their compensation, for the County of El Dorado, approved February twenty-eighth, eighteen hundred and sixty-six.

[Approved February 10, 1868.]

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

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

Section 5. The County Recorder, for all services required of him in his office, or by virtue of his office, as County Recorder, or ex officio as County Auditor, shall receive a salary at the rate per annum of twenty-four hundred dollars, which salary shall be in full compensation for all services rendered ; *provided*, that for any services rendered the State he shall receive the compensation allowed by law for such service, which he shall pay into and for the use and benefit of the County Treasury. He shall be allowed one deputy, to be paid by the county, at the rate of one hundred and twenty-five dollars per month.

Recorder's salary.

Deputy and his salary.

CHAPTER XLVII.

An Act to authorize the County of San Joaquin to issue Bonds for the redemption of the Bonds of said County which become due during the year eighteen hundred and sixty-eight, and to provide for the payment of the same.

[Approved February 5, 1868.]

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

SECTION 1. For the purpose of redeeming the bonds of the County of San Joaquin, which become due during the year eighteen hundred and sixty-eight, the Board of Supervisors of San Joaquin County are hereby authorized and empowered to issue bonds of said county to an amount not exceeding thirty-eight thousand dollars. Said bonds shall be signed by the Chairman of the Board of Supervisors, attested by the Clerk of the Board, and countersigned by the County Treasurer, and shall be made payable at the office of said County Treasurer on the first day of ———, eighteen hundred and seventy-eight. Such bonds shall be consecutively numbered as issued, and shall bear interest at the rate of ten per cent. per annum ; interest to be paid semi-annually at the office of said County Treasurer ; and each bond shall have coupons attached for said interest, such

May issue bonds, not exceeding \$30,000.

Interest.

Coupons.

coupons to be numbered, signed, attested and countersigned as the bonds.

Issue new bonds upon surrender of old ones.

SEC. 2. Whenever any of the holders of the bonds of said County of San Joaquin shall surrender to the Board of Supervisors of said county any bond or bonds of said county that may become due during the year eighteen hundred and sixty-eight, then the said Board of Supervisors shall issue and deliver to such holder or holders the bonds of said County of San Joaquin authorized by the first section of this Act, in an amount equal to the sum of money due on the bond or bonds so surrendered; *provided*, that in no event shall the bonds authorized by the first section of this Act be issued for greater amounts than the sums of money due on the bonds surrendered.

Cancel and keep record of bonds.

SEC. 3. The Board of Supervisors shall cancel the bonds surrendered under the provisions of this Act, and shall keep a correct record of the same, giving the number, amount and date of each, and the sum of money due on each, and from whom received; also a correct record of all bonds issued and delivered under the provisions of this Act, giving the number, amount and date of each, and to whom delivered, and when issued.

Levy special tax.

SEC. 4. In addition to the taxes authorized by law to be levied in the County of San Joaquin, the Board of Supervisors of said county are hereby authorized and required to levy, in each and every year, a special tax, to be known as the "Bond Redemption Tax, eighteen hundred and sixty-eight," sufficient for the purpose of paying the yearly interest on the bonds issued under the provisions of this Act, and also one tenth of the principal. The manner of levying and collecting said tax shall be the same as provided by law for the levying and collecting other taxes, State and county. The Treasurer of said county shall keep said tax, when paid to him, separate and apart from all other moneys in the Treasury, and shall designate the same as the "Bond Redemption Fund, eighteen hundred and sixty-eight;" and said fund shall be used for no other purpose than the payment or redemption of the bonds issued under the provisions of this Act and the payment of the accruing interest thereon.

To be paid into Bond Redemption Fund.

Redemption of one tenth of bonds.

SEC. 5. On the first Monday of February, eighteen hundred and sixty-nine, and annually thereafter, it shall be the duty of the Treasurer of the County of San Joaquin, from the money in his hands in the fund mentioned in the last preceding section, to redeem the one tenth of the first principal of the bonds that may be issued under the provisions of this Act, or such an amount of said bonds as the money in his hands in said fund will redeem at the lowest value at which they may be proposed to be liquidated, after advertising for two weeks immediately preceding said first Monday of February, by publication in some newspaper in his county for sealed proposals for the redemption of said bonds at the time and place specified in the publication. The Treasurer shall, in the presence of such persons as choose to be present, open all proposals, and accept the lowest bids for the surrender of said bonds; *provided*, that no bonds shall be redeemed at a greater sum than par value. The bids being equal, the preference shall be given to the smallest amount of bonds; the bids and amount of bonds being equal, each shall be

accepted pro rata, or as nearly as possible. No bid, unless accompanied by the bonds proposed to be surrendered, shall be accepted by the Treasurer. Bids to be accompanied by bonds.

SEC. 6. Should there be no proposals made for less than par value, as provided in the preceding section, then the payment of said Loan Fund on hand shall be made on said bonds according to the number of their issue, of which the said Treasurer shall give four weeks notice of the number of the bonds to be paid, after which time such bonds shall cease to draw interest; and *provided*, whenever there may be sufficient moneys in such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of the said Treasurer to advertise in like manner for a space of four weeks, for the redemption of all of the outstanding bonds issued under this Act; after which time said bonds shall cease to draw interest. Any moneys remaining in said Loan Fund after the redemption of the whole of said bonds shall be by the said Treasurer transferred to the General Fund of said county, and to be by him held subject to the order of said Board of Supervisors. When cease to draw interest. Funds remaining to be paid into General Fund.

SEC. 7. Whenever the County Treasurer shall pay, or cause to be paid, any bond or coupon under the provisions of this Act, he shall indorse on said bond or coupon so paid, the date of redemption, and from whom redeemed, and the amount paid to redeem the same. He shall preserve in his office all bonds and coupons redeemed, and shall keep a record of the same, giving the number, date and amount of each, and from whom received; and across each of the bonds and coupons so redeemed he shall write the words "Cancelled by me," and sign his name thereto as Treasurer. Preservation of bonds and coupons paid

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

CHAPTER XLVIII.

An Act to authorize Charles M. Benbrook, Samuel Maben and Marcus D. Brundige to construct and maintain a turnpike road from Niley's Rancho to Nilwos Springs, in the County of Los Angeles.

[Became a law by operation of Constitution, February 8, 1868.]

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

SECTION 1. Charles M. Benbrook, Samuel Maben and Marcus D. Brundige, of the City and County of Los Angeles, shall have, take and enjoy all the rights, privileges, right of way, franchises and immunities hereinafter mentioned, upon condition that they shall abide by and fulfill the conditions hereinafter set forth.

SEC. 2. The said Charles M. Benbrook, Samuel Maben and Marcus D. Brundige shall have a right of way and full power to build and construct a turnpike road from a point at or near Niley's Rancho, in the County of Los Angeles; running thence over the dividing ridge to the cañon known as the Cañon of Franchise for turnpike road.

San Francisco, and running thence down through said cañon in, on and upon such parts of the public highway therein, as the said Charles M. Benbrook, Samuel Maben and Marcus D. Brundige, or their assigns, may select and appropriate for the said turnpike road, to a point at or near a place known as Nil-lows Springs or Rancho in the said County of Los Angeles; and the said Charles M. Benbrook, Samuel Maben and Marcus D. Brundige shall have and enjoy all the rights, privileges and immunities thereto appertaining, and shall have the right of way which is hereby and hereinbefore ceded and granted to the said Charles M. Benbrook, Samuel Maben and Marcus D. Brundige, or their assigns, for the term of twenty years; and the State enters into these covenants, and makes these grants and guarantees, and confers these rights and privileges, upon the express conditions that the grade of said turnpike road shall not exceed eight feet to the hundred feet, and that said Charles M. Benbrook, Samuel Maben and Marcus D. Brundige shall build all bridges and culverts that may be necessary on said turnpike road, and they shall, within six months after the passage of this Act, commence, and within twelve months from same date shall complete, said turnpike road and bridges.

Twenty
years.

Time
allowed.

SEC. 3. The said turnpike road shall be constructed of sufficient width, and the said bridges of sufficient strength to admit of the passage of the largest and heaviest sized teams; and said road and bridges shall be kept in good condition for travel of the largest or heaviest lumber and other teams.

Tolls.

SEC. 4. The said Charles M. Benbrook, Samuel Maben and Marcus D. Brundige, or their assigns, upon the completion of said turnpike road and the bridges thereon, shall be authorized to charge and collect such rates of fare or toll on said turnpike as the Board of Supervisors of Los Angeles County may annually fix; *provided*, such rates shall not be so reduced during the first ten years after the completion of said turnpike road as to produce an income of less than fifteen per cent. per annum upon the cost of constructing said turnpike road and bridges, over and above the expenses of collection and keeping said turnpike road and bridges in repair; and *provided* further, that there shall be but one tollgate erected on said road, and that may be at any point on said road that the said Charles M. Benbrook, Samuel Maben and Marcus D. Brundige may select; *provided* further, that no toll shall be required of any person residing within eight miles of said tollgate.

Tollgate.

Sign-board.

SEC. 5. Said Charles M. Benbrook, Samuel Maben and Marcus D. Brundige shall keep at each end of said turnpike road a "sign-board," which shall show the scale of prices and the regulations of the road.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this eighth day of February, A. D. eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

CHAPTER XLIX.

An Act to authorize the Santa Barbara Wharf Company to construct and maintain a wharf at Santa Barbara, in the County of Santa Barbara.

[Approved February 10, 1868.]

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

SECTION 1. The right to build, maintain and use a wharf Franchise.
from the sea shore out into the Bay or Channel of Santa Barbara, is hereby granted to James Barron Shaw, Louis T. Burton, S. B. Brinkerhoff, Matt. H. Biggs and Charles Fernald, their associates, stockholders in the Santa Barbara Wharf Company, and their assigns, for the period of twenty years. Twenty years.

SEC. 2. For the purpose of said wharf there is hereby granted unto the said Shaw, Burton, Brinkerhoff, Biggs and Fernald, their associates and assigns, stockholders of said company, the exclusive right to use and occupy a strip of land four hundred and fifty feet wide, commencing at ordinary high water mark on the sea shore, in front of the Town of Santa Barbara, at the place where said wharf company have now commenced their wharf, and continuing the building of the present extension of the same, and extending out into the channel, bay or ocean, until a sufficient depth of water shall be attained for the accommodation of commerce; *provided*, the said wharf shall not interfere with the free navigation of the Bay or Channel of Santa Barbara. Right of way. Not to interfere with navigation.

SEC. 3. Said grantees, their associates and assigns, stockholders in said company, are hereby authorized to charge and collect such wharfage as shall be established and fixed by the Board of Supervisors of Santa Barbara County; and the rates of wharfage so fixed shall be posted in some conspicuous place on said wharf. Wharfage.

SEC. 4. The grantees herein, or their assigns, shall within one year from the passage of this Act commence, and within three years build and construct, said wharf in a good and substantial manner, and keep the same in good repair; and a failure to comply with the provisions of this section shall be a forfeiture of the franchise granted by this Act. Time.

CHAPTER L.

An Act to authorize the Board of Supervisors of the County of Trinity to release the County Treasurer of said county from the payment of certain moneys.

[Approved February 10, 1868.]

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

Released
from pay-
ment unless
hereafter
recovered.

SECTION 1. The Board of Supervisors of the County of Trinity are hereby authorized and empowered to release Joseph Craig, County Treasurer of said county, and the sureties who were on his official bond on the thirteenth day of August, A. D. eighteen hundred and sixty-seven, from the payment of the sum of sixteen hundred and thirty-six dollars and forty-eight cents, lost by the reason of the failure of the banking house of Greenhood & Newbauer, August thirtieth, eighteen hundred and sixty-seven; *provided*, that in case all, or any portion of said sum of sixteen hundred and thirty-six dollars and forty-eight cents be hereafter recovered, the said Joseph Craig and those who were sureties on his official bond at the date above named shall be bound to the County of Trinity in the full amount of the sum which may be so recovered.

Official set-
tlement with
Auditor.

SEC. 2. The County Auditor of Trinity County is hereby authorized and directed, in his official settlement with said Joseph Craig, County Treasurer of said county, to credit the said Joseph Craig with the sum of sixteen hundred and thirty-six dollars and forty-eight cents, conditioned as provided in this Act; *provided*, nothing in this section shall be construed as authorizing said Auditor of Trinity County to credit said Joseph Craig, County Treasurer, with said amount unless by order of the Board of Supervisors of said Trinity County.

Conditions.

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

CHAPTER LI.

An Act supplemental to and amendatory of an Act entitled an Act to provide for the establishment, maintenance and protection of Public Roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

[Approved February 13, 1868.]

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

Levy special
tax.

SECTION 1. In addition to the tax authorized to be levied and collected under the Act to which this is supplemental, the Board of Supervisors of Napa County are hereby authorized and directed to levy a special tax not exceeding twenty-five cents on each one hundred dollars of taxable property in said county,

which sum shall be assessed, levied and collected at the same time and in the same manner that other taxes are assessed, levied and collected in said county.

SEC. 2. The amount collected under the provisions of this Act shall be paid into the County Treasury and constitute a special fund to be known as the General Road Fund, and shall be applied only to the payment of damages incurred in and the cost of constructing new roads, and to the payment, in the order in which they were issued, of all warrants drawn on the District Road Fund of said county in payment of claims accrued against said funds for damages incurred and the cost of constructing all new roads built and constructed in said county since the passage of the Act to which this is supplemental.

Paid into
General
Road Fund.

SEC. 3. The Roadmasters provided for in the Act to which this is supplemental shall, instead of being elected as therein provided, be appointed by the Board of Supervisors of said county, and shall hold their office for the term of one year, subject to removal at any time by said Board.

Roadmasters
appointed by
Supervisors.

SEC. 4. All moneys in the County Treasury of said county to the credit of the General County Road Fund heretofore existing shall be transferred to and constitute a part of the special fund provided for in this Act.

Transfer of
funds

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

CHAPTER LII.

An Act supplementary to an Act entitled an Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty.

[Approved February 13, 1868.]

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

SECTION 1. In a criminal action a felon shall be a competent witness for or against a felon for an offence committed when both are under judgment of imprisonment in the State Prison.

Felons can
testify.

SEC. 2. This Act shall take effect immediately.

CHAPTER LIII.

An Act to authorize the County Clerk of Mono County to act as County Superintendent of Common Schools.

[Approved February 13, 1868.]

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

In what cases.

SECTION 1. Whenever the County Superintendent of Common Schools of the County of Mono, that may be elected at the general election, shall fail to qualify, or having qualified shall neglect to discharge the duties of said office, the Board of Supervisors shall authorize the County Clerk to act ex officio as County Superintendent of Common Schools.

Official acts ratified.

SEC. 2. All the official acts of the present County Clerk of Mono County as Superintendent of Common Schools, which may lawfully be done by a Superintendent of Common Schools, are hereby ratified and confirmed.

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

CHAPTER LIV.

An Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes.

[Approved February 13, 1868.]

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

Loan Commissioners.

SECTION 1. In order to liquidate and provide for the payment of the indebtedness of the County of Yuba, and to lessen the burdens of taxation, the Chairman of the Board of Supervisors, the County Auditor and the County Treasurer of said county, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Loan Commissioners of the County of Yuba," and shall have and exercise the powers and perform the duties hereinafter provided.

No other officers to provide for payment of debt.

SEC. 2. It shall not be lawful for the Board of Supervisors of said county, or any officer or officers of said county, except as in this Act provided, to make any assessment or assessments, or levy or lay any tax or taxes, to be in any way used or applied to or for the payment or liquidation of any of the funded or bonded indebtedness of the County of Yuba, existing or outstanding at the date of the passage of this Act, or of any part thereof; and every such assessment or tax laid or levied, or provision made for the payment or liquidation of the principal or interest, or any part of such funded or bonded indebtedness, contrary to the provisions of this Act, shall be wholly and absolutely null and void. The true intent and meaning of this sec-

Explanatory

tion is hereby declared to be: that the whole principal sum or sums, with the interest thereon, of the funded or bonded indebtedness of the County of Yuba, existing and outstanding at the time of the passage of this Act, shall be paid and liquidated in no other way than as hereinafter provided for. The terms "funded or bonded indebtedness," and "funded and bonded indebtedness," as used in this section, and hereafter in this Act, are hereby declared to embrace and include all the funded indebtedness of Yuba County, and all the bonds of said Yuba County issued under any and all Funding Acts, for said Yuba County, and all Acts and laws amendatory thereof and supplementary thereto; and also all indebtedness created by said Yuba County, and all bonds issued under an Act to authorize the Board of Supervisors of the County of Yuba to take and subscribe two hundred thousand dollars to the capital stock of a railroad company, and to provide for the payment of the same, and other matters relating thereto, approved April twenty-eighth, eighteen hundred and sixty-seven.

SEC. 3. It shall be the duty of said Loan Commissioners to cause to be prepared, bonds of the County of Yuba, in the total amount not exceeding one hundred and sixty thousand dollars, which shall be in sums of not less than one hundred dollars nor more than one thousand dollars each, payable in the gold coin of the United States, for both the principal and interest, dollar for dollar, and bearing interest at the rate of eight per cent. per annum, from the date of their issue, to wit: the first day of July Anno Domini, eighteen hundred and sixty-eight, which bonds shall be made payable at the office of the Treasurer of the County of Yuba, on the first day of July, Anno Domini eighteen hundred and eighty-eight; and the interest accruing on such bonds shall be due and payable on the first day of January and July of each year thereafter, at the office of the Treasurer of said county. Said bonds shall be signed by the Chairman of the Board of Supervisors of said county, the County Auditor and County Treasurer, and shall be countersigned by the County Clerk of said county, who shall cause the seal of the County of Yuba to be affixed to or impressed upon each of said bonds so countersigned by him as such clerk. There shall be coupons attached to said bonds for each semi-annual interest to accrue thereon, which coupons shall specify the amount of such semi-annual interest, when and where payable in gold coin of the United States aforesaid, which coupons shall be signed by the Chairman of the Board of Supervisors and the County Treasurer of said county.

SEC. 4. The said Loan Commissioners shall, three months before the first day of July, Anno Domini eighteen hundred and sixty-eight, cause sixty days notice to be given by a publication in one or more daily newspapers published in the Cities of Marysville, San Francisco and New York, giving notice that any and all holders of any of the funded and bonded indebtedness of the County of Yuba may, at their option, present and surrender the same to said Loan Commissioners at any time before the said first day of July, Anno Domini eighteen hundred and sixty-eight, and receive in lieu thereof the bonds of said Yuba County provided to be issued by this Act, and that such funded and

Description
of bonds to
be issued.

Who signed
by.

Bonds to be
given for
former in-
debtedness.

bonded indebtedness will cease to draw any interest after said first day of July, Anno Domini eighteen hundred and sixty-eight; and said Loan Commissioners are hereby authorized and directed to issue to all holders of such indebtedness so presented and offered to be surrendered, such bonds as are provided for in section three of this Act, dollar for dollar, for the amount of such funded or bonded indebtedness so presented and surrendered; but it shall be in the discretion of such Loan Commissioners to deliver any bonds issued under this Act in lieu of such funded or bonded indebtedness presented and offered to be exchanged after the said first day of July, Anno Domini eighteen hundred and sixty-eight. On the first day of July of Anno Domini eighteen hundred and sixty-eight, or as soon thereafter as practicable, the said Loan Commissioners shall ascertain and determine the amount that remains unpaid and unsurrendered of the said funded or bonded indebtedness of the County of Yuba, and shall immediately thereafter proceed to sell and dispose of, to the best advantage, sufficient of such bonds, so provided to be issued under this Act, as shall be necessary to raise a fund sufficient for the payment of the whole amount of such funded or bonded indebtedness as shall remain unpaid and unsurrendered, and shall not have been exchanged, as aforesaid; *provided*, no sale shall be made thereof for a less price or sum than a dollar, in the currency of the United States, for each and every dollar named in such bonds. And it shall be lawful, and the said Loan Commissioners are hereby authorized, for the purpose of negotiating and advantageously disposing of such bonds, to appoint one or more reliable agents to negotiate the sale of such bonds, who shall be paid for their services, out of the General Fund of said county, such reasonable compensation as the said Loan Commissioners may certify to be sufficient therefor. It shall be the duty of such Loan Commissioners to deposit with the Treasurer of the County of Yuba the amounts realized by them from such sale and disposition of such bonds, or the proceeds of such amounts, they having, in the meantime, full right and authority to invest and reinvest all moneys received by them from such sale and disposition of said bonds, in any of the currency or lawful money of the United States, to the best interest of the said Yuba County and the taxpayers thereof. It shall be the duty of said Treasurer of said Yuba County, out of the moneys so deposited with him by said Loan Commissioners, to immediately place a sufficient amount thereof in each of the Interest and Sinking Funds now provided by law, for the payment of the interest and principal of such funded and bonded indebtedness then outstanding, so that such Interest and Sinking Funds shall be full, and each contain sufficient moneys to pay off and discharge the principal of such funded and bonded indebtedness so then outstanding, together with the interest due and unpaid thereon up to the first day of July, Anno Domini eighteen hundred and sixty-eight. When sufficient moneys shall have been so placed in said Sinking and Interest Funds for the payment of such principal and interest, it shall be the duty of the said County Treasurer immediately thereafter to advertise by notice, bearing date of the day that such Interest and Sinking Funds may be so filled up, in a daily newspaper published in each of

Bonds to be sold.

Agents for sale.

Invest proceeds.

When sufficient money in funds, to advertise.

the Cities of Marysville and San Francisco, for the space of six weeks, and in a newspaper published in the City of New York, for the space of two weeks, notifying the holders of such funded and bonded indebtedness that the several Sinking and Interest Funds have sufficient moneys therein to pay off and discharge all such funded and bonded indebtedness then outstanding against said Yuba County, with the interest due thereon, up to the first day of July, Anno Domini eighteen hundred and sixty-eight; that the same is payable, and has ceased to draw interest after the first day of July, Anno Domini eighteen hundred and sixty-eight, and also notifying said holders of the place where such payments will be made; and it is hereby provided and declared that after the said first day of July, Anno Domini eighteen hundred and sixty-eight, said funded and bonded indebtedness of said Yuba County shall draw no interest whatever.

Stop interest

SEC. 5. It shall be the duty of said Loan Commissioners to mark as "cancelled" by "exchange" or "redemption," as the facts may be, over their signatures, all of such funded and bonded indebtedness as they may have exchanged for the bonds issued under this Act, or as may have been paid off and discharged in pursuance hereof, and immediately thereafter deliver the same to the County Clerk of said county, taking his receipt therefor, who shall file away the same in his office.

Cancelling bonds.

SEC. 6. It shall be the duty of the Board of Supervisors of said County of Yuba, previous to the making out of the general assessment list for said county in each year, to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on the said bonds issued under the provisions of this Act; and previous to making out of the general assessment list in the year Anno Domini eighteen hundred and seventy-four, and for every year thereafter until the said bonds issued under this Act shall be paid and liquidated, the said Board of Supervisors shall levy a tax of seven per cent. of the whole amount of said bonds issued hereunder, for the purpose of raising a fund for the liquidation of said bonds, which shall be styled a "Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and shall be paid to the County Treasurer, who shall account for and deliver the same over to the said Loan Commissioners, to be by them applied:

Levy interest tax yearly.

Loan Fund tax.

First—The Interest Tax, to the payment of the interest falling due on said bonds;

How applied.

Second—The Loan Fund, to the redemption of said bonds, as hereinafter provided.

SEC. 7. It shall be the duty of said Loan Commissioners to make arrangements for the payment of the interest on said bonds when the same falls due, at least thirty days before the time of payment; and in the event said Interest Fund is insufficient, the said County Treasurer shall draw on the General Fund of the said County of Yuba for such purposes, and deliver the same to said Commissioners. And in the event that these funds prove inadequate the said Commissioners are authorized and required to make such contracts and arrangements as may

Provide for payment of interest.

be necessary for the payment of said interest and the protection of the faith of Yuba County.

Redemption
of bonds.

SEC. 8. Whenever at any time there shall be in said Loan Fund a sum of money amounting to ten thousand dollars or upwards, the said Commissioners shall advertise in a daily newspaper published in the Cities of Marysville and San Francisco for the space of two weeks, for sealed proposals for the redemption of said bonds; and ten days from the expiration of the time for such publication the said Commissioners shall open the sealed proposals and shall pay and liquidate, as far as the Loan Fund then on hand shall extend, such bonds presented under such proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and *provided*, should there be no proposals made for less than par value, then the payment of said Loan Fund on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give two weeks notice of the number of said bonds to be so paid; after which time such bonds shall cease to draw interest; and *provided*, whenever there may be sufficient moneys in such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of said Commissioners to advertise in like manner for the space of four weeks for the redemption of all the outstanding bonds issued under this Act; after which time said bonds shall cease to draw any interest. Any moneys remaining in said Loan Fund after the redemption of said bonds shall be by the said Commissioners paid over to the County Treasurer, to be by him paid into the General Fund of said County of Yuba.

Stop interest

Cancellation.

SEC. 9. Whenever any bonds shall have been paid and redeemed by the said Commissioners they shall mark the same cancelled, over their signatures as Commissioners, and immediately deliver the same to the County Clerk, taking his receipt therefor; and the County Clerk, upon the receipt of such cancelled bonds, shall file the same in his office.

Accounts.

SEC. 10. The County Clerk shall open with the said Commissioners an "Interest Tax account" and a "Loan Fund account," and shall balance and settle the same quarterly, on the first Monday of April, July, October and January of each year.

No compensation.

SEC. 11. Each of said Commissioners in office at the time of the passage of this Act, and their successors, shall be required to perform the duties hereinafter required of them, as a part of their official duties as such Chairman, Treasurer and Auditor, without additional compensation. They shall, before entering upon the discharge of their duties, take and subscribe an oath for the faithful performance of their duties as such Commissioners, and shall each, in addition to his official bond, give a good and sufficient bond in the penal sum of twenty thousand dollars, conditioned for the faithful performance of his duty under this Act; said bonds to be approved by the Board of Supervisors of said county, and filed in the office of the Clerk thereof.

Bonds.

SEC. 12. All laws and part of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 13. This Act shall take effect and be in force from the date of its passage.

CHAPTER LV.

An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures.

[Approved February 13, 1868.]

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

SECTION 1. The Board of Supervisors of Mariposa County are hereby authorized and empowered, if they deem it expedient, to levy, for each or both of the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, a tax of one dollar, or any part thereof, upon each one hundred dollars of taxable property in said county, for county purposes, in addition to the taxes now authorized by law to be levied and collected for said purposes; and the income derived from said tax shall be apportioned among the different county funds as said Board may deem expedient. May levy an additional tax.

SEC. 2. The tax authorized to be levied in section one of this Act shall be collected in the same manner as the taxes for county purposes are authorized by law to be collected.

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

CHAPTER LVI.

An Act to repeal an Act entitled an Act relative to Publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven.

[Approved February 13, 1868.]

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

SECTION 1. The Act entitled an Act relative to publishing in the Counties of Santa Barbara and San Luis Obispo, approved April twenty-seventh, eighteen hundred and fifty-seven, is hereby repealed. Repeal.

SEC. 2. This Act shall take effect immediately.

CHAPTER LVII.

An Act to define the boundary line between Merced and Stanislaus Counties.

[Approved February 13, 1868.]

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

Boundary described

SECTION 1. The permanent boundary between the Counties of Stanislaus and Merced shall be as follows : Beginning at the monument established by A. G. Stakes, County Surveyor of Stanislaus County, at the southwest corner of Tuolumne County and the southeast corner of Stanislaus County ; thence in a straight line to a point on the San Joaquin River, seven miles below the mouth of the Merced River ; thence up the centre of the San Joaquin River to the mouth of the Merced River ; thence in a due southwest direction to the summit of the Coast Range of mountains.

Survey and mark.

SEC. 2. Within ninety days after the passage of this Act the County Surveyors of the Counties of Stanislaus and Merced shall survey the boundary line established in the preceding section, and shall mark said line with good and substantial monuments at the end of each mile and at every angle of said line.

SEC. 3. The expense of surveying said boundary line shall be paid in equal portions by the counties of Stanislaus and Merced.

Repeal.

SEC. 4. Section three of an Act entitled an Act to confer certain powers upon the Board of Supervisors of Merced County, approved March eighth, eighteen hundred and sixty-six, and all Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed.

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

CHAPTER LVIII.

An Act to amend section ten of an Act entitled an Act concerning the office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty.

[Approved February 13, 1868.]

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

SECTION 1. Section ten of the Act recited in the title of this Act is hereby amended so as to read as follows :

Presentation of warrants.

SECTION 10. When any order or warrant shall be presented to the County Treasurer for payment, and the same is not paid, for want of funds, the Treasurer shall indorse thereon " Not paid, for want of funds," annexing the date of presentation, and sign

his name thereto; and from that time until redeemed said order or warrant shall bear interest at the rate of seven per cent. per annum. Interest.

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

CHAPTER LIX.

An Act to repeal an Act to authorize W. G. Hunt, L. M. Curtis and others to construct a Lock in Cache Creek, at or near the outlet of Clear Lake, in Lake County.

[Approved February 14, 1868.]

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 W. G. Hunt, L. M. Curtis and others to construct a lock in Cache Creek, at or near the outlet of Clear Lake, in Lake County, approved March thirty-first, eighteen hundred and sixty-six, is hereby repealed. Repeal.

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

CHAPTER LX.

An Act to repeal an Act entitled an Act to authorize the administrator of the estate of Charles White, deceased, to sell and convey real estate, approved April sixth, eighteen hundred and sixty, and an Act entitled an Act to amend an Act entitled an Act to authorize the administrator of the estate of Charles White, deceased, to sell and convey real estate, approved April fifteenth, eighteen hundred and sixty-one.

[Approved February 20, 1868.]

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 administrator of the estate of Charles White, deceased, to sell and convey real estate, approved April sixth, eighteen hundred and sixty, and an Act entitled an Act to amend an Act entitled an Act to authorize the administrator of the estate of Charles White, deceased, to sell and convey real estate, approved April sixth, eighteen hundred and sixty, approved April fifteenth, eighteen hundred and sixty-one, are hereby repealed. Repeal.

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

CHAPTER LXI.

An Act for the relief of James H. Yates.

[Approved February 13, 1868.]

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

Relief.

SECTION 1. The Auditor of the County of Plumas is hereby directed and authorized to draw his warrant, payable out of the General Fund of said County of Plumas, in favor of James H. Yates, for the sum of four hundred and ninety-four and thirty-five one-hundredths dollars; and said warrant shall be paid, as other warrants drawn on said fund, by the Treasurer of Plumas County.

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

CHAPTER LXII.

An Act to provide for the care and maintenance of the Indigent Sick of the County of Del Norte.

[Approved February 20, 1868.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*Levy "Hos-
pital Poll
Tax."

SECTION 1. The Board of Supervisors of the County of Del Norte are hereby authorized and empowered to annually levy a poll tax, not to exceed two dollars, on each male inhabitant thereof between the ages of twenty-one and sixty years, to be known as the "Hospital Poll Tax" of said county.

How col-
lected and
applied.

SEC. 2. The poll tax specified in this Act shall be collected at the same time and in the same manner as other poll taxes for State and county purposes; and the moneys arising therefrom shall be known and constitute a part of the Hospital Fund of the County of Del Norte, and shall be applied, under the orders and direction of the Board of Supervisors, to the payment of the expenses incurred in the care of the indigent sick of said county.

Duty of Au-
ditor.

SEC. 3. The County Auditor of said county shall provide a sufficient number of blank receipts for the poll tax herein mentioned, changing the style thereof each year, which said receipts shall be signed and numbered consecutively by the Treasurer, commencing with number one, and by him delivered to the County Auditor, taking his receipts therefor.

SEC. 4. It shall be the duty of the County Auditor to sign said poll tax receipts, and from time to time deliver to the Tax Collector as many of same as he may require, taking his receipts therefor; and said Collector shall be held on his official bond for the faithful discharge of his duties in the collection of said poll tax:

SEC. 5. Ninety per cent. of the moneys collected under the provisions of this Act shall be paid into the County Treasury for Hospital purposes, and the remaining ten per cent. shall be retained by the Collector as his commissions for collecting the same.

SEC. 6. For the year A. D. eighteen hundred and sixty-eight the poll tax hereinbefore mentioned may be levied at any regular or special meeting of the Board of Supervisors, on or before the third Monday in May, eighteen hundred and sixty-eight; but every year thereafter said tax shall be levied at the same time of levying other State and county taxes; *provided*, however, that nothing in this Act contained shall make it obligatory upon the Board of Supervisors to levy said poll tax unless by them deemed necessary.

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

CHAPTER LXIII.

An Act for the relief of E. F. Spence, County Treasurer of Nevada County.

[Approved February 20, 1868.]

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

SECTION 1. The Controller of State is hereby authorized and required to receipt and release to E. F. Spence, County Treasurer of Nevada County, for the tax receipts and licenses hereinafter described: Fifty-two State poll tax receipts, at two dollars each; one hundred and forty foreign miners' licenses, at four dollars each; three pawnbrokers' licenses, at thirty dollars each; five circus licenses, at ten dollars each; one broker's license, at fifteen dollars each; one auctioneer's license, at twenty-five dollars; fifteen theatre and concert licenses, at five dollars each; in all, of the value of nine hundred and nineteen dollars—said several receipts and licenses having been destroyed by fire.

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

CHAPTER LXIV.

An Act to provide for the payment of Grand Jurors in the County of San Mateo.

[Approved February 20, 1868.]

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

Pay and
mileage.

SECTION 1. Grand jurors in the County of San Mateo shall be entitled to receive two dollars per day for each day's service while acting as grand jurors of said county, and ten cents a mile for travel, in the most direct route to the county seat of said county only, payable out of the General Fund of said county in the same manner as the regular panel of trial jurors for the Courts of record of said county are paid.

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

CHAPTER LXV.

An Act to pay for services rendered in the State Land Department.

[Approved February 19, 1868.]

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

Appropriation.

SECTION 1. The sum of one thousand dollars is hereby appropriated from any money in the General Fund not otherwise appropriated, and the Controller shall draw his warrant in favor of S. N. Norton for said amount, and the State Treasurer shall pay the same, for services rendered in the office of Surveyor-General and in the State Land Office for the period of six months and twenty days, to wit: from the tenth day of December, A. D. eighteen hundred and sixty-six, to the first day of July, A. D. eighteen hundred and sixty-seven.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXVI.

An Act to authorize the City and County of San Francisco to exchange certain lands for other lands of the Spring Valley Water Works.

[Approved February 20, 1868.]

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

SECTION 1. The Mayor of the City and County of San Francisco is hereby authorized, in pursuance of a resolution of the

Board of Supervisors of said city and county, approved January twenty-second, eighteen hundred and sixty-seven, which is hereby ratified and confirmed, to execute and deliver unto the Spring Valley Water Works a good and sufficient deed of conveyance, conveying to the said Water Works the following described premises, to wit: All that certain piece or parcel of land situate in said city and county, and in Section Eighteen of Township II south, Range V west, described as follows: Beginning at a post in the southern fence of a tract of land near Lake Honda, property of the Spring Valley Water Works, which post bears N., 75° 30' E., and is distant two chains from the southwesterly corner of said last named tract of land; running thence S., 12° 15' E., nine chains thirty-six links, to a post near and above the outlet of a tunnel of the Spring Valley Water Works, known as "Tunnel No. 3;" thence N., 75° 30' E., three chains, across a creek to a post; thence N., 12° 15' W., nine chains thirty-six links, to a post in the aforementioned southerly fence; thence along said fence S., 75° 30' W., three chains, to the point of beginning, containing two acres and eighty hundredths of an acre, more or less.

City authorities to make deed.

Property described.

SEC. 2. Such conveyance shall operate to vest in the grantee all the right, title and interest of the said city and county of, in and to the premises so conveyed.

Title.

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

CHAPTER LXVII.

An Act to appropriate money for Contingent Expenses of the Legislature.

[Approved February 20, 1868.]

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

SECTION 1. The sum of twenty-three thousand dollars is hereby appropriated out of any money in the General Fund not otherwise appropriated, for the following purposes, viz: Eleven thousand dollars for the payment of contingent expenses of the Senate, and twelve thousand dollars for the payment of contingent expenses of the Assembly, for the seventeenth session of the Legislature.

Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXVIII.

An Act to amend an Act entitled an Act changing the time of assessing the value of real and personal property, and collecting the taxes levied thereon for State and County purposes, in the County of Sierra, approved February twentieth, eighteen hundred and sixty-six.

[Approved February 20, 1868.]

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

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

Time of assessing.

SECTION 1. The County Assessor of Sierra County shall assess all the real and personal property in said county, between the first Monday in March and the first Monday in July of each year.

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

CHAPTER LXIX.

An Act to authorize the guardian of Victoriano Guerraro to sell certain real estate at private sale.

[Became a law by operation of the Constitution, February 20, 1868.]

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

Guardian authorized.

SECTION 1. The guardian of Victoriano Guerraro, minor child of Francisco Guerraro, deceased, or any guardian that may hereafter be duly appointed for said minor, is hereby authorized and empowered to sell, at private sale, the following described piece or parcel of real estate belonging to the said minor, to wit: all that certain lot or parcel of land situate in the City and County of San Francisco, State of California, near the Mission Dolores, called and known as "Las Manzanitas," upon such terms as to the said guardian may seem most advantageous to the interest of said minor, it appearing that a necessity for such sale exists, which is not provided for by the general laws of this State.

Sale submitted to Probate Court.

SEC. 2. No such sale or sales shall be valid until the same shall have been submitted to and approved by the Probate Judge of the City and County of San Francisco; and upon such sale, before the execution of conveyance, the said guardian shall file in the Probate Court of the said city and county such bond as said Judge may require, conditioned for the due and proper application of the proceeds arising from such sale.

File bond, if required.

SEC. 3. The said guardian, upon any such sale or sales being made and approved, and upon the filing of the bond, as hereinbefore provided, if any such bond shall have been required, may make, execute and deliver good and sufficient deed or deeds

for the conveyance of the premises sold to the purchaser or purchasers thereof, which shall operate to convey the interest of the said minor to the premises in the same manner and to the same effect as if the said minor had executed, acknowledged and delivered such deed or deeds when of competent age and discretion for that purpose.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law, this twentieth day of February, A. D. eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

CHAPTER LXX.

An Act to limit the Hours of Labor.

[Approved February 21, 1868.]

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

SECTION 1. Eight hours labor shall be deemed and held to be Day's labor. a legal day's work, in all cases within this State, unless otherwise expressly stipulated between the parties concerned.

SEC. 2. Eight hours labor shall constitute a legal day's work in all cases where the same is performed under the authority of any law of this State, or under the direction, control, or by the authority of any officer of this State acting in his official capacity, or under the direction, control, or by the authority of any county or municipal government within this State, or of any officer thereof acting as such; and a stipulation to that effect shall be made a part of all contracts to which the State or any county or municipal government therein shall be a party.

SEC. 3. Any person or persons having in his, her or their employ, or under his, her or their control, any minor child or children, either as wards or apprentices, who shall require of such minor child or children more than eight hours labor in one day, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars; and in default of payment thereof shall be imprisoned in the County Jail for a period not less than two days, nor more than twenty days. Minor children. Penalty for overworking.

SEC. 4. The provisions of this Act shall not extend to agricultural, vinicultural or horticultural labor, or to the services of household or domestic servants, nor to any contracts already made but not yet performed. Proviso.

SEC. 5. An Act entitled an Act to limit the hours of labor, approved May seventeenth, eighteen hundred and fifty-three, is hereby repealed.

SEC. 6. This Act shall take effect sixty days after its passage.

CHAPTER LXXI.

An Act to define the compensation of the Superintendent of Common Schools for the County of Lake.

[Approved February 20, 1868.]

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

Compensation.

SECTION 1. The compensation of the Superintendent of Common Schools of the County of Lake shall be allowed and paid according to the twenty-sixth section of the Act entitled an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six.

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

SEC. 3. This Act shall be in force from its passage.

CHAPTER LXXII.

An Act in relation to the Public Schools in the City of Sacramento.

[Approved February 20, 1868.]

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

Additional tax.

SECTION 1. In addition to the school tax now provided to be raised annually in the City of Sacramento for common school purposes, there shall be levied and raised in said city, for the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, a special school tax for building purposes, of ten cents on each one hundred dollars, for each of said years. Said tax shall be levied and collected at the same time and in the same manner as other city taxes are levied and collected; *provided*, that if the taxes for eighteen hundred and sixty-eight shall have been levied before the passage of this Act, then it shall be the duty of the City Auditor to add to the levy of that year an amount equal to the aforesaid tax of ten cents on each one hundred dollars, and the same shall be collected at the same time with the other city taxes. All the moneys authorized to be raised under the provisions of this section shall be paid into the City School Fund, and be subject to the orders of the Board of Education, the same as the other moneys now paid into said Fund. *Provided*, that no taxes shall be levied or collected under the provisions of this Act unless a majority of the qualified electors of the City of Sacramento voting thereon at the election for City Trustee, to be held in said city in the year eighteen hundred and sixty-eight, shall vote in favor of levying said taxes.

City School Fund.

Election.

SEC. 2. On the day provided by law for the election of City Trustee and other city officers, in the year eighteen hundred and

sixty-eight, the electors shall vote, "Special school tax of ten cents on the one hundred dollars—Yes;" or, "Special school tax of ten cents on the one hundred dollars—No;" and if a majority voting on said question vote "Yes," then the provisions of section one of this Act shall be in full force and effect; but if a majority of those voting on the proposition vote "No," then no further proceedings shall be had under this Act.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXXIII.

An Act to provide for obtaining correct statements of the Financial Condition of the several Counties of this State.

[Approved February 20, 1868.]

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

SECTION 1. It is hereby made the duty of the Boards of Supervisors of the several counties of this State, at their first meeting in September of each year, to pass an order directing the Clerk of their respective Boards to present to said Board, at or before its first meeting in October thereafter, a statement showing as near as may be:

Duties of
Boards of
Supervisors.

First—The indebtedness of such county, funded and floating, stating the amount of each class, and the rate of interest borne by such indebtedness, or any part thereof.

Statement to
contain.

Second—A concise description of all property owned by such county, with an approximate estimate of the value thereof, and the amount of cash in the County Treasury and in its several funds.

Third—The value of the real estate and personal property in such county as shown by the last assessment roll, stating each separately, and the year it was so assessed.

Fourth—The rate of taxation in said year in such county; and,

Fifth—The amount of the taxes so assessed, stating the portion, if any, delinquent.

SEC. 2. Each of said Boards of Supervisors shall, immediately upon receiving the report provided for in the preceding section, cause the same, or a properly certified copy thereof, to be forwarded, by mail or express, to the Controller of State of the State of California.

SEC. 3. It shall be the duty of the Controller of State to cause to be printed in circular form, by the State Printer, a sufficient number of copies of this Act, and to send by mail or express, on or before the first Monday in July of each year to the Boards of Supervisors of the several counties in this State, ten copies thereof, accompanied by such suggestions as he may deem proper; and the cost of said printing shall be audited by

Duty of Con-
troller.

the Controller of State, and allowed and paid in the same manner as provided by law for other printing.

Report to
Governor.

SEC. 4. The Controller of State shall include in his biennial reports to the Governor a digest and synopsis, in tabular form, of all reports received by him under the provisions of this Act, and shall name therein the counties, if any, which have failed to make the reports as herein provided; and the Governor shall transmit said report of the Controller of the State to the Legislature.

CHAPTER LXXIV.

An Act to repeal an Act entitled an Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six.

[Approved February 21, 1868.]

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

Subscribe
stock.

SECTION 1. An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto, approved April seventeenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six, is hereby repealed.

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

CHAPTER LXXV.

An Act to provide for the payment of the salary of the District Attorney of Shasta County.

[Approved February 21, 1868.]

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

District At-
torney's Sal-
ary Fund.

SECTION 1. The Board of Supervisors of Shasta County are hereby authorized and required to annually, at their meeting in February, to transfer and set apart from the General Fund of said county fifteen hundred dollars for the purpose of creating a special fund, which shall be known as the "District Attorney's

Salary Fund" of Shasta County, and said fund shall be devoted exclusively to the payment of the salary of said District Attorney; *provided*, that for the year one thousand eight hundred and sixty-eight the Board of Supervisors shall transfer the fifteen hundred dollars at the first regular meeting of said Board after the passage of this Act.

SEC. 2. The Auditor shall draw his warrant for the payment of the salary of the District Attorney of said county monthly upon said District Attorney's Salary Fund for the sum of one hundred and twenty-five dollars, commencing on the first Monday in April, one thousand eight hundred and sixty-eight, and on the first Monday in each month thereafter; *provided*, that the aggregate amount of such warrants shall not exceed annually the amount of the salary of said District Attorney as provided for by law. Auditor to draw warrant.

SEC. 3. This Act shall take effect on the first Monday in March, one thousand eight hundred and sixty-eight; and all Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAPTER LXXVI.

An Act to exempt from taxation certain lands belonging to the United States, in San Francisco, and ceding jurisdiction over the same to the United States.

[Approved February 21, 1868.]

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

SECTION 1. That the one hundred vara lot, numbered one hundred and ninety-eight, situate on the northwest corner of Fifth and Mission streets, in the City of San Francisco, lately purchased by the United States of Eugene Kelly, and to be used as a site for a Mint of the United States, shall be exempt from State, county and municipal taxation and assessment so long as the same shall remain the property of the United States; and jurisdiction over the said lot is hereby ceded to the United States; *provided*, that the State of California shall have and retain concurrent jurisdiction with the United States over the said lot for the execution therein of civil process in all cases, and such criminal process as may issue under the authority of the State of California against persons charged with crimes and misdemeanors against the laws of the State of California, except in so far as such process may affect any of the real or personal property of the United States within the limits of said lot of land. Vara lot exempt. Jurisdiction.

SEC. 2. This Act shall take effect immediately.

CHAPTER LXXVII.

An Act concerning the office of County Clerk of the City and County of San Francisco.

[Approved February 20, 1868.]

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

- Deputies. SECTION 1. The County Clerk of the City and County of San Francisco may appoint three Deputy Clerks for the District Court of the Fifteenth Judicial District in said city and county, as follows :
- Salaries. One Register Clerk, who shall receive a salary of one hundred and seventy-five dollars per month ;
 One Court-room Clerk, who shall receive a salary of one hundred and seventy-five dollars per month ; and
 One Copying Clerk, who shall receive a salary of one hundred and fifty dollars per month ;
- How paid. Which salaries shall be audited and paid as the salaries of other Deputy Clerks in said city and county are audited and paid.
- Copyists' pay. SEC. 2. In addition to the deputies allowed by law, the said County Clerk of said county is hereby authorized to employ, from time to time, as many extra copyists as may be necessary to perform the duties of his office, who shall severally be paid such reasonable compensation as their services may be worth, not to exceed six cents a folio of one hundred words for the matter copied or recorded by them, respectively ; *provided*, the amount paid to such extra copyists in any one month shall not exceed three fourths of the amount received by said Clerk for the copying and recording done by them during such month.
- Duties of County Clerk. SEC. 3. The said County Clerk shall certify monthly, under oath, the number of folios copied by each one of said extra copyists, the amount agreed to be paid therefor, and the amount received by him for the work done by them, respectively ; and such certificate of said Clerk shall be conclusive and sufficient evidence to authorize and require the Auditor of said city and county to audit severally the accounts of said extra copyists monthly, and the payments of such demands by the County Treasurer, out of the Special Fee Fund, as is provided for the payment of other officers of said city and county.
- Repeal. SEC. 4. The Act entitled an Act concerning the office of County Clerk of the City and County of San Francisco, approved May fifteenth, eighteen hundred and sixty-two, and all Acts amendatory thereof, are hereby repealed.
- SEC. 5. This Act shall take effect immediately.

CHAPTER LXXVIII.

An Act to authorize the several Counties of this State to receive grants of land from the United States Government, for the purpose of constructing Public Roads in said Counties.

[Approved February 21, 1868.]

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

SECTION 1. Any county in the State is hereby declared competent to take, hold, receive, sell and dispose of, all lands that ^{Authority given.} may be granted to said county by the General Government for the purpose of constructing roads in said county.

SEC. 2. The Board of Supervisors of the several counties shall take charge of the management and control of such lands as may be granted said counties, as they are now authorized to do of other county property, and sell the same, or any part thereof, as they may see fit. ^{Management of.}

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

CHAPTER LXXIX.

An Act to amend section five of an Act entitled an Act to provide for the incorporation of Colleges, passed April twentieth, eighteen hundred and fifty.

[Approved February 21, 1868.]

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

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

Section 5. The Trustees of every such college shall not be more than twenty-four, nor less than five, in number; and when the number is more than ten Trustees, seven shall constitute a quorum; and when less than ten, four shall constitute a quorum. ^{Number of Trustees.}

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

CHAPTER LXXX.

An Act to amend an Act entitled an Act to amend an Act to prevent Stallions running at large in the County of Sacramento, approved March twenty-eighth, one thousand eight hundred and fifty-nine, approved March twentieth, one thousand eight hundred and sixty-six, so as to extend the provisions thereof as in this Act provided.

[Approved February 21, 1868.]

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

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

Act extend-
ed to certain
counties.

SECTION 1. An Act to prevent stallions from running at large in the County of Sacramento, approved March twenty-eight, one thousand eight hundred and fifty-nine, is hereby extended to and made applicable to the Counties of Sutter, Alameda, Yuba, El Dorado, Placer, Santa Cruz, Calaveras, Amador, Santa Clara, Mariposa, Merced, Yolo, Stanislaus, Butte, Mendocino, Shasta, Colusa, Tehama, Sonoma, and Sierra Township, in Sierra County ; *provided*, that no stallion under the age of twelve months shall be taken up under the provisions of this Act.

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

CHAPTER LXXXI.

An Act to appropriate money to pay a certain claim.

[Approved February 25, 1868.]

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

Appropriation.

SECTION 1. The sum of four hundred and fifty dollars is hereby appropriated from any money in the State Treasury not otherwise appropriated, to pay the claim of William W. Merrihew for services as Clerk of the Board of Examiners of Indian War Claims, from January first to September thirtieth, eighteen hundred and sixty-three.

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

CHAPTER LXXXII.

An Act to ratify and confirm an Ordinance passed by the Mayor and Common Council of the City of Los Angeles, for establishing Gas Works in Los Angeles City.

[Approved February 25, 1868.]

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

SECTION 1. That an ordinance entitled an ordinance confirming a contract and a previous ordinance for establishing gas works in the City of Los Angeles, passed January twenty-second, eighteen hundred and sixty-eight, and approved January twenty-third, eighteen hundred and sixty-eight, ratifying, confirming and approving a previous ordinance, and a contract relating to the same subject, be, and the same is hereby ratified and confirmed in all its provisions. Ordinance and contract ratified

SEC. 2. That the ordinance and contract referred to and ratified by the said ordinance of January twenty-second, eighteen hundred and sixty-eight, be, and the same are hereby approved and ratified in all their provisions.

CHAPTER LXXXIII.

An Act to authorize the Controller of State to issue a Duplicate Warrant to Justus Brooks.

[Approved February 25, 1868.]

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

SECTION 1. The Controller of State is hereby authorized to issue to Justus Brooks, or to his heirs or assigns, a duplicate of Controller's warrant number thirteen thousand four hundred and thirty-four, for the sum of one hundred and eighty-five dollars and thirty-three cents, in lieu of the original, being lost. Controller to issue duplicate.

SEC. 2. Before said warrant shall be delivered to the person above named or his legal representatives, the Controller shall demand and receive from him or his heirs or assigns a bond of indemnity in a penal sum double the amount of said warrant, said bond being payable to The People of the State of California, conditioned against the appearance of the original warrant, and the said bond shall be approved by the Controller. Bond.

SEC. 3. The duplicate warrant herein provided to be issued shall be as effectual, to all intents and purposes, as though it was the original warrant; *provided*, that if the original warrant hereafter be found, the duplicate thereof herein directed to be issued shall be null and void. If original found.

SEC. 4. This Act shall take effect immediately.

CHAPTER LXXXIV.

An Act to regulate the election of Supervisors in the County of Merced.

[Approved February 25, 1868.]

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

Terms of
office.

SECTION 1. The Supervisors of the County of Merced shall hold their terms of office, respectively, for one, two and three years, from the first Monday of March, eighteen hundred and sixty-eight. On the first Monday of May, eighteen hundred and sixty-eight, the Supervisors of said county shall draw lots for the term of one, two and three years, respectively; and the term of office of the Supervisor who draws the lot for one year shall expire on the first Monday of March, eighteen hundred and sixty-nine; that of the Supervisor who draws the lot for two years shall expire on the first Monday of March, eighteen hundred and seventy; and that of the Supervisor who draws the lot for three years shall expire on the [first] Monday of March, eighteen hundred and seventy-one.

Draw lots.

When
elected.

SEC. 2. On the first Wednesday of September, eighteen hundred and sixty-eight, and on the first Wednesday of every September thereafter, one Supervisor shall be elected by the electors of any Supervisor district in said county, when an election shall be necessary, who shall hold office for three years thereafter, and until his successor shall be elected and qualified.

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

CHAPTER LXXXV.

An Act to provide for the re-indexing the County Records of San Mateo County.

[Approved February 25, 1868.]

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

Re-indexing
Records.

SECTION 1. The Board of Supervisors of San Mateo County are hereby authorized to contract with the County Recorder of said county, for such compensation as may be agreed upon, not to exceed ten cents per folio, to re-index, in suitable, well bound books, to be provided by said Board of Supervisors at the cost of the county, the records of said county, consisting of deeds, mortgages and such other county records or portions thereof as, in their opinion, public necessity may demand.

Pay for same

SEC. 2. When the rate of compensation shall have been agreed upon and the services shall have been rendered under the provisions of this Act, the Board of Supervisors of said county shall approve said claim presented to them by said County Recorder

for said services; and on such approval by said Board of Supervisors, the County Auditor of said county is hereby authorized and required to audit and allow, and the County Treasurer of said county is hereby authorized and required to pay, the amount of such claim out of any moneys in the General Fund of said county not otherwise appropriated.

SEC. 3. All Acts and parts of Acts in conflict with the pro-Repeal.visions of this Act are hereby repealed.

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

CHAPTER LXXXVI.

An Act to confirm and legalize the Assessment Roll of Butte County for the year eighteen hundred and sixty-seven.

[Approved February 26, 1868.]

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

SECTION 1. All assessments made by Frank L. Cary, County Assessor of Butte County, for the year eighteen hundred and sixty-seven, are hereby legalized and confirmed, whether the same described lands by metes and bounds or otherwise; *provided*, that in an action against the party or parties assessed, or against the land, it shall be lawful for the defendant to set up in his answer the following defenses and none other:

First—That the taxes have been paid before suit.

Defense.

Second—That he had not the property mentioned in the complaint at the time of assessment, and has never been liable to pay said taxes.

And no answer shall be filed in any such case unless the same be verified by oath.

Answer verified.

SEC. 2. If it shall appear on the trial of any cause tried after the passage of this Act, that the defendant owns or owned at the time of assessment the quantity of land assessed to him in said county, whether the same be correctly described or not, judgment shall be rendered against him for the full amount; and if it appear that he owns a less quantity of land, then judgment shall be rendered against him for the amount due on such less quantity.

Judgment.

SEC. 3. This Act shall take effect immediately.

CHAPTER LXXXVII.

An Act to authorize and direct the County Judge of Shasta County to execute certain trusts in relation to the town lands of the Town of Shasta.

[Approved February 26, 1868.]

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

When County Judge shall execute trusts.

SECTION 1. When that portion of the public lands settled upon and occupied as a town site by the inhabitants of the Town of Shasta, in the County of Shasta, and which has been designated by a survey thereof, and concerning which the County Judge has filed a declaratory statement of the purposes of the said inhabitants to enter said lands as a town site under the Act of Congress entitled an Act for the relief of the cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, with the Register of the Land Office in Marysville, in this State, shall have been paid for by, in behalf of the inhabitants of said town, according to law, the said Judge shall proceed to execute the trust expressed in said Act of Congress according to the provisions of this Act.

Survey of lots.

SEC. 2. Said Judge shall procure a survey of each and every lot or parcel of land possessed or claimed by any person, corporation or association within said town site, the boundaries of each of such lots to be designated by courses, distances and monuments; and such surveys shall be made on reasonable notice to the parties interested in the respective parcels or lots of land to be surveyed; and the survey of said town lands shall be made to the best advantage and at the least expense to the holders and claimants of said lands.

Rates.

SEC. 3. Each lot or parcel of said lands, not exceeding one half of one acre in area, shall be rated and assessed at fifty cents by said Judge, which moneys shall be paid in metallic coin of the United States, in the manner hereinafter provided, and shall constitute a fund with which first to reimburse the moneys paid to the United States for said town lands, and to defray the costs and expenses of their location, entry and purchase.

Fund.

Rates in addition.

SEC. 4. Every such lot or parcel of land exceeding one half of an acre in area shall, in addition to the sum of fifty cents, be rated and assessed at the rate of one dollar and twenty-five cents per acre, for and upon the remainder over half an acre, to be paid in the coin above named, and in the manner hereinafter provided. The moneys accruing from the assessments in this section specified shall first be applied to the payment of the said town lands and the proper expenses incurred in procuring said survey, and relative to the conveyances by this Act, and in executing the said trusts after entry and payment of said town lands.

To pay for lands and expenses.

When Judge to issue deed

SEC. 5. Upon filing a plot or survey and field notes thereof of any lot or parcel of land, certified to be correct by the Surveyor, and accompanied by an affidavit made by or on the part of the claimant or person interested in the claim, to the effect that the claimant holds possession of or has a bona fide claim to

the land described in the survey, as against all other persons, and on payment of such sum or sums of money as the County Judge shall certify to be due on any assessment on a remainder of lands over a half an acre in a lot containing an area of more than half of an acre, in addition to the assessment of fifty cents in this Act above designated, it shall be the duty of said Judge to execute and deliver to each of such claimants a proper and sufficient deed of conveyance of the land described in such survey; *provided*, that on the delivery of the respective conveyances every claimant shall also pay, on account of the expenses named in section four of this Act, a sum not exceeding five dollars; and *provided* further, in case there shall be found a deficiency in the funds to pay the costs and expenses named in said last named section, after applying the moneys named therein, and those named in this section (five), then said Judge shall estimate such balance required to pay such expenses and assess the same pro rata on the respective areas of the several lots or parcels of land claimed; such assessments to be paid in the same manner prescribed for the payment of the other moneys to be paid on the delivery of said respective conveyances.

Additional
payments by
claimants.

SEC. 6. The Board of Supervisors of said county may purchase the legal subdivision of eighty acres embraced in the survey of said town site, on which the County Hospital stands, by paying therefor one dollar and twenty-five cents per acre in United States currency, together with the costs and expenses of the survey of said parcel of land and of the proper conveyance of the same; to be paid at the time and in the manner prescribed for the payment of the other moneys, respectively, named in this Act; *provided*, that if said Board of Supervisors shall not declare their intention so to purchase said land by an order to that effect, made and duly entered of record before entry and the payment of the Government price to the United States for the town site of said town, to be entered under said Act of Congress, then said Judge shall omit to enter said lot under the laws of Congress and the regulations of the Department of the Interior.

Purchase of
County
Hospital
grounds.

SEC. 7. In case any dispute shall arise between any parties in relation to the possession of, or right to any lot or parcel of land within said town site, or any boundary thereof, any party claiming an interest in such subject matter of dispute shall, within thirty days after the time such dispute shall arise, institute proceedings in a Court of competent jurisdiction for the purpose of determining the rights of the parties in the controversy; or, in case of a failure to do so, the said County Judge shall become the arbitrator for the purpose of determining such subject matter of the controversy according to the principles and practice of equity.

Disputes.

SEC. 8. It shall not be deemed necessary or compulsory to proceed under this Act to claim or procure deeds or conveyances of lots or parcels of land occupied for public school purposes, or for purely religious purposes, or for county purposes, or for Masonic or Odd Fellows' halls, or for any purely benevolent or charitable purposes.

Lands for
charitable
and other
purposes.

SEC. 9. If there shall be any unoccupied or vacant unclaimed lands in the limits of said town site, the said Judge shall cause

Unclaimed
lands

the same to be surveyed into suitable lots, and to dispose of such lots, either at private or public sale, to the best advantage, on reasonable notice; for not less, however, than at the rate of one dollar and twenty-five cents per acre; *provided*, that when such vacant land adjoins premises possessed by any inhabitant, such inhabitant shall have the preference in the purchase of such vacant land; and that when such vacant land adjoins the premises of two or more inhabitants, and more than one of them desires and offers to purchase the same, said Judge shall adjust the sale of such lands to the best mutual accommodation of all the parties proposing to purchase the same, by arbitration, as aforesaid; the proceeds of such sales to be applied, first, to the payment or reimbursement of the Government price paid for said town site and the expenses of the purchase of the same, and the residue, if any, as hereinafter provided.

Proceeds of sale.

Judge to give notice.

When claimants to pay.

SEC. 10. After payment to the United States for said town lands has been made according to law, said Judge shall, without delay, give public notice thereof by posting three written notices of the fact in suitable public places in said town for ten days previous to proceeding upon his duties under the provisions of this Act. And within one year from the expiration of such notice the said claimants, and each of them, whose lots or parcels of land have been surveyed, shall make payment therefor as by this Act prescribed; *provided*, that any persons whose lots or the boundaries thereof are bona fide in litigation, shall make such payment within sixty days after the final determination of the same, in case such litigation shall not be determined within said year.

Employment of proceeds.

SEC. 11. When deemed necessary or equitable, the said Judge may direct any of the moneys above described to be applied to a special purpose, and employ the same to any other purpose designated in this Act; *provided*, that sufficient of said moneys accruing under the provisions of this Act shall first be applied to the reimbursement of the moneys paid for said town lands; and secondly, to the cost and proper expenses of carrying out the trust in this Act defined; and thirdly, if any surplus of such funds remain, the same shall be deemed a Public School Fund, to be paid to the Trustees of the school district in which said town is situated, for the use and benefit of the public schools of said district.

County Judge to procure money.

SEC. 12. The County Judge is hereby authorized to procure the necessary moneys, upon loan or otherwise, to pay the United States for said town lands, and to reimburse the same out of the funds first accruing under the provisions of this Act.

Trust, when to be completed.

SEC. 13. It shall be the duty of said Judge to complete the execution of said trusts, and to close up the business thereof within one year after the expiration of the notice prescribed in said section nine; *provided*, however, that the duties and business arising by reason of the litigation prescribed in this Act may be completed within ninety days after the final determination of the same.

Payment of Judge.

SEC. 14. The said Judge shall receive and retain, out of the moneys accruing under the provisions of this Act, the sum of two hundred and fifty dollars for all his services performed and

the personal expenses incurred by him in the discharge of the duties in this Act specified.

CHAPTER LXXXVIII.

An Act to amend an Act entitled an Act concerning roads and highways in the County of Tuolumne, approved February twenty-seventh, eighteen hundred and sixty-six.

[Approved February 29, 1868.]

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

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

Section 11. It is hereby made the duty of the Board of Supervisors of the County of Tuolumne to levy a special tax of such an amount as, in addition to all other taxes provided by law upon the taxable property in said county, as shall liquidate all outstanding warrants which shall have been drawn on the County Road Fund of said county prior to the first Monday of March, eighteen hundred and sixty-six, within the period of five years; such tax to be collected as other assessed taxes are collected in said county, and to be called the County Road Fund

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

CHAPTER LXXXIX.

An Act to amend an Act concerning Ferries and Toll Bridges, approved April eighteenth, A. D. eighteen hundred and fifty-five.

[Approved February 29, 1868.]

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

SECTION 1. Section twenty-five of said Act is hereby amended so as read as follows :

Section 25. Whenever it shall appear that any member of the Board of Supervisors is interested in the application for or against the establishment and continuation of or the revocation of the license to keep any public ferry or toll bridge, the Board shall thereupon certify such application or proceeding to the County Clerk, the Sheriff and District Attorney, of the county in which such application is made; such Clerk, Sheriff and District Attorney shall thereupon have full and complete jurisdiction, and exercise, under the same obligation and restrictions, the powers and duties devolved upon the Board of Supervisors by

When a Supervisor interested how to proceed.

Oath. Pay. the Act to which this is amendatory, and the several Acts amendatory thereof and supplemental thereto; *provided*, that such Clerk, Sheriff and District Attorney shall, upon entering upon their duties as such Board, take an oath before the County Judge to faithfully perform their duties under this Act; and *provided* further, that such Clerk, Sheriff and District Attorney shall each be allowed five dollars per day for such time as they shall be actually employed in the hearing and determination of such case, to be taxed and paid as other costs in civil cases in Courts of justice of this State.

SEC. 2. All Acts and parts of Acts inconsistent with the provisions of this Act, so far as the purposes of this Act are concerned, are hereby repealed.

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

CHAPTER XC.

An Act to postpone the next Charter Election of the City of Oakland.

[Approved February 29, 1868.]

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

Election,
when held.

SECTION 1. The charter election in the City of Oakland for the present year shall be held on the first Monday of April, Anno Domini eighteen hundred and sixty-eight.

SEC. 2. All Acts or parts of Acts, so far as they conflict with this Act, are hereby repealed.

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

CHAPTER XCI.

An Act to reorganize the Board of Supervisors in and for the County of Tehama, and to define their powers and duties.

[Approved February 29, 1868.]

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

Divided into
Districts.

SECTION 1. The County of Tehama is hereby divided into three Supervisor Districts, to be called District Number One, District Number Two, and District Number Three, as follows:

District Number One shall be composed of all that portion of said county situated on the west side of the Sacramento River and north of Red Bank Creek.

District Number Two shall be composed of all that portion of

said county situated on the west side of the Sacramento River and south of Red Bank Creek.

District Number Three shall be composed of all that portion of said county situated on the east side of the Sacramento River.

SEC. 2. The Board of Supervisors of said county shall be composed of three members, who shall hold their office for three years, except as hereinafter provided. Number of Supervisors.

SEC. 3. At the Presidential election in November, eighteen hundred and sixty-eight, there shall be elected one Supervisor for District Number Three, who shall hold his office for three years from the third Monday of September, eighteen hundred and sixty-eight, and until his successor is elected and qualified. Election for No. 3.

At the general election for county officers in eighteen hundred and sixty-nine, there shall be elected in District Number Two, by the qualified electors thereof, one Supervisor, who shall hold his office for three years, and until his successor is elected and qualified. No. 2.

On the first Wednesday in September, eighteen hundred and seventy, there shall be elected in District Number One, by the qualified electors thereof, one Supervisor, who shall hold his office for three years, and until his successor is elected and qualified. No. 1.

And whenever hereafter it shall occur that the term of any one Supervisor shall expire in a year when there is no general election, the Clerk of said county shall issue a call for a special election to be held on the first Wednesday of September of such year, to be conducted according to law, as in the case of general elections. Special election.

SEC. 4. For District Number One, Wm. P. Mayhew, present Supervisor, shall be a member of said Board, and his term of office shall extend until his successor is elected and qualified, as hereinbefore provided. For District Number Two, Loomis Ward, present Supervisor, shall be a member of said Board, and his term of office shall extend until the election and qualification of his successor, as hereinbefore provided. For District Number Three, Andrew Jelly shall be a member of the Board of Supervisors created by this Act, and his term of office shall extend until the election and qualification of his successor, as hereinbefore provided. Present Supervisors' terms extended.

SEC. 5. Should any vacancy occur in the office of Supervisor, the Clerk of said county shall, upon the receipt of such information, immediately call a special election, to be held after ten days public notice, to fill such vacancy; and said special election shall be conducted in the same manner and under the same regulations as the general election; and the person receiving the highest number of votes for the office of Supervisor at such special election shall be declared elected, and shall hold his office for the unexpired period for which his predecessor was elected. Vacancy.

SEC. 6. The Board of Supervisors of said county shall possess such powers and jurisdiction as are conferred upon other Boards of Supervisors by an Act to create a Board of Supervisors in the counties of this State, and to define their powers and duties, approved March twentieth, eighteen hundred and fifty-three. Powers and jurisdiction.

SEC. 7. Wm. P. Mayhew, present Supervisor, shall be the Chairman of said Board of Supervisors until the Presidential election in November, eighteen hundred and sixty-eight, and thereafter the Supervisor filling the term nearest expiration Chairman.

shall be Chairman of said Board; *provided*, that in no instance shall this provision apply to a member of the Board elected to fill a vacancy, unless each member composing said Board shall have been elected to serve out an unexpired term.

Compensation.

SEC. 8. The compensation of each member of the Board of Supervisors hereby created shall be one hundred and fifty dollars per annum, and travelling fees at the rate of fifty cents per mile, computed one way only, from their respective places of residence to the county seat of said county, payable out of the County General Fund, in the same manner as other indebtedness is paid.

Repeal.

SEC. 9. All Acts and parts of Acts inconsistent with this Act are hereby repealed, so far as they conflict with the provisions of this Act.

SEC. 10. This Act shall take effect from and after the tenth day of March, one thousand eight hundred and sixty-eight.

CHAPTER XCII.

An Act to amend an Act to regulate the salaries and compensation of certain officers in the County of Tehama, approved March thirty-first, eighteen hundred and sixty-six.

[Approved February 20, 1868.]

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

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

Compensation of Assessor.

Section 4. The Assessor of said county, for his services as such Assessor, shall receive the sum of five dollars per day for every day actually engaged in assessing the property of said county, and shall be paid, proportionally, out of the State Fund and General Fund of the county; *provided*, that said Assessor shall not be allowed for more than one hundred and twenty days.

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

District Attorney.

Section 5. The District Attorney, for his services as such attorney, shall receive the sum of twelve hundred dollars per annum, to be paid out of the General Fund of said county, and also ten per cent. on all perfected recognizances, as now fixed by law, and such compensation for criminal convictions as is now provided for by law, unless the same can be recovered from the defendant in such criminal actions.

SEC. 3. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect from and after the first day of March, Anno Domini eighteen hundred and sixty-eight.

CHAPTER XCIII.

An Act to amend section one of an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved March thirty-first, eighteen hundred and sixty-six.

[Approved February 29, 1868.]

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

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

Section 1. The time for the payment of the two several county warrants issued by the Auditor of Alpine County on the seventh day of April, one thousand eight hundred and sixty-five, and payable to the County of Amador, in the sum of five thousand dollars each, and numbered, respectively, three hundred and forty-three, payable on the eighteenth day of November, eighteen hundred and sixty-six, and three hundred and forty-four, payable on the eighteenth day of November, eighteen hundred and sixty-seven, is hereby extended for the period of two years from the passage of this bill.

Time of payment of warrants deferred.

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

CHAPTER XCIV.

An Act to amend an Act entitled an Act to fix the compensation of officers in Monterey County and make the County Clerk ex officio Recorder, approved March thirty-first, eighteen hundred and sixty-six.

[Approved February 29, 1868.]

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

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

Section 2. The following shall be the compensation of officers of the County of Monterey, to be paid out of the County Treasury :

County Judge—One thousand dollars per annum, from and after the expiration of the term of the present incumbent.

Compensation.

District Attorney—Seven hundred and fifty dollars per annum, and his fees as now allowed by law.

Superintendent of Public School—Three hundred dollars per annum.

County Treasurer shall be allowed four per cent. on all moneys disbursed by him, except the School Fund, for which he shall receive no compensation, and his mileage, as now allowed, for

travelling to and from the seat of government to make his quarterly or semi-annual settlement.

County Auditor—Three hundred dollars per annum.

Collector of poll taxes. County Assessor—Fourteen hundred dollars per annum; and he is hereby constituted and declared to be ex officio collector of poll taxes from the first Monday in March to the first Monday in August of each year, with all the powers, duties, obligations, and the compensation provided and prescribed by law for collecting the same.

Interpreters—A sum not to exceed five dollars per day, to be allowed by the Board of Supervisors.

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

Sheriff's fees as Tax Collector. Section 3. The Sheriff shall be ex officio Tax Collector in and for said county, and shall be allowed, for collecting all taxes, except poll taxes, license tax and foreign miners' license tax, the following rates on all moneys collected and paid over by him to the County Treasurer in each fiscal year: Five per cent. on the first ten thousand dollars; four per cent. on all over ten thousand dollars and under twenty thousand dollars; three per cent. on all over twenty thousand dollars and not exceeding fifty thousand dollars; two per cent. on all over fifty thousand dollars; *provided*, that he shall not receive any compensation for collecting and paying over any moneys belonging to the Public Schools Fund of said county or State.

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

Witnesses and Jurors. Section 6. Witnesses in civil and criminal cases in Courts of record shall receive two dollars per day and twenty cents per mile for travelling, one way only. Grand and trial jurors shall receive two dollars for each day's attendance in a Court of record.

SEC. 4. This Act shall take effect and be in force on and from the first day in March, eighteen hundred and sixty-eight.

CHAPTER XCV.

An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, one thousand eight hundred and sixty-one.

[Approved February 29, 1868.]

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

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

Supervisors shall assess. Section 2. The Board of Supervisors of each county shall, prior to the first Monday of April, unless otherwise provided by special Act, annually assess the amount of taxes that shall be levied for county purposes, designating the number of cents which shall, on each one hundred dollars of taxable property,

real or personal, be levied for each purpose, and shall add thereto the amount levied by law on each one hundred dollars of taxable property, real or personal, for either State or county purposes. All taxes levied under the provisions of this Act shall be paid in the legal coin of the United States, or in foreign coin at the value fixed for such coin by the laws of the United States; *provided*, however, that county taxes levied in accordance with the provisions of any special Act may be collected in such funds as in such special Act may be provided. The Board of Supervisors of the respective counties shall, prior to the first Monday in April of each year, cause to be prepared suitable and well bound books for the use of the Assessors, in which he shall enter his tax lists or assessment rolls, as hereinafter provided. Said books shall contain suitable printed heads, and be ruled to conform with the form of the assessment roll, as provided in this Act.

Taxes, how paid.

Assessors' books.

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

Section 3. Every tax levied under the provisions or authority of this Act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in April in each year, and shall not be satisfied or removed until the taxes are all paid, or the property has absolutely vested in a purchaser, under a sale for taxes.

Taxes a lien on property.

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

Section 13. Between the first Monday in April and the first Monday in August in each year, the Assessor, except otherwise required by special enactment, shall ascertain, by diligent inquiry and examination, all property in his county, real or personal, subject to taxation, and also the names of all persons, corporations, associations, companies or firms owning, claiming or having the possession or control thereof, and he shall then determine the full cash value of all such property, and shall list and assess the same to the person, firm, corporation, association or company owning or having possession, charge or control thereof. For the purpose of enabling the Assessor to make such assessment, he shall demand from each person and firm, and from the President, Cashier, Treasurer or Managing Agent of each corporation, association or company within his county, a statement, under oath or affirmation, of all the real estate and personal property within the county owned, claimed by, or in the possession or control of such persons, firm, corporation, association or company. If any person, officer or agent shall neglect or refuse, on demand of the Assessor or his deputy, to give, under oath or affirmation, the statement required by this section, the Assessor shall make an estimate of the value of the taxable property which such person, officer or agent neglected or refused to render under oath or affirmation; and the value so fixed by the Assessor shall not be reduced by the Board of Equalization. If the owner of any property, not listed by another person, shall be absent or unknown, the Assessor shall make an estimate of the value of such property. If the name of such absent owner is known to the Assessor, the property shall be assessed in his, her or their name; if unknown to the Assessor, the property shall be assessed to unknown owner.

Duties of Assessor.

Statement of property owners.

Penalty for neglect.

Unknown owners.

SEC. 4. This Act shall not apply to the City and County of San Francisco.

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

CHAPTER XCVI.

An Act to amend section nine of an Act entitled an Act concerning roads and highways in certain counties in this State, approved May fourteenth, eighteen hundred and sixty-one.

[Approved February 29, 1868.]

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

Levy road
tax.

SECTION 1. Section nine is amended so as to read as follows:

Section 9. The Board of Supervisors of Marin County shall, at the same time they levy a tax for county purposes, levy an additional tax of not less than one nor more than five tenths of one per cent. on all the taxable property within the County of Marin, for road purposes; which said tax shall be levied and collected, and shall be paid into the County Treasury in the same manner as other taxes, and shall constitute the Road Fund of the county, and shall be applied by the Roadmasters of the several districts in repairing roads and building and repairing bridges therein, under the direction of the Board of Supervisors, in such sums and for such repairs to the public roads and highways as they may direct.

How ex-
pended.

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

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

CHAPTER XCVII.

An Act to legalize the acts of the Board of Supervisors of Amador County whilst sitting as a Board of Equalization for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

[Approved February 29, 1868.]

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

Acts legal-
ized.

SECTION 1. The acts of the Board of Supervisors of Amador County whilst sitting as a Board of Equalization for the year eighteen hundred and sixty-six and the year eighteen hundred and sixty-seven are hereby legalized; and said acts are made of binding force upon all parties interested in their several acts of equalization for said years.

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

CHAPTER XCVIII.

An Act to authorize the Board of Supervisors of the County of El Dorado to levy an additional tax for county purposes.

[Approved March 2, 1868.]

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

SECTION 1. The Board of Supervisors of El Dorado County are hereby authorized and allowed to levy an additional tax upon all the taxable property within said county, not to exceed sixty cents on each one hundred dollars, for General Fund purposes, in addition to the amount now allowed by law.

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

CHAPTER XCIX]

An Act to change the present official grade of Third Street, from the southerly line of Bryant Street to the northerly line of King Street, in the City and County of San Francisco, and establish the present actual grade thereof as the official grade.

[Approved March 2, 1868.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco having permitted the owners of the property on the line of Third street, between Bryant and King streets, in said city and county, to reduce the grade of Third street from fourteen feet above base to twelve feet above base, at the crossing of Brannan street, and to reduce the grade of said street from twenty feet above base to eleven feet above base, at the crossing of Townsend street, and running to the established grade of the southerly line of Bryant street, and to the established grade of the northerly line of King street, the same is hereby confirmed and established as the official grade of Third street between Bryant and King streets, in said city and county.

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

CHAPTER C.

An Act to change the grade of the crossing of Jones and Tyler Streets, in the City and County of San Francisco.

[Approved March 3, 1868.]

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

Grade estab-
lished.

SECTION 1. The grade of the crossing of Jones and Tyler streets, in the City and County of San Francisco, is hereby established at forty-eight feet above base.

SEC. 2. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

CHAPTER CI.

An Act to amend section nine of an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, approved April nineteenth, eighteen hundred and fifty-six.

[Approved March 3, 1868.]

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

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

Reports.

Section 9. The Reporter shall deliver to the Secretary of State, as soon as the same can be published, three hundred copies of each volume of the Reports of the Supreme Court, to be distributed as follows: To each State and Territory of the United States, one copy; to the United States Library, one copy; to the head of each Department of this State, and to each Supreme, District and County Judge, and to the Probate Judge of the City and County of San Francisco, one copy each; to each District Attorney and County Clerk, one copy. The surplus copies shall be deposited in the State Library.

How dis-
tributed.

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

CHAPTER CII.

An Act for the relief of certain deputies and assistants of the County Clerk of the City and County of San Francisco.

[Approved March 3, 1868.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco are authorized and empowered to allow and order paid out of the General Fund, to the following named persons, viz: Wm. R. Satterlee, or to his legal representative, Giles C. L. Letcher, Paul Neumann and Octavius Bell, such sum or sums, not in the aggregate to exceed the sum of seven thousand dollars, as, upon investigation and inquiry, in the opinion of the said Board, they respectively may be justly entitled, and in full of all demands and claims for services rendered or performed by them, and each of them, as Clerks, or Assistant or Deputy Clerks of the District Court of the Fifteenth Judicial District, in said city and county, or otherwise, prior to the passage of this Act. Persons benefited.

SEC. 2. The Auditor of the said city and county is directed to audit, and the Treasurer thereof to pay, to the aforesaid persons respectively, such sum or sums, not in the aggregate to exceed the said sum of seven thousand dollars, and in such share or proportion as by said Board may be awarded and ordered paid to them respectively under the provisions of this Act. Awards to be audited and paid.

SEC. 3. This Act shall take effect immediately.

CHAPTER CIII.

An Act to authorize Z. B. Heywood and J. H. Jacobs to construct a wharf at Jacobs' or Ocean View Landing, in Alameda County.

[Approved March 3, 1868.]

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

SECTION 1. Z. B. Heywood and J. H. Jacobs are hereby authorized and empowered to construct, build and use a wharf in front of their property at Jacobs' or Ocean View Landing, in Alameda County, for the term of twenty years, commencing at high water mark and running into the Bay of San Francisco to deep water, provided said wharf shall in no manner interfere with the navigation of said bay, and that it shall be completed within one year from the passage of this Act; and said wharf shall not exceed in width one hundred feet. Description of wharf.

SEC. 2. The State of California hereby grants to the said Z. B. Heywood and J. H. Jacobs the use of the overflowed lands Grant of land.

on both sides of said wharf, for the distance of one hundred and fifty feet on each side of it, for the free ingress and egress of water crafts to and from said wharf, for twenty years from the passage of this Act

May charge
toll.

SEC. 3. The said Z. B. Heywood and J. H. Jacobs, or their assigns, may, if they see fit, when said wharf shall be fully completed, collect such rates of toll and wharfage as may be fixed upon by the Board of Supervisors of Alameda County.

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

CHAPTER CIV.

An Act to declare Thomas Jefferson Clunie, a minor, of lawful age.

[Became a law by operation of the Constitution, March 4, 1868.]

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

Declared of
lawful age.

SECTION 1. Thomas Jefferson Clunie, a minor, of Sacramento County, and State of California, is hereby declared of lawful age, and competent to contract, and to sue and be sued, buy and sell, lease, mortgage and convey real and personal property, and do all acts and things, in all respects, as if he were twenty-one years of age.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law, this fourth day of March, A. D. eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

CHAPTER CV.

An Act supplementary to an Act entitled an Act to grant E. H. Perry and others the right to construct and maintain a turnpike road from a point on the Sonora and Mono Road, near West Walker River, to a point in Antelope Valley, and the right to collect toll for travel thereon, approved February ninth, eighteen hundred and sixty-six.

[Became a law by operation of the Constitution, March 4, 1868.]

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

Time ex-
tended and
Act revived.

SECTION 1. The time for completing the construction of the road contemplated by the Act to which this Act is supplementary is hereby extended for the period of two years; and all the powers, rights, privileges, franchises and immunities granted by said Act are hereby revived, re-enacted and extended to the

West Walker Turnpike Company, a corporation organized pursuant to said Act.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law, this fourth day of March, A. D. eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

CHAPTER CVI.

An Act to amend an Act entitled an Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved May first, eighteen hundred and fifty-two, amendment approved January seventeenth, eighteen hundred and sixty-six.

[Approved March 5, 1868.]

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

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

Section 7. The direct tax imposed by the Mayor and Common Council of said city in any one year shall not exceed one dollar and twenty-five cents on each one hundred dollars worth of property within said city. Direct tax limited.

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

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

CHAPTER CVII.

An Act to amend an Act entitled an Act to define the compensation of certain officers in the County of San Mateo, and to amend existing laws on the subject, approved March thirty-first, eighteen hundred and sixty-six.

[Approved March 5, 1868.]

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

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

Section 2. The Act entitled an Act relating to the office of Sheriff in the County of San Mateo, approved April thirteenth, one thousand eight hundred and fifty-nine, is hereby repealed; and the Sheriff of San Mateo County shall receive such fees and compensation as are allowed in the Act entitled an Act to regulate fees in office in certain counties of this State, approved April twenty-eighth, one thousand eight hundred and fifty-seven. Act repealed
Fees of Sheriff.

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

SEC. 3. This Act shall take effect and be in force from and after the first day of March, eighteen hundred and sixty-eight.

CHAPTER CVIII.

An Act to provide for the payment to the Registers and Receivers of the United States Land Offices in this State certain fees.

[Approved March 5, 1868.]

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

Fee for locating school lands.

SECTION 1. The purchaser of any school lands of this State, when the same shall be located as provided by law, in the Register's office of the United States, shall be required, upon making such locations, for each one hundred and sixty acres of land so located, to pay to the United States Register and Receiver of the district in which such location shall be made, a fee of one dollar each; which fee shall be considered in lieu of the fee which they are authorized to charge the State for such locations, under an Act of Congress approved July first, eighteen hundred and sixty-four.

In lieu of.

SEC. 2. The Secretary of State is hereby directed to transmit a copy of this law to the Registers and Receivers of the several Land Offices of the United States in this State.

SEC. 3. This Act shall be in force from and after twenty days after its passage.

CHAPTER CIX.

An Act to amend section two of an Act entitled an Act in relation to the levying of county taxes in the County of San Joaquin, approved March twenty-fourth, A. D. eighteen hundred and sixty-six.

[Approved March 5, 1868.]

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

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

Tax for general county purposes.

Section 2. The Board of Supervisors shall have power to levy, for general county purposes, a tax not to exceed seventy cents on each one hundred dollars of taxable property upon which the State taxes in said county is levied.

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

CHAPTER CX.

An Act to continue in force an Act entitled an Act to authorize the Board of Supervisors of Amador County to levy a special tax for bridge purposes.

[Approved March 5, 1868.]

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 Board of Supervisors of Amador County to levy a special tax for bridge purposes, approved March third, eighteen hundred and sixty-six, be and the same is hereby continued in full force and effect for the period of two years from and after the passage of this Act. Authorized.

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

CHAPTER CXI.

An Act providing a survey for an additional outlet for the waters of the Feather, Sacramento and San Joaquin Rivers and their tributaries.

[Approved March 5, 1868.]

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

SECTION 1. The Surveyor-General of the State of California is hereby directed to examine into and report to this Legislature upon the practicability of opening an outlet for the waters of the Feather, Sacramento and San Joaquin Rivers and their tributaries into Suisun Bay or an inlet thereof; and he is hereby authorized and directed to have the necessary additional surveys made for the purpose of acquiring information as to the practicability of the same and the benefit to arise therefrom. Surveyor-General to examine and report.

Sec. 2. The Board of Supervisors of Yolo County are directed to transmit to the Surveyor-General copies of such surveys, plats, maps, books or other papers made by authority of the laws of this State as he may require in making such examination. Copies of surveys, etc.

Sec. 3. The sum of five hundred dollars is hereby appropriated out of any money in the General Swamp Land Fund, and the Controller is hereby required to draw his warrant in favor of the Surveyor-General for the cost of said survey, examination and report; *provided*, the aggregate amount does not exceed the sum appropriated by this section; the bill for the cost of said examination to be certified by the Surveyor-General. Appropriation.

Sec. 4. This Act shall take effect immediately after its passage.

CHAPTER CXII.

An Act entitled an Act to legalize the Assessment Roll of the City of Los Angeles, for the year one thousand eight hundred and sixty-seven.

[Approved March 5, 1868.]

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

Assessment
roll legalized

SECTION 1. The assessment roll of the City of Los Angeles, for the year A. D. eighteen hundred and sixty-seven, is hereby legalized, and the same is declared to be, and is, in all respects, made legal and valid and binding in law and equity; and all acts of the Common Council for the year A. D. eighteen hundred and sixty-seven, while sitting as a Board of Equalization and equalizing the city assessment roll for the year A. D. eighteen hundred and sixty-seven, are hereby legalized and made in all respects valid, both in law and equity.

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

CHAPTER CXIII.

An Act to provide for the payment of the outstanding indebtedness of Fresno County.

[Approved March 5, 1868.]

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

Special tax.

SECTION 1. For the purpose of paying the outstanding indebtedness of Fresno County, the Board of Supervisors of said county are hereby authorized to levy annually a special tax of sixty cents on each one hundred dollars of property in said county, in addition to other taxes authorized, or that may be authorized by law.

When levied
and collected

SEC. 2. Said tax may be levied at any meeting of said Board of Supervisors at which State and county taxes are authorized to be levied, and shall be collected and paid to the County Treasurer in the same manner as other county taxes.

Redemption
Fund.

SEC. 3. It shall be the duty of the County Treasurer to place all moneys derived from the tax aforesaid in a separate fund, to be called the Redemption Fund, to be used solely for the payment of the interest and the redemption of the indebtedness of Fresno County now outstanding, except such amounts as may be owing for bonds and interest, or indebtedness, for the building of the County Court-house and Jail; and if a surplus shall remain after paying said indebtedness, said surplus shall be transferred to the General Fund for general county purposes.

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

CHAPTER CXIV.

An Act to provide for the collection of the revenue in and for Lake County, and other matters relating thereto.

[Approved March 5, 1868.]

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

SECTION 1. The Sheriff of the County of Lake shall be ex officio Tax Collector in and for said county.

SEC. 2. The Act approved May seventeenth, A. D. one thousand eight hundred and sixty-one, entitled an Act to provide revenue for the support of the Government of this State, and all Acts amendatory thereof and supplemental thereto, are hereby made applicable to the County of Lake, and the revenue in said county shall be collected in the manner provided by said Act and under the provisions thereof.

SEC. 3. An Act entitled an Act to authorize the County Treasurers of the Counties of Napa, Lake and Mendocino to collect and receive certain public moneys or revenue, approved February twenty-ninth, eighteen hundred and sixty-four, so far as the same applies to Lake County, is hereby repealed.

SEC. 4. An Act approved April second, eighteen hundred and sixty-six, entitled an Act to amend an Act entitled an Act amendatory of an Act entitled an Act to define the boundary, and provide for the organization of Lake County, providing, among other things, for the payment of the Sheriff of Lake County a salary of six hundred dollars per annum, is, so far as said Act relates to said Sheriff, hereby repealed.

SEC. 5. This Act shall take effect on the first Monday in March, A. D. one thousand eight hundred and sixty-eight.

CHAPTER CXV.

An Act to amend an Act entitled an Act to provide for the establishment and maintenance of public roads in Napa County, approved March thirty-first, eighteen hundred and sixty-six.

[Approved March 5, 1868.]

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

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

Section 13. At the session of the Board of Supervisors for levying State, county and other taxes, the said Board shall levy upon each man, except Indians, between the ages of twenty-one and sixty years, a road poll tax of three dollars, and upon all taxable property in the county a tax for road purposes of not

more than twenty-five cents on the hundred dollars, which sum shall be levied and collected in the same manner as all other taxes; and all men between the ages of twenty-one and sixty years, except Indians, who have resided three months in the State and ten days in the road district shall pay the road poll tax herein provided for; and all moneys received or collected for such taxes or assessments shall constitute the District Road Fund, which shall be collected, appropriated and distributed among the districts as hereinafter provided. The Board of Supervisors, at their regular meeting in February, may make an order to the effect that no labor shall be received in payment of road tax in any road district or districts in the county, and may order that the road poll tax shall be collected by the same officers in the same manner as are now or may hereafter be provided in said county for the collection of other poll taxes, which order shall be entered upon the minutes of the Board, and shall be published four successive weeks in some newspaper published in said county.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXVI.

An Act authorizing the construction of a wharf in the Bay of Monterey.

[Approved March 5, 1868.]

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

Authorized to construct wharf.

SECTION 1. James B. Smith, J. C. Bogert, and such others as shall be associated with them, shall have the right to construct, maintain and use a wharf at such vacant point in the Bay of Monterey, in the City of Monterey, County of Monterey, north or northwesterly of the present Custom-house, as they shall, on examination, deem most suitable therefor.

Proviso.

SEC. 2. For the purposes of said wharf, there is hereby granted to said J. B. Smith and J. C. Bogert, and their associates and assigns, the right to construct a wharf extending into said Bay until a sufficient depth of water shall be obtained for the accommodation of commerce; *provided*, that the free navigation of the Bay shall not be obstructed, and that the franchise herein granted shall continue for twenty years; *provided*, that nothing in this Act shall be so construed as to interfere or conflict with any rights heretofore granted to any other person for similar or other purpose.

Time of erection.

SEC. 3. The said Jas. B. Smith, J. C. Bogert, their associates and assigns, shall build and erect said wharf within six months from the passage of this Act, and shall thereafter keep the same in good repair, and enlarge it as the business and commerce of the county may require; and the said Jas. B. Smith, J. C. Bogert, their associates and assigns, shall be allowed and are

hereby authorized to collect and receive to their use such dock- Collect toll.
age and wharfage thereon as the Board Supervisors of the
County of Monterey may, by an order entered upon the minutes
fixing said dockage and wharfage, allow.

SEC. 4. This Act shall take effect immediately.

CHAPTER CXVII.

*An Act to prevent injury to the property of the Protestant Orphan
Asylum of San Francisco.*

[Approved March 5, 1868.]

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

SECTION 1. The block of land in the City and County of San Block of land
Francisco bounded by Kate street, Buchanan street, Laguna confirmed to
street and Haight street, and every part thereof, is confirmed Protestant
to the free use and enjoyment of its present occupants, to wit : Orphan
the Protestant Orphan Asylum of the City and County of San Asylum.
Francisco ; and no street shall be opened through any part of
said block of land without the consent of the said asylum.

SEC. 2. The provisions of any Act, so far as the same may
conflict with the provisions of this Act, are, for the purposes of
this Act, repealed.

CHAPTER CXVIII.

*An Act to re-enact and amend section eleven of an Act entitled an Act
providing for the time of holding the several Courts of Record in
this State, approved April twenty-seventh, eighteen hundred and
sixty-three, and to repeal section one of an Act entitled an Act pro-
viding for the time of holding the several Courts of Record in the
Tenth Judicial District, approved January thirtieth, eighteen hun-
dred and sixty-four, as amended by an Act approved February four-
teenth, eighteen hundred and sixty-six.*

[Approved March 5, 1868.]

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

SECTION 1. Section eleven of an Act entitled an Act provid- Section
ing for the time of holding the several Courts of record in this re-enacted.
State, approved April twenty-seventh, eighteen hundred and
sixty-three, is hereby re-enacted and amended so as to read as
follows :

Section 11. There shall be held in the Tenth Judicial District
terms of said Court as follows : In the County of Yuba, on the

Time of holding Courts. third Mondays of January, May and September; in the County of Sutter, on the fourth Mondays of February and June and third Monday of October; in the County of Colusa, on the first Mondays of May, September and December; in the County of Sierra, on the first Monday of April, second Monday of July and fourth Monday of October.

Section repealed. SEC. 2. Section one of an Act entitled an Act providing for the time of holding the several Courts of record in the Tenth Judicial District, approved January thirtieth, eighteen hundred and sixty-four, as amended by an Act approved February fourteenth, eighteen hundred and sixty-six, is hereby repealed.

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

CHAPTER CXIX.

An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for county purposes, approved March first, eighteen hundred and sixty-four.

[Approved March 5, 1868.]

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

Special tax. SECTION 1. An Act to authorize the Board of Supervisors of Placer County to levy a special poll tax for county purposes, approved March first, eighteen hundred and sixty-four, is hereby repealed.

SEC. 2. This Act shall take effect one year after its passage.

CHAPTER CXX.

An Act to authorize the Board of Supervisors of El Dorado County to meet as a Board of Equalization on the fifth day of March, A. D. eighteen hundred and sixty-eight.

[Approved March 5, 1868.]

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

Authorized. SECTION 1. The Board of Supervisors of El Dorado County shall meet on Thursday, the fifth day of March, A. D. eighteen hundred and sixty-eight, and may, if necessary, continue in session two days. Said Board shall constitute and sit as a Board of Equalization, and shall have power and authority to hear and determine all complaints made in regard to the assessed value of any property which was in the year eighteen hundred and sixty-seven assessed as exempt property; and they may change and

correct any valuation of said property, either by adding thereto or deducting therefrom, if they deem the sum fixed in the assessment roll too small or too great, whether said sum was fixed by the owner or Assessor.

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

CHAPTER CXXI.

An Act to amend an Act entitled an Act to incorporate the City of Los Angeles, passed April fourth, eighteen hundred and fifty.

[Approved March 5, 1868.]

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

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

Section 2. The number of Councilmen shall be ten, and the Mayor, Councilmen and all other municipal officers of said city shall hold their office for two years from the time they shall commence the discharge of the duties of such office, except, as hereinafter provided, that five of said Councilmen shall hold office for one year only; the said Mayor, Common Councilmen and other municipal officers shall be elected by the qualified electors of said city on the first Monday of April, A. D. eighteen hundred and sixty-eight, and every two years thereafter; *provided*, that immediately after the election and organization of the Common Council under the provision of this Act, they shall be divided by the Clerk of said Common Council into two classes, to be known as the first and second class; and the Common Councilmen elected shall determine said classes by lot in such a manner as shall be agreed upon by them for that purpose; the first class to be composed of five members, who shall hold office for two years, and until their successors shall be elected and qualified; and the five composing the second class shall hold their offices for the term of one year and until their successors shall be elected and qualified. On the first Monday in April of each year after A. D. eighteen hundred and sixty-eight, an election shall be held for the purpose of electing five members of the Common Council to fill the vacancy caused by the expiration of the term of office of the five Councilmen holding the short term, except upon the first Monday in April of every second year after eighteen hundred and sixty-eight, when a general election shall be held for the election of all the municipal officers of said city.

SEC. 2. The Mayor, members of the Common Council and all other municipal officers now holding office in the City of Los Angeles shall continue in their respective offices until their successors shall be elected and qualified. Upon the first day of May, A. D. eighteen hundred and sixty-eight, or within ten days thereafter, the Mayor, Marshal, Treasurer, and other municipal

Bonds of
officers.

officers who are required by law to give bonds, shall file bonds in the amounts required by the ordinances of said City of Los Angeles, conditioned for the faithful discharge of the duties of their respective offices from that time until their successors shall be elected and qualified.

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

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

CHAPTER CXXII.

An Act to authorize the Board of Supervisors of Solano County to audit and settle certain claims.

[Approved March 6, 1868.]

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

Supervisors
to review
action.

SECTION 1. The Board of Supervisors of Solano County are hereby authorized and required to review their actions upon the claims of Ellen P. Gulick and Singleton Vaughn, for damages sustained by reason of the location of a certain road through Sulphur Spring Valley, in said county, and to allow the actual damages sustained by them by such location; *provided*, that said parties shall regularly appear in said proceeding and waive all defects in the original notices and the service thereof.

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

CHAPTER CXXIII.

An Act to amend an Act entitled an Act to authorize certain parties to build a turnpike road from Sonora, Tuolumne County, to Copperopolis, Calaveras County.

[Became a law by operation of the Constitution, March 4, 1868.]

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

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

When to
complete
road.

Section 4. The said company shall complete the said road within four years from and after the first day of January, A. D. eighteen hundred and sixty-eight.

SEC. 2. Section five of this Act is hereby amended so as to read as follows :

May collect
tolls.

Section 5. The said company may collect tolls on completion of any section of said road of the length of four miles finished,

equal in amount to the ratio the said four miles may bear to the whole length of road when completed.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this fourth day of March, A. D. eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

CHAPTER CXXIV.

An Act to confer additional powers upon the Board of Trustees of the City of Sacramento, and to authorize the levying of a special tax by said Board for the purposes herein named.

[Approved March 7, 1868.]

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

SECTION 1. The Board of Trustees of the City of Sacramento are hereby authorized, empowered and required to levy a special tax of five cents upon the one hundred dollars of taxable property within the limits of the said City of Sacramento, for the purpose of grading and gravelling Tenth street from P street to the City Cemetery, in said city, and for building and constructing a sidewalk and street crossings, planked or gravelled, on said Tenth street from P street to the said City Cemetery. Special tax for grading Tenth street.

SEC. 2. The said Board of Trustees shall, on or before the first day of June, A. D. eighteen hundred and sixty-eight, advertise for the period of twenty days in a daily newspaper published in the City of Sacramento for proposals to do the said work according to plans and specifications made out and duly advertised and exhibited by said Board. Board to advertise.

SEC. 3. The grading or filling in, gravelling or paving said street, and laying down sidewalks and street crossings, shall be done in a good and substantial manner, and as said Board of Trustees may direct.

SEC. 4. The said Board of Trustees shall have power to contract to have said Tenth street, from P street to the said City Cemetery, properly sprinkled during the Summer months, and to keep the same, together with the sidewalks and street crossings, in proper repair; the cost of which shall be paid out of the General Fund of said city.

SEC. 5. The qualified electors of the City of Sacramento are hereby authorized to vote upon the question of levying the special tax hereinbefore provided for at the next municipal election for City Trustees. On the ballot shall be written or printed the words, "Special tax for improving Tenth street—Yes;" or, "Special tax for improving Tenth street—No." And this Act shall be of no force or effect unless a majority of the voters at said election shall vote in favor of levying said tax. To be voted upon.

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

CHAPTER CXXV.

An Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes.

[Approved March 6, 1868.]

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

- Issue bonds.** SECTION 1. The Board of Supervisors of Colusa County are hereby authorized and empowered to issue, at once, bonds of the county to such amount as to them may seem proper, not to exceed the sum of fifty thousand dollars, bearing interest at the rate of ten per cent per annum; the said bonds to be for sums not less than one hundred nor more than five hundred dollars, and shall be signed by the President of the Board of Supervisors and countersigned by the Auditor.
- Interest.**
- Amount of.**
- When and where payable.** SEC. 2. Said bonds shall be made due and payable in gold coin, at the office of the Treasurer of said county, on the first day of January, Anno Domini eighteen hundred and sixty-nine; *provided*, that the Board of Supervisors shall have the power to redeem said bonds in the manner and at such times as shall be hereinafter provided. The interest on said bonds shall be due and payable in like gold coin on the first day of January and July of each year, and shall be payable at the office of the County Treasurer of said county or at the Bank of California, in the City of San Francisco, as shall be designated by the purchaser at the time the bond shall issue.
- Coupons.** SEC. 3. Coupons for the interest shall be attached to each bond, so that they may be removed without mutilation to the bond, and shall be signed in the same manner as the bonds are required to be signed. Said coupons shall each express the amount of interest due and where and when payable. When any interest shall be paid upon a bond issued under the provisions of this Act, the coupon for the interest then due and paid shall be detached and delivered to the County Treasurer; or if the said coupons shall be paid at the Bank of California, then it shall be delivered to the officers of the Bank for the Treasurer; and whenever the Treasurer shall receive any of said coupons he shall deliver the same to the Auditor, taking his receipt therefor, and the Auditor shall file the same in his office.
- Date of bonds** SEC. 4. Said bonds shall bear the date of their issuance, and the first coupons shall be for the interest from such date up to the first day of January, eighteen hundred and sixty-nine.
- Special tax to pay interest.** SEC. 5. For the purpose of paying the interest on said bonds, the Board of Supervisors of said county shall, at the time of levying the county taxes for each year, levy a special tax on all real and personal property in said county, which shall, taking the assessment of the preceding year as a basis and deducting fifteen per cent for delinquencies, be sufficient to pay the interest on all the bonds then outstanding; *provided*, that if the tax for the year eighteen hundred and sixty-eight shall have been levied before the said bonds are issued, the said Board may, at the time of issuing said bonds, levy a tax to meet the interest

due on the first day of January, eighteen hundred and sixty-nine. The said tax shall be assessed and collected the same as other county taxes, and shall be paid into the County Treasury, and shall be by the Treasurer set apart as a special fund, to be known as the Road Bond Interest Fund, and it shall be the duty of the Treasurer to forward to the Bank of California, by express or other certain mode of conveyance which the Board of Supervisors may designate, at least ten days before the same shall become due, a sufficient amount of money out of said Road Bond Interest Fund to pay all the coupons due at said Bank, and he shall pay out of said fund all the coupons payable at his office as the same shall fall due.

How dis-
bursed.

SEC. 6. If the special tax authorized by section five shall not produce a sufficient amount to pay all the interest due in any one year on said bonds, the County Treasurer shall pay the same out of the Common Fund of the county, and it is hereby made the duty of said Treasurer to see that there shall be enough to pay said interest before he shall pay all the moneys out of the said Common Fund. If more than enough to pay said interest shall be produced by said special tax, then the Treasurer shall transfer the balance to the credit of the Common Fund of the county, or to any other fund, if ordered by the Board of Supervisors.

If special tax
insufficient
or more than
sufficient.

SEC. 7. In and for the year eighteen hundred and seventy-three, and each year thereafter up to and including the year eighteen hundred and seventy-eight, the Board of Supervisors of said county shall levy and cause to be collected a tax sufficient to pay five per cent. of the whole issue of bonds; and in and for the year eighteen hundred and seventy-nine, and annually thereafter until said bonds shall all be paid, the Board of Supervisors shall levy and cause to be collected a tax sufficient to pay ten per cent. per annum upon the whole amount of bonds then remaining unpaid; *provided*, that after said bonds shall have been issued for ten years, the Board of Supervisors, if they shall deem it expedient, may make provision for the more speedy redemption of said bonds. All taxes levied and collected under the provisions of this section shall be collected as other county taxes, and shall be paid into the County Treasury, and shall be by the Treasurer set apart into a fund to be known as the Road Bond Redemption Fund.

Levy taxes
for Road
Bond
Redemption
Fund.

SEC. 8. Whenever there shall be one thousand dollars or over in the said Redemption Fund, the Treasurer shall cause a notice to be published once a week for four weeks in some paper printed in the county, and the same notice for the same time published in some paper printed at San Francisco, that he is prepared to redeem bonds to a certain amount, specifying said amount. And on the day specified in the notice the Treasurer shall, in the presence of at least one member of the Board of Supervisors, open all the proposals for the surrender of bonds, and he shall proceed to redeem such bonds as may be offered at the lowest figure; *provided*, that no bid above the par value shall be accepted. If no bids shall be put in at par, or less, or if a sufficient amount shall not be offered to absorb all the money in said Redemption Fund, then the bonds shall become due and payable in the order in which they were issued; and the Treas-

Receive pro-
posals for
redemption.

urer shall give notice in the manner provided above, that certain bonds, describing them, are due and payable, and the interest thereon shall cease from the date of the notice.

May sell
bonds.

SEC. 9. The Board of Supervisors of the said County of Colusa may sell any of the bonds authorized by this Act, after having published a notice for thirty days in one paper published at Colusa, one at Sacramento and one at San Francisco, inviting proposals for the purchase of the same upon a day to be named in said notices. The Board shall meet to consider said proposals, and they shall deliver the said bonds, with the coupons attached, to the person or persons bidding the highest therefor in gold coin; *provided*, that the Board shall have the power to reject any and all bids.

Road Bond
Fund.

SEC. 10. All moneys derived from the sale of said bonds shall be paid into the County Treasury, and shall be set apart as a special fund, to be known as the Road Bond Fund, and shall be drawn therefrom, by order of the Board of Supervisors, for the purposes hereinafter mentioned.

Plans, specifications and
contracts for
building
bridges.

SEC. 11. The said Board of Supervisors shall cause to have made, by some competent person, plans, specifications and estimates for bridges and such other work as they may order over and along the principal highways of the county, and they shall then advertise in at least three newspapers in the State, inviting sealed proposals for the construction of said works, in whole and in part; and on a day to be named in the advertisements the Board shall meet and consider the said proposals, and shall award the contracts to the lowest responsible bidder; *provided*, that the said Board shall award the work in parcels, or the whole in one contract, as shall appear to them for the best interest of the county; and *provided* further, that the said Board shall have power to reject any and all bids, and to advertise for other proposals.

Subscribe
for certain
bridge.

SEC. 12. The said Board shall have power to subscribe any sum not to exceed four thousand dollars, to be paid out of said Road Bond Fund, whenever said subscription will procure to be built a good and substantial bridge across the tule at Monson's Ferry, in Sutter County, on the Colusa and Marysville Road.

SEC. 13. The Auditor and Treasurer shall each keep an account of all moneys received and disbursed under the provisions of this Act.

SEC. 14. This Act shall be in force from and after its passage.

CHAPTER CXXVI.

An Act to provide for the time of holding the County Court and Probate Court in the County of Solano.

[Approved March 7, 1868.]

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

Terms of
Courts.

SECTION 1. There shall be held in the County of Solano terms of the County Court and Probate Court as follows, to wit: On

the third Monday in April, the third Monday in August and the third Monday in December of each year; which shall continue until the business thereof is disposed of.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, and this Act shall take effect from and after passage.

CHAPTER CXXVII.

An Act to amend an Act entitled an Act to provide for the division of Solano County into assessment districts, for the election of District Assessors, and to define their duties, liabilities and compensation, approved March twenty-sixth, one thousand eight hundred and sixty-six.

[Approved March 7, 1868.]

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

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

Section 1. It shall be the duty of the Board of Supervisors of the County of Solano, at the first regular meeting in the year A. D. eighteen hundred and sixty-eight, to divide the county into three districts, to be known as Assessment Districts Numbers One, Two and Three; and the boundaries of said districts shall conform to the boundaries of the Supervisor Districts Numbers One, Two and Three of said County of Solano.

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

Section 2. At the next general election held for county officers, and at every general election thereafter, there shall be elected in Solano County an Assessor for each of the districts defined by section one of this Act, who shall be a qualified elector of the district in which he shall be a candidate, and shall only be voted for and elected by the legal electors of said district. The election for said District Assessors, the returns, the canvass, and other particulars relating thereto, shall conform to the requirements of law concerning other county or township officers, and be subject to the same rules. The District Assessors shall take possession of their respective offices and occupy them for the same term as is now provided by law for the County Assessors.

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

Section 3. Before entering upon the duties of their respective offices, the District Assessors aforesaid shall each execute a bond in favor of The People of the State of California, in the penal sum to be approved by the County Judge of said county, for such sum as may be required by the Board of Supervisors of said county, conditioned for the faithful performance of all the duties which then or thereafter may be required of them by law, and shall take the constitutional oath of office, which shall be indorsed

Vacancy,
how filled.

on his certificate of election or appointment; and in case of a vacancy in the office of District Assessor, a failure of any District Assessor to qualify as required in this Act, the Board of Supervisors of said Solano County, either at a regular or special meeting of said Board, shall appoint some suitable persons possessing the qualifications of an elector, residing within the district where such vacancy exists, to fill the vacancy; the person thus appointed shall give bond, take the like oath that is required of Assessors elected by the people, and shall hold his office until the next general election, and until his successor is chosen and qualified. It shall be the duty of the County Clerk of said county, with the advice and assistance of the District Attorney, to prepare blank assessment lists for the use of said District Assessors and to furnish said Assessors with a sufficient number for the assessment of all property in their respective districts. Said Clerk shall also, with the advice and assistance of the District Attorney aforesaid, prepare a blank assessment roll, alphabetically arranged, to be known as the assessment roll of Solano County.

Clerk and
District At-
torney to
prepare
blank assess-
ment lists
and rolls.

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

Assessors'
duties.

Section 4. The Assessors elected or appointed under the provisions of this Act shall meet at the Court-house of said county on or before the second Monday in March in each year, and classify the several descriptions of property to be assessed, for the purpose of determining upon the mode and manner of valuing the several classes and descriptions of property required to be assessed throughout the county, and shall then and there agree upon a uniform rule of valuation, so far as the same may be compatible with a proper assessment of property throughout the county. Where distinct tracts or parcels of land owned by one person, or several persons jointly, are situated in adjoining districts, such distinct tracts or parcels of land shall be assessed in that district in which the owner or owners thereof reside; but if the owner or owners of said tracts or parcels of land do not reside in either district where they are in part situated, then said distinct tracts or parcels of land shall be assessed in the district where the greater part of each distinct tract or parcel of land is situated. Said Assessor shall complete the assessment on the lists provided for by section three of this Act, of the real, personal and mixed property within their districts, in the same manner, except as herein otherwise provided, and within the same time as is now required by law concerning County Assessors; and from time to time, and as soon as assessments are made, return the same to the County Clerk of said county, taking his receipt therefor. And it shall be the duty of said Clerk to list in the assessment roll provided for in section three of this Act, all the real estate, improvements on real estate, and personal property, together with the value of each class of property; also all poll taxes, as the same are returned to him by the District Assessors on their original lists; and complete, certify and file said assessment roll, together with said original lists, in the office of the Clerk of the Board of Supervisors of Solano County, on or before the first Monday in August, in each year. Said Clerk shall be allowed the same compensation for copying,

Duty of
County
Clerk.

under the provisions of this Act, as is now allowed by law to the Clerk of the District Court of said county; and it shall be lawful for the Assessors aforesaid, at any time subsequent to the first Monday in August, and prior to the last Saturday in October in each year, and it is hereby made the duty of said Assessors, to assess any property which shall not be on the assessment roll hereinbefore in this Act provided for. Such assessments shall be made, and lists returned to the County Clerk, in the same manner as assessments made prior to the first Monday in August, in each year. The County Clerk, upon the receipt of said lists, shall enter such assessments in a separate portion of the assessment roll filed as aforesaid, under the head of "Subsequent assessments," and shall deliver a true copy of such subsequent entries to the County Auditor, to be by him compared with the entries on the assessment roll. Should the County Clerk, in making up the assessment roll, discover any error in computations, or imperfect descriptions of property, in the lists returned to him as aforesaid, he shall inform the Assessor from whom said list was received of the fact, and it shall be the duty of such Assessor to immediately correct the same.

Compensation.

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

Section 5. In addition to the duties heretofore required to be performed by the County Assessor, it shall be the duty of the District Assessors to collect and account for the State poll tax of all persons in their respective districts who are required by law to pay the same; and shall be subject to the same rules, be possessed of the same power, receive the same compensation, settle in the same manner and at the same times, and be liable to the same penalties for neglect or malfeasance, as is now provided by law concerning the Sheriff of the County of Solano as Collector of said poll tax. The Assessor shall have, and it is hereby made his duty, to examine, under oath or affirmation, any employé or his agent, touching the name or names, residence or property of any person or persons in the employ or service of said agent or employer who is liable to pay poll tax.

District Assessors to collect State poll tax.

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

Section 6. It shall be the duty of each of the Assessors elected or appointed under the provisions of this Act to file with the Clerk of the Board of Supervisors, on or before the first Monday in August of each year, an affidavit that he has used due diligence in the performance of all the duties required of him by law; that he has not omitted, nor neglected to assess any property owned or held within his district; that the valuation on the lists returned to the County Clerk represent the true cash value of all property returned, or, if there be exceptions, specifying the same, and that he has used due diligence and made every effort which he lawfully might do to collect the poll taxes of each person liable to pay the same in his district; and shall also state in said affidavit the number of days actually and necessarily employed in the discharge of his official duties. The Board of Equalization may also scrutinize the acts of said Assessors, ask any questions that they may deem

Affidavit of diligence, etc.

Board of Equalization

Compensa-
tion.

pertinent, and hear and examine any charges of dereliction or neglect which may be preferred by any citizen or property holder of either of said districts against either of said officers; and after such examination, and satisfying themselves of the time necessarily and properly employed, shall recommend the allowance of each of said Assessors compensation for each day so employed, at a rate not exceeding six dollars per day; *provided*, that the aggregate sum so allowed to all of said Assessors shall not exceed the sum of twenty-one hundred dollars (\$2,100), exclusive of fees allowed by law for the collection of poll taxes; and it shall be the duty of the Board of Supervisors to allow said claims.

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

Office
abolished.

Section 7. The office of County Assessor of Solano County, as at present constituted, shall be abolished from and after the expiration of the term for which the present incumbent was elected.

SEC. 8. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed; and this Act shall take effect and be in force from and after its passage.

CHAPTER CXXVIII.

An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo, approved February sixth, eighteen hundred and sixty-four.

[Approved March 6, 1865.]

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

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

Furniture,
fuel, station-
ery, etc.,
for county
officers.

Section 16. Furniture, fuel, lights, blank books and stationery, such as the Board of Supervisors shall deem necessary and specify by an order to be entered in their minutes, may be supplied for the use of the District, County and Probate Courts, and for the offices of the County Clerk and Recorder, County Treasurer, Assessor, Auditor, District Attorney, Sheriff and Board of Supervisors; *provided*, that no greater sum than forty dollars for any one year shall be appropriated for the purpose of furnishing fuel, lights, blank books and stationery to each one of the following named officers of said county, to wit: County Treasurer, Assessor, Auditor, District Attorney and Sheriff; but no furniture, fuel or lights shall be furnished for any rooms or offices out of the County Court-house.

Amount
limited.

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

CHAPTER CXXIX.

An Act to authorize the County Judge of Tehama County to distribute town lots held by him in trust for the citizens of the Town of Red Bluff, and to issue certificates of title to the inhabitants of said town in accordance with their respective interests.

[Approved March 6, 1868.]

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

SECTION 1. The lands embraced within the town site of Red Bluff, in Tehama County, entered by the County Judge of said county under the Acts of Congress and the instructions of the Department of the Interior, for the benefit of the inhabitants of said town according to their respective interests, shall be disposed of as follows :

SEC. 2. As soon as practicable after this Act takes effect, the County Judge of said Tehama County shall cause notice to be given in some public newspaper published in said county, notifying all parties claiming lots in said town to present their respective claims thereto to said County Judge at his chambers, within a given time, to be specified in said notice, not less than thirty nor more than ninety days from the date of such notice, together with the evidence upon which such claim is based.

Notice to present claimants.

SEC. 3. Parties claiming lots shall be required to make their application in writing, setting forth the facts in a brief and concise form, showing that the applicant is in the possession, and the act or acts constituting his possession of the lot or lots mentioned in such application. Said application shall be made within the time specified in said notice, shall be verified by the oath of the applicant, and shall contain sufficient facts *prima facie* to prove that the applicant is (either) in the actual possession of the lots claimed.

Applications for lots to be made in writing.

SEC. 4. At the expiration of the time specified in said notice, said County Judge shall issue certificates of title, in form to be approved by said Judge, to all applicants who are entitled thereto.

Certificates of title.

SEC. 5. The certificate of title provided for in the preceding section, when issued, shall be conclusive evidence of title in fee simple, in the claimant named therein, to the lots designated therein, and to his heirs and assigns forever, except only as limited in the next two succeeding sections.

Conclusive evidence of title.

SEC. 6. In case several applicants shall have made claim, as provided in section three of this Act, to the same lot or lots, and any such applicant shall feel aggrieved by the issuance of the certificate of title provided for in section four of this Act, he may, at any time within one year next after the issuance of such certificate of title, bring suit in the District Court and litigate, according to the practice in said Court, as in other cases, the respective claims of the parties so claiming adversely ; and pending such litigation, such certificate of title, to the extent of the particular lots so in litigation, but to that extent only, shall not be regarded in evidence between the parties liti-

Several applicants for same lot.

Aggrieved party may bring suit.

gant. Appeals from the District Court may be had as in other cases.

Decision of District Court only to affect such portions of certificate as embraced in decree.

SEC. 7. If the District Court finally decide in favor of the party so claiming adversely to the holder of such certificate of title, then the decree of the Court shall, to the extent of the lots embraced in such litigation and decree, and to that extent only, annul the effect of such certificate of title; but the certificate of title shall, as to the extent of any and all lots not so embraced in such litigation and decree, have the same conclusive effect as if no such litigation and decree had been had; and upon presentation of any such final decree to said County Judge, he shall issue to the parties in whose favor it is rendered a certificate of title to the lots embraced in such decree, reciting therein that the former certificate, to the extent of such lots, is annulled.

Lots remaining on hand, how disposed of.

SEC. 8. Of the lots remaining in the hands of said County Judge, to which no application has been made in accordance with section three of this Act, and certificate of title issued in accordance with section four of this Act, any party or parties desiring to purchase one or more thereof may signify such desire by petition to the Board of Supervisors of said county; and after giving notice of their intended application for an order of sale, by publication in a newspaper published in said county for such time as may be fixed by said Board, not less than two nor more than twelve weeks—such notice to designate the particular lots desired, and the time at which such application shall be made to said Board of Supervisors—the Board may, upon a hearing of the evidence, if any be offered for and against such application, make an order that such lot or lots be sold at public vendue; and thereupon the Sheriff of said county, upon said order, may offer each lot separate, and in their order, for sale at public vendue, at the Court-house door of said county, to the highest bidder therefor, in like manner and after like public advertisement, and in other respects, as sales of real estate upon execution are made, and issue a certificate of purchase to the purchaser.

Parties purchasing to have same title as in Section 4.

SEC. 9. The party or parties purchasing a lot or lots in accordance with section eight of this Act, after paying the amounts of such purchase in gold coin into the County Treasury of said county, and having the receipt thereof indorsed in writing, signed by the Treasurer of said county upon said certificate of purchase, may appeal to said County Judge for, and the said Judge may, if the proceedings upon which such certificate of purchase is based is found regular, and in accordance with section eight of this Act, issue to such purchaser a like certificate of title as provided for in section four of this Act; and such certificate of title shall have the same conclusive effect thereafter in evidence as provided by section five of this Act.

Board of Supervisors may order sales.

SEC. 10. The Board of Supervisors shall make orders of sale in accordance with section eight of this Act, with regard solely to the general interests of the inhabitants of said town, and shall not so order a sale of more than twenty lots within any three months, unless such order be in addition to the requirements of section eight of this Act.

SEC. 11. The Board of Supervisors may, in their discretion,

and to the extent that the interests of the town require it, designate from any of the lands or lots mentioned in section eight of this Act, and set forth in such petition for public uses, such lands or lots as may be deemed eligible and adapted to such uses; and upon an order to that effect being made, the County Judge of said county shall, if the proceedings upon which such order is based appear to be regular, issue a certificate to that effect, and file the same with the Recorder of said county; and said Recorder shall thereupon record it in the proper record of deeds of conveyance of real estate for said county, and thereafter the lands and lots so embraced in such certificate shall be deemed to be forever dedicated to such public use.

Grounds for public use.

SEC. 12. All moneys paid into the County Treasury under this Act shall thereupon become a part of the Common School Fund for the school district embracing said Town of Red Bluff, to be disposed of and disbursed as other moneys belonging to such Common School Fund.

Moneys to belong to School fund.

SEC. 13. The holder of the certificate of title issued under this Act, if he desire to have the same recorded, may, in like manner as with deeds of real estate, have the same acknowledged by the County Judge and Recorder, and the record thereof shall have the like effect as of such deeds; and in case of loss or destruction of, or inability to procure the original, duly certified copies thereof from the records shall, upon similar proof and in like manner as to such deeds, be used in evidence.

Certificates may be recorded.

SEC. 14. The expense of issuing the certificate of title under this Act shall not exceed the sum of two dollars and fifty cents, and one certificate shall embrace all the lots to which any one person or company may be entitled, to be paid by the applicant; and the expense of the sale, as provided for in section eight of this Act, to be paid by the purchaser, shall not exceed the fees allowed by law upon similar sales under execution.

Expense of sale and certificates.

SEC. 15. In all proceedings under this Act, the blocks and lots, when mentioned, shall be designated with reference to the official plat of said town.

Official plat.

SEC. 16. The town plat or map filed in the County Recorder's office on the twentieth of February, eighteen hundred and sixty-one, shall be the official plat or map of said town, and all the streets, alleys, levees and public squares, as designated upon said plat or map, are hereby dedicated to the public use.

SEC. 17. When there have been brick or other substantial buildings erected not in exact accordance with the said official plat, the owner or owners of such buildings shall be entitled to the land upon which said buildings shall stand; and, in case it, shall become necessary, the certificate of title shall embrace a fraction of a lot.

When buildings on lots not in accordance with plat.

SEC. 18. This Act shall take effect and be in force from and after its passage.

CHAPTER CXXX.

An Act to amend an Act entitled an Act concerning Fraudulent Conveyances and Contracts, passed April nineteenth, eighteen hundred and fifty.

[Approved March 6, 1868.]

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

SECTION 1. Section eighteen of an Act entitled an Act concerning fraudulent conveyances and contracts, passed April nineteenth, eighteen hundred and fifty, is hereby amended so as read as follows :

Certain
commercial
transactions
exempted.

Section 18. Nothing contained in the three last sections shall be construed to apply to contracts of bottomry, respondentia, nor assignments or hypothecations of vessels or goods at sea or in foreign States, or without this State; *provided*, the assignee or mortgagee shall take possession of such vessel or goods as soon as may be after the arrival thereof within this State; and nothing contained in said last three sections shall be construed to apply to any bill of sale, mortgage, hypothecation or conveyance of any vessel or part of any vessel of the United States which is or shall be duly recorded in the office of the Collector of Customs where such vessel is registered or enrolled pursuant to the laws of the United States.

SEC. 2. This Act shall take effect immediately.

CHAPTER CXXXI.

An Act for the relief of J. S. Downs.

[Approved March 7, 1868.]

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

Appropriation.

SECTION 1. The sum of fifteen hundred dollars is hereby appropriated, out of any moneys in the General Fund of the State Treasury not otherwise appropriated, to pay the claim of J. S. Downs; and the Controller of State is hereby authorized and required to draw his warrant on the State Treasurer in favor of said J. S. Downs for the sum above appropriated, and the Treasurer is hereby required to pay the same.

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

CHAPTER CXXXII.

An Act to amend an Act entitled an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals, approved April fourth, eighteen hundred and sixty-four.

[Approved March 7, 1868.]

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

SECTION 1. Section five of the Act to which this Act is amendatory is hereby amended so as to read as follows:

Section 5. The Governor of this State is hereby authorized, in the cases so reported to him by said Board, whenever the total amounts of credits so earned and allowed shall amount to thirty days, to deduct such term of credits for good behavior from the term of imprisonment for which such convict may have been sentenced; and at the expiration of the term for which such convict shall have been sentenced, less the number of days so allowed and credited, may order the release of such convict by an order under his hand addressed to the Warden of the prison, in such mode and form as he may deem proper, and with or without restoration to citizenship, as he may deem advisable; *provided*, that no part of or provision contained in this Act shall be so taken or construed as to abridge the term of imprisonment of any convict, except upon the terms and conditions, and in the manner prescribed herein; nor shall the provisions of this Act apply to any convict sentenced to imprisonment for life.

Prisoners to have certain credits for good behavior.

Proviso.

CHAPTER CXXXIII.

An Act to amend an Act, approved April twenty-ninth, eighteen hundred and fifty-seven, entitled an Act amendatory of and supplemental to an Act in relation to personal mortgages in certain cases, passed May eleventh, A. D. eighteen hundred and fifty-three.

[Approved March 7, 1868.]

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

SECTION 1. Section eight of the Act approved April twenty-ninth, eighteen hundred and fifty-seven, entitled an Act amendatory of and supplemental to an Act in relation to personal mortgages in certain cases, passed May eleventh, A. D. eighteen hundred and fifty-three, is hereby repealed.

Repeals Section 8.

SEC. 2. Nothing contained in said Act, or in the Act of which said [Act] is amendatory, shall be construed to apply to or shall affect in any manner any bill of sale, mortgage, hypothecation or conveyance of any vessel or part of any vessel which is or shall be duly recorded in the office of the Collector of Customs of the

Not to affect bill of sale, etc., of vessels.

place where such vessel is registered or enrolled pursuant to the laws of the United States.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXXXIV.

An Act to regulate the bond of the County Treasurer of Santa Clara County.

[Approved March 7, 1868.]

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

Treasurer to
give bond.

SECTION 1. The County Treasurer of the said County of Santa Clara, before entering on the duties of his office, shall enter into bond, with ten or more sufficient freehold sureties, to be approved by the Board of Supervisors of said county, in such sum as the said Board shall determine; *provided*, the same shall not be less than one hundred thousand dollars, with condition for paying over all moneys according to law, which shall come into his hands for State, county, or other purposes, and that he will faithfully and promptly discharge all the duties of his said office that are now or may hereafter be enjoined on him by law.

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

CHAPTER CXXXV.

An Act concerning water ditches and water privileges for agricultural and manufacturing purposes in the County of Tulare.

[Approved March 7, 1868.]

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

Water Com-
missioners.

SECTION 1. The Board of Supervisors of the County of Tulare are hereby made *ex officio* Water Commissioners in and for said county; they shall have the power and shall perform the duties hereinafter set forth.

Record.

SEC. 2. They shall procure a suitable book, and their Clerk shall keep therein a full record of all their official acts as such Water Commissioners, which shall be open to the inspection of any citizen.

Powers.

SEC. 3. No ditch shall hereafter be taken out of any stream, in the waters of which different persons have an interest by virtue of prior appropriation, without leave of said Commissioners.

SEC. 4. Any person or persons desiring to construct a ditch and appropriate water for agricultural or manufacturing purposes shall file a petition with said Commissioners, setting forth the stream from which they intend to take the water, the point where the proposed ditch will commence, its general course, and the proposed size thereof. Whereupon the said Commissioners may grant the right to construct said ditch and to use water sufficient to fill the same, for the uses and purposes set forth in said petition; *provided*, that nothing herein contained shall be so construed as to affect the right and privileges of those who, by prior appropriation, have secured the right to the use of water from the several rivers and streams in Tulare County.

Grant not to affect prior appropriation.

SEC. 5. Said Commissioners shall have power to grant the right of way to lay out and construct ditches through any lands in said county, and any person damaged thereby, or by the water of any ditch, shall be entitled to such compensation as may be agreed upon between the parties interested; and in case the parties cannot agree, each party shall choose an arbitrator, and the two chosen shall choose a third; and such arbitrators shall assess the damages sustained, under oath, which sum shall be paid before the ditch is constructed by the parties using the water, in proportion to their several interests therein, and the decision of said arbitrators shall have the force and effect of a judicial decision; *provided*, that in case any of the parties herein shall refuse to choose an arbitrator, then the County Judge of Tulare County shall appoint such arbitrator, whose decision shall have the same force and effect as though he had been appointed by the party interested.

May grant right of way.

Damages, how arrived at.

SEC. 6. The owners of water ditches may make such rules and regulations for the government of their several companies, not repugnant to the Constitution and laws of the State of California, as a majority of them may deem just and proper, and elect such officers for the transaction of their business as they may require; *provided*, that in all meetings of water ditch companies each owner shall be entitled to a vote in proportion to his or her interest therein.

Owners of ditches may make rules.

SEC. 7. All water ditches shall be kept in good repair by the owners thereof; and any member of the said Board of Commissioners shall have power to close, or authorize any other person to close and shut off the water from any ditch not in good repair; and any person opening or turning in the water into such ditch before the same is repaired shall be deemed guilty of a misdemeanor.

If not kept in good repair, power to close.

SEC. 8. When any ditch shall break so as to cause a loss or wastage of water, or shall overflow its banks, any person shall have a right to notify, either verbally or in writing, any owner in the said ditch; and if the said ditch is not repaired within forty-eight hours after the time when such notice is given, then any person shall have the right to repair said ditch, and shall have the right of action to recover, in any Court of competent jurisdiction, from the owners of said ditch, or any of them, double the cost of such repairs, together with costs of suit.

In case of breaks and repairs.

SEC. 9. Whenever a majority in interest of the owners in any ditch company, or their authorized agent, shall deem it

Owners refusing to join in repairs.

necessary to repair, enlarge or extend their ditch, they shall cause a notice, either written or verbal, to be served upon each owner therein, specifying a time to commence work thereon; and any owner therein neglecting or refusing to perform his proportion of such labor or pay his proportion of the cost thereof, shall forfeit his right to the use of any water from such ditch until such time as he pays the same to the person or persons performing his proportion of such labor, together with ten per cent. per month thereon additional. The number of hours constituting a day's labor, and the value thereof, shall be determined by the respective water ditch companies in the rules and regulations they may severally adopt. Leaving the notice contemplated in this section at the residence of any owner in a ditch company, with any member of his or her family over the age of fifteen years, shall be deemed a sufficient service for the purposes of this Act. Every person owning an interest in any water ditch, or owning any interest in the use of the water therein, shall be considered a member of such water ditch company.

Notices.

Who are members.

SEC. 10. The Act entitled an Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties, approved April fourth, eighteen hundred and sixty-four, and an Act entitled an Act to amend an Act entitled an Act to create a Board of Water Commissioners in Tulare County, and to define their powers and duties, approved April fourth, eighteen hundred and sixty-four, approved March twentieth, eighteen hundred and sixty-six, are hereby repealed.

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

CHAPTER CXXXVI.

An Act to amend an Act entitled an Act to establish a Paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six.

[Approved March 9, 1868.]

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

SECTION 1. Section four of the Act entitled an Act to establish a Paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six, is amended to read as follows:

Officers of Department.

Bonds and salaries.

Section 4. The Fire Department of the City and County of San Francisco shall consist of one Chief Engineer, two Assistant Engineers, one Clerk to the Board of Fire Commissioners and Chief Engineer, who shall give a bond in the sum of ten thousand dollars, with two or more sureties, for the faithful performance of his duties; one Corporation Yard-keeper; seven steam fire-engine companies, to consist each of one foreman, one engineer, one driver, one fireman and eight hosemen, one of whom shall act as assistant foreman and one as clerk, which

clerk shall receive five dollars per month extra; two hook and ladder companies, to consist each of one foreman, one driver, one tillerman and twelve hook and ladder men, one of whom shall act as assistant foreman and one as clerk; said clerk shall receive five dollars per month extra; and five hose companies, to consist each of one foreman, one driver, one steward and six hoseman, one of whom shall act as assistant foreman and one as clerk, which clerk shall receive five dollars per month extra. Each steam fire engine company shall have one steam fire engine, one hose reel, one thousand feet of hose and not more than three horses. Each hook and ladder company shall have one truck, with hooks and ladders and necessary and proper appurtenances and appliances, and two horses. Each hose company shall have one hose cart and reel, with one thousand feet of hose, and one horse. But the Board of Supervisors shall have power to increase or diminish the number of fire companies, as the public safety of the city and county may require, and to purchase the necessary steam engines, apparatus and appurtenances therefor; and they may organize such volunteer companies for outside districts as they may deem necessary, and to place apparatus in their keeping; but no member of any such volunteer company shall receive any salary for such service from the city and county. Said volunteer companies shall be subject to the rules and regulations governing the Fire Department.

Apparatus.

May organize
Power to
increase.volunteer
service with-
out remun-
eration.

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

Section 6. The salaries of the officers and men comprising said Fire Department shall not exceed the following sums, to be paid monthly: Chief Engineer, two hundred and fifty dollars per month; two Assistant Engineers, one hundred and forty dollars per month each; one Clerk to the Board of Fire Commissioners and Chief Engineer, one hundred and thirty dollars per month; Superintendent of Corporation Yard, seventy-five dollars per month; each foreman, forty-five dollars per month; each engineer, one hundred and forty dollars per month; each driver, seventy-five dollars per month; each fireman, seventy-five dollars per month; each tillerman, seventy-five dollars per month; each steward, sixty-five dollars per month; each hose and hook and ladder man, thirty-five dollars per month. All the paid members of the Fire Department, except the foreman, assistant foreman, clerk, hose men and hook and ladder men, shall give their undivided attention to their respective duties. Under this Act the foreman, assistant foreman, clerk, and hose men and hook and ladder men shall perform such duties as may be prescribed from time to time by the Board of Fire Commissioners.

Salaries of
officers and
men.

SEC. 3. Section eight of the said Act is amended so as to read as follows:

Section 8. The said Board of Supervisors are hereby authorized to appropriate, allow and order paid annually, out of the General Fund, the salaries hereinbefore specified and allowed; twenty-five thousand dollars per annum for running expenses, horse feed, repairs to apparatus and other expenses of the said Department; and three thousand dollars for the purchase of

Appropriations.

three horses, one hose reel and harness; and ten thousand dollars annually for the purchase of hose and steam fire engines; also, a sum not exceeding twenty thousand dollars annually, in lieu of the amount now allowed by law, for the construction and erection of hydrants and cisterns; and the Board of Supervisors shall have power to advertise for proposals and make contracts for the construction of said cisterns and the erection of said hydrants, and they are hereby empowered to locate the same.

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

CHAPTER CXXXVII.

An Act to authorize the Board of State Prison Directors to recommend the pardoning of convicts in the State Prison.

[Approved March 9, 1868.]

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

Directors to report names of prisoners for pardon.

SECTION 1. The Board of State Prison Directors are hereby authorized and directed to report to the Legislature of this State, at each regular session, the names of any persons confined in the State Prison who, in their judgment, ought to be pardoned out and set at liberty on account of good conduct, or unusual terms of sentence, or any other cause which in their opinion should entitle said convicts to a pardon.

Governor may pardon upon recommendation of Legislature.

SEC. 2. Whenever the Legislature shall, by a majority of both houses, recommend to the Governor that any or all of the persons named in the preceding section should be pardoned by him, he may pardon such convicts, in accordance with such recommendation.

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

CHAPTER CXXXVIII.

An Act relating to Homesteads.

[Approved March 9, 1868.]

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

Entitled to homestead, although held in joint tenancy, etc.

SECTION 1. Whenever any party entitled to a homestead under the laws of this State shall be in exclusive occupation of any parcel or tract of land, having the same inclosed, and shall select and record and reside upon the same as a homestead, such party so selecting and claiming shall be entitled to such homestead, and to all rights and exemptions provided by the general law

relating to homesteads, to the extent of such claimant's interest in such homestead property, although such land be held in joint tenancy, or tenancy in common, or such claimant own only an undivided interest therein.

SEC. 2. This Act shall apply to all homesteads heretofore recorded under the laws of this State, as well as those that may hereafter be acquired; *provided*, the provisions of this Act shall not apply to any actions now commenced and pending in any Court of this State, so as to require any of the parties claiming homesteads under the provisions of this Act to be made parties in such pending suits.

This Act
applies.
Proviso.

SEC. 3. Nothing in this Act contained shall be so construed as to prevent a joint tenant, or tenant in common, or owner of other individual interest, from effecting a partition; or in case a partition cannot be had, a sale of any real estate so owned in joint, common, or other tenancy, according to the laws of this State, as in other cases provided.

Joint tenants
and tenants
in common.

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

CHAPTER CXXXIX.

An Act making appropriations for deficiencies in the appropriations made for the seventeenth, eighteenth and nineteenth fiscal years, ending on the thirtieth day of June, eighteen hundred and sixty-eight.

[Approved March 9, 1868.]

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

SECTION 1. The following sums of money are hereby appropriated out of any moneys in the General Fund not otherwise appropriated, for the objects herein named, to wit:

Appropriations.

For expenditures at the State Prison, sixty thousand dollars, to pay outstanding liabilities and cover deficiencies during the current fiscal year.

For stationery, lights and fuel for Legislature and State officers, to be expended under the direction of the Secretary of State, twelve thousand dollars.

For copying and indexing the laws of the seventeenth session, in the Secretary of State's office, four hundred and fifty dollars.

For salary of Clerk of Supreme Court for nineteenth fiscal year, two thousand three hundred and thirty-three dollars and thirty-three cents.

For Porter in office of Clerk of Supreme Court, one hundred and five dollars.

For contingent expenses of Clerk of Supreme Court, seventy dollars.

For salaries and commissions of Stamp Inspectors for seventeenth fiscal year, one hundred and fifty dollars.

For salaries and commissions of Stamp Inspectors for eigh-

Appropriations.

teenth fiscal year, nine hundred and seventy-two dollars and eight cents.

For salaries and commissions for Stamp Inspectors for nineteenth fiscal year, one thousand dollars.

For arranging, cancelling and pasting all coupons now in the Treasurer's office, from whatsoever funds or bonds presented, and all which shall be presented up to the first day of July next, nine hundred dollars, to be expended by the Treasurer.

For translating laws of sixteenth session into Spanish, one hundred and nineteen dollars and thirty-eight cents.

For deficiencies in the office of State Printer, for printing paper and legal advertising, twelve thousand dollars.

For translating into the Spanish language, during the present session of the Legislature, the Governor's inaugural address, the Governor's biennial message, the Controller's report, the Treasurer's report, the report of the Superintendent of Public Instruction, and the report of the Surveyor-General, the sum of two thousand two hundred and fifty dollars. The account for translations shall be audited by the State Board of Examiners, and the Controller shall issue his warrants for the payment of the same.

And for deficiency in the office of Superintendent of Public Instruction, for expressage, postage and contingent expenses, the sum of six hundred dollars.

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

CHAPTER CXL.

An Act to amend an Act entitled an Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes, approved February fifth, eighteen hundred and sixty-eight.

[Approved March 10, 1868.]

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

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

To provide for funding.

Section 1. The Mayor and the Common Council of the City of Marysville, in the County of Yuba, are hereby authorized and empowered to provide for the payment of the funded or bonded indebtedness of said city now outstanding, which may now be due, or shall hereafter become due under any funding Act or law now existing and in force, in the manner hereinafter provided; and they are hereby authorized and directed to order the Funding Commissioners of the City of Marysville, by an ordinance to be passed therefor, to procure and prepare the bonds of the City of Marysville, in any sum they may deem necessary, and not exceeding the sum of seventy thousand dollars, to be issued and applied as hereinafter provided.

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

Section 2. Upon the Mayor and the Common Council of the City of Marysville so ordering by ordinance, as aforesaid, specifying the amount, not exceeding the said sum of seventy thousand dollars, for which such bonds shall be procured and prepared, the said Funding Commissioners of the City of Marysville shall, without delay, cause to be prepared bonds for the amount so ordered, in sums of not less than five hundred nor more than one thousand dollars each, payable in gold coin of the United States of America, for both the principal and interest, dollar for dollar, and bearing interest at the rate of eight per cent. per annum from the date of their issue, which bonds shall be made payable at the office of the Treasurer of said City of Marysville fifteen years after their date; and the interest accruing on such bonds shall be due and payable in like gold coin on the first days of January and July of each year after the date of their issue, at the office of the Treasurer of said city. Said bond shall be signed by the Mayor and Treasurer of said City of Marysville, and attested by the Clerk of said city subscribing the same and affixing the corporate seal thereto. There shall be coupons attached to such bonds for each semi-annual interest to accrue thereon, which coupons shall specify the amount of such semi-annual interest, when and where payable, and that the same is payable in United States gold coin, as aforesaid; and such coupons shall be signed by the Mayor and Treasurer of said city.

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

Section 5. It shall be the duty of the Funding Commissioners of the City of Marysville, immediately upon the passage of this Act, to pay into the City Treasury the sum of eighteen thousand dollars in gold coin of the money now in their hands uninvested belonging to the Sinking Funds heretofore provided by law for the payment of such funded or bonded indebtedness; which amount shall be by the Treasurer of said city placed in a fund to be called a Levee Fund, to be used and applied in such manner as the Mayor and Common Council shall, by a resolution therefor, order and direct, for the purpose of building and constructing a levee around said city, or such portion thereof as they may deem advisable and expedient. The balance of all money in the hands of the Funding Commissioners of the City of Marysville, after such payment of said sum of eighteen thousand dollars, the said Commissioners shall retain and invest and reinvest in such funds, currency, Government or other security, as they may deem for the best interest of said city and the taxpayers thereof, until such time as they may require the same, or the proceeds and incomes thereof, to apply, with the moneys raised upon the bonds herein ordered to be issued, upon the payment of the principal of the funded or bonded indebtedness of said city.

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

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

CHAPTER CXLI.

An Act to fix the time for electing Representatives to Congress.

[Approved March 11, 1868.]

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

When to be
elected.

SECTION 1. At the election for Presidential Electors in the year eighteen hundred and sixty-eight, and at the election every two years thereafter, there shall be elected, from each Congressional District in this State, one Representative to the Congress of the United States.

SEC. 2. All laws in conflict with this Act are hereby repealed.

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

CHAPTER CXLII.

An Act to authorize the Mayor and Common Council of the City of San José to open Market street through Market Plaza, in said city.

[Approved March 11, 1868.]

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

Street to be
opened.

SECTION 1. The Mayor and Common Council of the City of San José are hereby authorized and required to open Market street, in said city, through the plaza known as Market Plaza. Said street shall be opened the same width as other portions of said Market street contiguous to said plaza, to wit: Fifty feet on each side of a line running through said plaza, said line to commence at a point in the centre of Market street, opposite the Continental Hotel, situate on the southerly side of said plaza, and running thence through said plaza to a point in the centre of Market street opposite a brewery situated on the southerly side of said plaza, the whole width of said street to be one hundred feet.

Plaza
grounds to
be sold.

SEC. 2. The said Mayor and Common Council, after the opening of said street, shall sell the ground of the plaza fronting on either side of said street to parties who own lands around said plaza, and between their respective lots and said street; and said land owners shall have the privilege of buying such portions of said plaza grounds as are in front of their lots, in preference to all others, provided they do so within the time prescribed in section four of this Act. The sum of money which said Mayor and Common Council shall demand for said grounds shall be equal to the entire expenses which have accrued to said city for ornamenting said plaza; and the said sum shall be apportioned by said Mayor and Common Council, to be paid pro

rata by the preferred purchasers according to the quantity and the value of the land purchased by each.

SEC. 3. The Mayor and Common Council shall, after the passage of this Act, order the City Surveyor to survey said Market street through said plaza, according to the description contained in this Act, and also such cross street or streets as may come into or be connected therewith; and after such survey they shall order the City Marshal, or some other person, to remove all obstacles which may impede or hinder travel thereon.

SEC. 4. Those parties wishing, and having the privilege of buying said plaza, shall make application in writing to the Mayor and Common Council, and after paying the purchase money the said Mayor and Common Council shall make deeds of conveyance to said purchasers; but if the parties owning land around said plaza fail for six months to make such application, then it shall be lawful for any party to make such application, and by complying with the conditions in this Act such party shall be entitled to such conveyance.

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

CHAPTER CXLIII.

An Act to legalize the election of Supervisors, and to define the duration of the office of Supervisor in the County of San Diego.

[Approved March 11, 1868.]

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

SECTION 1. The election of Supervisors for the County of San Diego, held at the general election in the year eighteen hundred and sixty-seven, is hereby legalized, and the official acts of said Board are approved and confirmed. The Supervisors then elected, and their successors, shall hold office for two years from and after the first Monday of the month subsequent to their election and until their successors are elected and qualified. In case of any vacancy in said Board, from failure to elect or from any other cause, the County Clerk shall call a special election to fill such vacancy, giving ten days notice of the time and place of holding the same.

SEC. 2. Three Supervisors shall be elected for said county by the qualified electors thereof at the general election in the year eighteen hundred and sixty-nine, and at the like election every two years thereafter.

SEC. 3. All laws requiring said county to be districted and Supervisors to be elected by Supervisor Districts therein, and all laws and parts of laws which conflict with the provisions of this Act are hereby repealed, as to the County of San Diego.

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

CHAPTER CXLIV.

An Act concerning warrants applicable to the County of Mendocino.

[Approved March 11, 1868.]

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

Prohibits
drawing cer-
tain war-
rants.

SECTION 1. The Supervisors of the County of Mendocino are hereby forbidden to order any warrant to be drawn upon the General Fund of said county for any purpose for which a special fund is provided by law, except in such cases as they are specially authorized so to do by positive law.

SEC. 2. The County Auditor of Mendocino is hereby prohibited from drawing any warrant ordered contrary to the provisions of this Act.

SEC. 3. This Act shall take effect immediately.

CHAPTER CXLV.

An Act to legalize an election of town officers in the Town of Arcata, Humboldt County, held in the month of May, A. D. eighteen hundred and sixty-seven.

[Approved March 11, 1868.]

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

Legalized.

SECTION 1. The election of the Town Trustees of the Town of Arcata, in Humboldt County, held in the month of May, A. D. eighteen hundred and sixty-seven, is hereby legalized and declared valid; and all acts done heretofore and since the qualification of the said officers elected at said election, or any of them, not in conflict with the Act of the Legislature incorporating said town, are hereby declared valid and binding.

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

CHAPTER CXLVI.

An Act to authorize the Board of Supervisors of Yuba County to construct a bridge across the Yuba River and roads connecting the same with the highlands.

[Approved March 10, 1868.]

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

Right
granted.

SECTION 1. The County of Yuba is hereby granted the right and privilege to construct and maintain a bridge across the Yuba

River and roads connecting the same with the highlands, for public use, at a point to be selected by the Board of Supervisors within three miles of the city limits of the City of Marysville.

SEC. 2. Within forty days after the passage of this Act the Board of Supervisors of said county shall determine and locate a site for said bridge; and immediately after the selection of the site the said Board of Supervisors shall advertise in one or more daily newspapers published in the City of Marysville, for twenty days, for plans and specifications for the construction of said bridge and roads, and shall, within ten days thereafter, adopt a plan for said bridge and roads; and they shall, immediately after the adoption of said plan and specifications, advertise for thirty days in one or more daily newspapers published in the City of Marysville, that they will receive proposals for the construction of said bridge and roads in accordance with the plans and specifications, and that they will award the contract to the lowest bidder who will give good and sufficient security for the completion of any contract he may make respecting the same.

SEC. 3. Any contract entered into for the construction of said bridge and roads shall provide for the payment thereunder to be made in warrants ordered to be drawn by the Board of Supervisors upon the Treasurer of said county, payable out of any moneys in the Bridge Fund to be hereinafter provided for, and not otherwise.

SEC. 4. Upon the erection and completion of said bridge and roads the Board of Supervisors are hereby authorized and empowered to charge and collect such rates of toll as they may from time to time fix by the action of said Board until the sum arising therefrom, over and above the cost of collecting the same, shall be sufficient to pay the cost and expense of constructing said bridge and roads, together with the price and value of all purchases herein authorized to be made, and the price and value that may be agreed to be paid for all the right of way or lands that may be required for such bridge and roads, and all amounts that may be paid as damages and compensation for the condemnation of private property, with the cost and expenses of such proceedings in condemnation; after which time, the said bridge and roads shall be free for all crossing of persons and property; *provided*, the Board of Supervisors may, from time to time, collect such sums of money as may be required to keep the said bridge and roads in repairs.

SEC. 5. The Board of Supervisors of said county shall appoint some suitable person to collect the toll charged for the crossing on said bridge and roads, and shall require from him a bond for the faithful performance of his duties, in a sum not less than one thousand dollars, to be approved by said Board.

SEC. 6. The Treasurer of said county shall receive any and all moneys paid over to him under the provisions of this Act, and shall enter the same upon the books of his office, to the credit of a fund that shall be known as the "Yuba River Bridge Fund," and shall disburse the same upon the warrants drawn by order of said Board of Supervisors on said fund.

SEC. 7. The Board of Supervisors are hereby authorized to order warrants drawn upon the County Treasurer of said county,

Shall locate.

Advertise for proposals.

Contracts.

Collect tolls.

When free.

Toll collector

Bridge Fund

Warrants to pay contracts.

payable out of the Yuba River Bridge Fund, in accordance with any contract they make under the provisions of this Act; and such warrants shall bear interest at the rate of ten per cent. per annum after their presentation to the County Treasurer for payment, until paid.

SEC. 8. It shall be the duty of the County Treasurer to keep a register of said warrants, in order of their presentation for payment; and if there be no moneys in his hands belonging to said Yuba River Bridge Fund, to indorse upon the back of each warrant the date of its presentation, and thereafter to pay the same in their order of registry, as from time to time any money shall be paid over to the credit of said fund.

Duties of
toll collector

SEC. 9. It shall be the duty of the person appointed for the collection of tolls to pay over to the County Treasurer of said county each day, to the credit of the Yuba River Bridge Fund, all moneys or tolls collected by him the preceding day, taking his receipt therefor, and file the same with the Auditor of said county; and at the end of each week the amount of each day's payment to the Treasurer, with the date thereof, shall be entered by the person making such payment in a book to be kept by him for that purpose; and at each regular meeting of the Board of Supervisors such person shall make oath that the entries contain a full, true and accurate account of all moneys collected by him for or on account of tolls for crossing said bridge.

Supervisors
may purchase
bridges.

SEC. 10. The Board of Supervisors are hereby authorized and empowered to purchase any bridge that is already constructed within the limits mentioned in section one of this Act, together with its franchise, and may draw warrants upon said Yuba River Bridge Fund for the payment of the same, and may build roads and collect tolls in the same manner as they would if they had constructed said bridge under the provisions of this Act; and they may repair or reconstruct said bridge and the roads leading to and from the same, the same as if they had selected an original site.

May condemn
lands.

SEC. 11. The Board of Supervisors of said county may locate and open such road or roads to or from said bridge as the public convenience may demand, and for that purpose may enter upon and take possession of any land and real estate. If the same be private property, and the right of way over and through it be not obtained by agreement, the said Board of Supervisors shall appoint three disinterested persons as Commissioners to appraise the damage done to said land and real estate by such road or roads, and the compensation to be made therefor. The Commissioners shall, after publication of notice of time and place of meeting for ten days, in some daily newspaper published in the City of Marysville, proceed to hear, examine and determine such questions of damage and compensation, and award the amount of the same to the person or persons entitled thereto; and the amount so awarded shall at once be paid over to the party or parties so entitled; *provided*, however, that any conflicting claims to the ownership of said land or real estate, or to the amount so awarded as damages or compensation, and if said Commissioners cannot determine who are such owners and entitled to such compensation, such conflict or inability to determine shall not in any manner operate to prevent

Award compensation.

the immediate opening of such road or roads; but in such case the amount of the damages so assessed and compensation awarded shall be placed in the County Treasury of Yuba County, subject to the order of the party or parties establishing the right thereto; and thereupon the said Board of Supervisors shall proceed as though such compensation had been paid to the parties entitled thereto, which damages and compensation shall be paid out of any money in the General Fund of said county by a warrant ordered to be drawn by said Board of Supervisors; and the amount paid out of the said General Fund shall be replaced out of the first moneys received into said Yuba River Bridge Fund, and the cost, expenses and charges of laying out and opening such roads, as well as of the construction and repairs of the same, shall be paid out of said Yuba River Bridge Fund by warrants drawn thereupon.

SEC. 12. Said Board of Supervisors may regulate and determine the speed of travel, riding and driving upon said bridge, and may require the speed not to be faster than a walk; and for each violation may recover judgment before any competent Court for any damages sustained by such travel, riding or driving exceeding the speed authorized. There shall be kept at each end of said bridge a bulletin board containing a scale of prices or tolls established by said Board of Supervisors, and notice of speed of travel allowed on said bridge.

Regulate speed of travel on bridge.

SEC. 13. No liability shall be created on the part of, or shall accrue to, the County of Yuba under this Act, or its officers, other than selecting the site for said bridge and roads, supervising their construction, collection of tolls and payment of warrants payable out of the Yuba River Bridge Fund, as herein provided.

Liability of county.

SEC. 14. The said Board of Supervisors are hereby authorized and empowered, and it is made their duty, to hold such special meeting as may be necessary for carrying out the provisions of this Act.

SEC. 15. This Act shall take effect and be in force immediately after its passage.

CHAPTER CXLVII.

An Act to provide for the sale of certain property purchased for and used by the Legislature at its seventeenth session.

[Approved March 10, 1868.]

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

SECTION 1. The Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the Assembly shall, on or before the last day of the present session of the Legislature, prepare a true and correct schedule of all the furniture and fixtures purchased for and used in the Clerk and Committee rooms of their respective houses; and the schedule so prepared shall be copied into the

Duties of Sergeants-at-Arms.

Journals of the Senate and Assembly and a copy furnished to the Secretary of State.

SEC. 2. It shall be the duty of the Sergeants-at-Arms of the Senate and Assembly to sell the property described in the preceding section of this Act, and belonging to their respective houses, at public auction, within one week after the close of the present session of the Legislature, after having given at least five days notice in two daily newspapers published in the City of Sacramento, setting forth the time when and the place where such sales will be made.

Proceeds of
sale.

SEC. 3. The Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the Assembly shall, immediately after the sale of the property described in this Act, prepare and deliver to the Secretary of State true and certified statements of the property sold by them, the amount received therefrom and the necessary expenses of such sales; and the Sergeants-at-Arms of the Senate and Assembly shall, immediately thereafter, pay into the State Treasury any and all moneys received from the sale of the property described in this Act, after deducting therefrom the necessary expenses of such sales, and take the receipt of the Treasurer of State for the same.

Compensa-
tion.

SEC. 4. The Sergeants-at-Arms of the Senate and Assembly shall each receive the sum of fifty dollars for their services under the provisions of this Act; and the Controller is hereby authorized to draw his warrants in favor of said Sergeants-at-Arms for that sum, upon the presentation of the State Treasurer's receipt for the payment into the State Treasury of the moneys received from the sales of the property described in this Act.

SEC. 5. The moneys paid into the State Treasury under the provisions of this Act shall be placed in the General Fund, to be used as are other moneys in said fund.

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

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

CHAPTER CXLVIII.

An Act to exempt certain property from execution.

[Approved March 12, 1868.]

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

Searcher of
records.

SECTION 1. The books, papers, maps and diagrams of a person engaged in searching records and making abstracts of titles, used in such business, shall be exempt from execution in all cases, except upon a judgment recovered for the purchase money thereof, or upon a mortgage thereon.

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

CHAPTER CXLIX.

An Act to provide for the drainage of the City of Sacramento, and of the lands of Swamp Land District Number Two.

[Approved March 12, 1868.]

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

SECTION 1. The Board of Supervisors of Sacramento County are hereby authorized to, on the first Monday in April, eighteen hundred and sixty-eight, or at the time of levying the general State and county taxes, levy upon each one hundred dollars worth of taxable property in Swamp Land District Number Two, including in such levy the taxable property in the City of Sacramento, a special tax of fifteen cents, which tax shall be collected and paid into the Treasury of Sacramento County, in gold and silver coin, and shall constitute a fund to be known as the "Sacramento Drainage Fund."

Special tax authorized.

SEC. 2. It shall be the duty of the Assessor, Board of Equalization, Auditor, Tax Collector, Treasurer and District Attorney of said county to perform, in relation to such tax, all those acts and things necessary to be done, which are by law required of them in the case of general taxes for State and county purposes.

Duties of officers.

SEC. 3. The Sacramento Drainage Fund shall be subject to the control of said Board of Supervisors, and shall be used exclusively for the construction of a ditch or canal for drainage purposes, leading from the north line of R street, Sacramento, to the channel or slough known as Snodgrass Slough, or to Bloom's Lake, and for the construction of such levees, flood-gates and bridges as may be found necessary in their judgment to render drainage effective and to guard against back-water in said district. The moneys of said fund shall not be appropriated to, or held liable for, any existing indebtedness of Swamp Land District Number Two.

Proceeds of tax, how appropriated.

SEC. 4. The said Board of Supervisors are authorized to proceed, as early as practicable, with the construction of said ditch or canal, by employing an engineer to make surveys and estimates, and by letting contracts in such sections as may be determined upon by them, after advertising in two daily newspapers for at least two weeks; *provided*, that said contracts shall be awarded to the lowest responsible bidders, who shall file satisfactory bonds for the faithful execution of said work; and *provided*, that the Board have power to reject all bids, and to re-advertise for proposals.

Contracts for work.

SEC. 5. The Board of Supervisors aforesaid is hereby vested with all the power, privilege and authority for the construction of the ditch or canal herein provided for, which are granted said Board for the construction of other swamp land improvements by an Act entitled an Act supplemental to and amendatory of an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh and tide land donated to the State of California by an Act of Congress approved May thirteenth, eighteen hundred and sixty-

Powers of Supervisors.

one, and all Acts amendatory thereof, approved April second, eighteen hundred and sixty-six. The members of the Board shall be allowed five dollars per day each, and legal mileage for actual service under the provisions of this Act; *provided*, that one day per month only shall be allowed.

SEC. 6. The ditch or canal herein provided for shall, after its construction, be subject to the control and management of the Board of Supervisors of Sacramento County.

Further tax
to supply
deficit.

SEC. 7. If the moneys accruing from the tax aforesaid shall prove insufficient to defray the entire expense of constructing the canal, etc., as herein provided, the Board of Supervisors is further authorized and empowered to levy, in the year eighteen hundred and sixty-nine, a further tax of fifteen cents on every one hundred dollars worth of property in said district; which tax shall be levied, collected and disbursed in accordance with the provisions of this Act.

SEC. 8. The Board of Supervisors are hereby empowered, under the provisions of this Act, to extend such immediate relief to residents along the line of the proposed canal as may be found to be practicable, by causing ditches to be dug for the purpose of temporary drainage, without complying with the requirements of section four of this Act.

SEC. 9. All Acts or parts of Acts in conflict with this Act are hereby repealed, so far as they affect the provisions of this Act, and this Act shall take effect immediately.

CHAPTER CL.

An Act to fix the compensation of the Board of Supervisors of Tulare County.

[Approved March 12, 1868.]

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

Compensa-
tion fixed.

SECTION 1. Each member of the Board of Supervisors of the County of Tulare shall be entitled to receive for his services for each day's necessary attendance on the business of the county the sum of five dollars; *provided*, that no member of the Board shall receive more than two hundred and fifty dollars in the aggregate for any one year.

SEC. 2. Each member of the Board shall also receive twenty-five cents per mile for each mile necessarily travelled in going to and returning from the county seat to attend to the business of the county.

SEC. 3. All Acts and parts of Acts inconsistent with this Act, so far as applicable to Tulare County, are hereby repealed.

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

CHAPTER CLI.

An Act for the relief of James P. McFarland and his assigns.

[Approved March 12, 1868.]

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

SECTION 1. The proper officers of the County of Los Angeles are hereby authorized and directed to sign and issue a bond or bonds, in the manner and form as provided in an Act of the Legislature of the State of California entitled an Act to fund the indebtedness of Los Angeles County, approved April fourth, eighteen hundred and sixty-four, for and in exchange for a certain Auditor's warrant of said county, numbered three hundred and ninety-four, and dated February third, eighteen hundred and fifty-eight, drawn on the Fund for Current Expenses for the sum of four hundred and ninety-three dollars and twenty-two cents, in favor of James P. McFarland or order, including in such bond or bonds the interest accrued on said warrant from the date of its first presentment to the County Treasurer for payment until July first, eighteen hundred and sixty-four

Officers of county to issue bond.

SEC. 2. The bond or bonds issued under the provisions of the preceding section shall be and become a part and portion of the funded debt of Los Angeles County created and provided for by the Act mentioned in section one, and shall be paid and bear interest in like manner as the bonds authorized by said Act.

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

CHAPTER CLII.

An Act to amend an Act entitled an Act creating the office of District Collectors and Assessors in the County of Butte, approved March twenty-sixth, eighteen hundred and sixty-six.

[Approved March 12, 1868.]

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

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

Section 13. During the session of the Board of Equalization the Clerk thereof shall enter upon the assessment roll of each district all changes and corrections made by the Board, and shall, on their adjournment, forthwith deliver the assessment roll so corrected to the County Auditor, whose duty it shall be to add up the columns of valuation of each description of property on the assessment roll of each district; and on or before the third Monday in September he shall deliver a true copy of all the original corrected assessment rolls, and on or before the

Duties of Clerk.

County Auditor to make assessment rolls.

second Monday in November the subsequent corrected assessment rolls, to be styled the Duplicate Assessment Roll, with the State, county and other taxes and totals of taxes to each person carried out in separate columns, with his certificate thereto attached, to the County Treasurer of said county, who shall collect the taxes on said duplicate assessment roll in the manner now provided by law, and who shall perform all other acts in reference to said assessment roll now required by law. The duplicate assessment roll referred to in this section shall be one book only, into which the several rolls of the several District Assessors of said county shall be transcribed; *provided*, that the Board of Supervisors may, if in their judgment the public interest will not suffer thereby, dispense with the books required by section eleven of this Act, and may require the several District Assessors to make returns of their assessment lists from time to time to the Clerk of the Board of Supervisors, who shall record such lists in a book to be styled the Original Assessment Roll, from which, when corrected by the Board of Equalization, the Auditor shall make out his duplicate assessment roll as provided by law.

Assessors' returns.

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

Liability of Assessors and Collectors.

Section 15. The District Assessors and Collectors provided for herein shall be responsible in all respects to, and shall be liable under, the general laws relating to County Assessors and Collectors, where said laws are not qualified by the provisions of this Act; and the said Assessors and Collectors are hereby clothed with the same authority, in their official capacity, as are the County Assessors and Collectors, to the extent of their respective districts; and the provisions of the general law are hereby made applicable to this Act, and to all offices mentioned in this Act, and to their respective duties, except otherwise expressly provided in this Act.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLIII.

An Act to provide for the levying and collection of a special tax to be used in the construction of bridges in the County of Tehama.

[Approved March 12, 1868.]

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

Tax authorized.

SECTION 1. The Board of Supervisors of the County of Tehama are hereby empowered and directed to levy, annually, a special tax of twenty-five cents upon each one hundred dollars worth of taxable property in said county. Said special tax shall be levied and collected at the same time and in the same manner as State and other county taxes, and, when collected, shall be paid into the County Treasury of said county, and there to be

set apart, to be used and known as the "Bridge Fund of Tehama County;" *provided*, always, that all sums in excess of the sum of fifteen thousand dollars which may be collected under the provisions of this Act shall be paid into the General Fund of said county; and *provided* further, whenever the aggregate amount of moneys paid into the said Bridge Fund of Tehama County, under the provisions of this Act, shall amount to the sum of fifteen thousand dollars, that thereafter the special tax hereinbefore provided for shall cease to be levied and collected.

Proceeds,
how appropri-
ated.

Sec. 2. The Board of Supervisors of said county shall meet on the first Monday of May after the passage of this Act, and shall cause to be published for at least thirty days, in some newspaper printed and published in said county, an advertisement for sealed proposals for the construction of bridges over Reed's Creek, Red Bank Creek, Elder Creek and Deer Creek, on the main road running through said county, or at any point near to the said main road that may be selected by the said Supervisors as suitable sites for said bridges. Said proposals shall be addressed to the Clerk of the Board of Supervisors of Tehama County, and shall be indorsed "Proposals for bridges," and shall contain a bid for the construction of each of said bridges severally, according to plans and specifications to be furnished by the bidders respectively, and which shall accompany the respective bids.

Advertise for
proposals.

Sec. 3. On the third Monday of June, Anno Domini eighteen hundred and sixty-eight, the said Board of Supervisors shall meet, and in public open all proposals that may have been received for the construction of said bridges, and shall proceed to consider the said proposals in connection with the plans and specifications accompanying each, and shall, upon the filing of the bond hereinafter provided for, award the contract for the construction of the said bridges, or either of them, to the person or persons offering to construct the same for the lowest amount of money, due regard being always had to the merits of the plans and specifications accompanying said bids; *provided*, always, that said Supervisors may, in their discretion, reject any and all bids received.

Award con-
tracts.

Sec. 4. The person or persons to whom the contract for the construction of said bridges, or either of them, may be awarded, shall file a good and sufficient bond, with two or more sureties, in double the amount of their respective bids, to be approved by the Board of Supervisors of said county, and conditioned to the effect that the obligors will well and truly and in workman-like manner cause the said bridge or bridges to be constructed and completed on or before the third Monday of December, Anno Domini eighteen hundred and sixty-eight, in accordance with the plans and specifications accompanying the respective proposals as adopted by the Board.

Contractors
to file bonds.

Sec. 5. Upon the filing of the bond provided for in the last section, the person or persons to whom the award or awards shall be made shall be entitled to receive, and the County Auditor of said county is directed to draw, a warrant on the said Bridge Fund of Tehama County, in favor of the person or persons to whom the contract or contracts shall be awarded, for

Part pay-
ment.

one full third of the amount to become finally due upon their respective contracts.

Payment in full.

SEC. 6. Upon the final completion of said bridges, or either of them, and the acceptance thereof by the said Board of Supervisors, the County Auditor of said county shall draw his warrant or warrants on the said Bridge Fund of Tehama County, in favor of the person or persons who may have constructed the said bridges, or either of them, for the balance due such persons respectively; and all warrants drawn in pursuance of this section shall bear interest at and after the rate of seven per cent. per annum from the date of their presentation to the County Treasurer of said county until finally paid; *provided*, always, that said interest shall be payable only out of said Bridge Fund.

Surplus in Bridge Fund

SEC. 7. All moneys remaining in said Bridge Fund of Tehama County, after paying for the construction of said bridges and interest due upon the warrants drawn on said fund, shall immediately be transferred to the General Fund of said county, and said tax shall thereupon cease to be levied.

SEC. 8. All Acts and parts of Acts, so far as the same may conflict with any of the provisions of this Act, are hereby repealed.

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

CHAPTER CLIV.

An Act to authorize the Commissioners of the Deaf, Dumb and Blind Institute to convey certain lands of the State of California.

[Approved March 12, 1868.]

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

Authorized.

SECTION 1. The Commissioners of the Deaf, Dumb and Blind Institute are hereby authorized and empowered to convey to the several purchasers thereof, by good and sufficient deeds of conveyance, all that lot of land in the City and County of San Francisco, bounded and described as follows: Commencing at the southeasterly corner of Mission and Fifteenth streets; running thence easterly, along the southerly line of Fifteenth street two hundred and forty-five feet, to the westerly line of Whitney street; thence southerly along said line of Whitney street, two hundred and sixty feet; thence at a right angle, westerly, two hundred and forty-five feet, to the easterly line of Mission street; and thence northerly, along said line of Mission street, two hundred and sixty feet, to the place of beginning; *provided*, possession shall not be given until the new institution provided for in an Act entitled an Act to provide for changing the location of the California Institution for the Education of the Deaf, Dumb and Blind, passed March thirty-first, eighteen hundred and sixty-

Description of lot.

Possession given.

six, shall be so far completed as to justify the removal of the pupils thereto.

SEC. 2. Such deeds, when executed, shall pass to the grantees therein, respectively, all the interest of the State of California, and all the interest which at any time heretofore was vested in Frederick Billings, James A. McDougall, B. H. Randolph, P. B. Clark and Horace P. Janes, Trustees, in and by a certain conveyance from John Center to them, dated May thirtieth, eighteen hundred and sixty-one, and recorded in the Recorder's office of said city and county, in liber one hundred and thirty-one of deeds, at page five hundred and thirty-six, or otherwise soever, in or to the lands so conveyed, subject to the limitations and reservations contained in section one of this Act.

Title conveyed.

SEC. 3. The sale of said lands made by the said Commissioners, at public auction on the twentieth day of November, eighteen hundred and sixty-seven, is hereby confirmed.

SEC. 4. This Act shall take effect on its passage.

CHAPTER CLV.

An Act to provide for the payment of certain unredeemed State indebtedness.

[Approved March 12, 1868.]

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

SECTION 1. The sum of one thousand eight hundred and fifty-six dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, to redeem a certain bond of the State of California, with interest coupons attached, issued the first day of July, Anno Domini eighteen hundred and fifty-six, for the sum of one thousand dollars, and particularly described as Bond number eight hundred and thirty-nine. Also a certain certificate issued by the State Treasurer the twenty-second day of July, Anno Domini eighteen hundred and fifty-six, for the sum of fifty-one dollars, and particularly described as Certificate number four hundred and eighty-one; the said bond and certificate being issued under the Act of April nineteenth, one thousand eight hundred and fifty-six.

Appropriation to redeem bond No. 839 and certificate No. 481.

SEC. 2. Upon the surrender to the State Board of Examiners of the above described bond, with interest coupons from number one to number thirty-eight, inclusive, and the above described certificate of indebtedness, by I. and S. Wormser, the Board of Examiners are hereby authorized and directed to cancel the said bond and coupons and certificates, and to approve and certify to the Controller of State a claim in favor of the said I. and S. Wormser for the sum named first in this Act, the same being the amount of the principal of said bond and certificate and the interest coupons due on said bond up to the first day of January, Anno Domini eighteen hundred and sixty-eight;

and the Controller of State is hereby authorized to draw his warrant for the said amount, and the State Treasurer to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLVI.

An Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals, approved May fourteenth, eighteen hundred and sixty-two.

[Approved March 12, 1868.]

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

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

Counties ex-
empted.

[Section 5.] The provisions of this Act shall not apply to the Counties of Nevada, Amador, Sierra, Klamath, Del Norte, Trinity, Plumas, Calaveras, Tuolumne and Lassen.

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

CHAPTER CLVII.

An Act authorizing the construction of a wharf in the County of Yolo, and to build a railroad in connection therewith.

[Became a law by operation of the Constitution, March 10, 1868.]

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

Franchise
given.

Location.

SECTION 1. F. S. Freeman, William Minis, Charles H. Grey, G. Kaufman, M. Hyman, Charles Coil, L. Dryfus, Geo. W. Scott, Camillas Nelson, Usual Shellhammer, Geo. D. Fisk, E. Giddings, C. P. Sprague, their associates and assigns, are hereby authorized and empowered to construct and maintain a railroad in Yolo County, from the Town of Woodland, east of the Sacramento River, at a point near Elkhorn Ranch; and the company thus empowered to construct and maintain said road shall be known as the Woodland and Sacramento River Railroad Company; and said company shall have the right of way and may enter upon and occupy any public lands necessary to carry out the object of the corporation; and they are authorized and empowered to build a wharf at said point on the Sacramento River, and may there collect such wharfage as may be authorized by the Board of Supervisors of Yolo County; *provided*, the lands selected for said wharf shall not comprise more than one thousand feet of

the river front, and shall in no way interfere with the free navigation of said stream.

SEC. 2. For the purpose of constructing said railroad and building said wharf, there are hereby given, granted and conferred to and upon the said Woodland and Sacramento River Railroad Company and its assigns, all the powers, rights and privileges given, granted or conferred to or upon railroad corporations by an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, and by all Acts since passed amendatory of said Act; *provided*, section fifty-one of said Act of May twentieth, eighteen hundred and sixty-one, shall not be applicable to this franchise, but the said company shall be allowed to charge and collect such fares, freights and tolls as the Board of Supervisors of Yolo County may authorize; *provided*, the rates fixed shall not reduce the net income from said railroad below eighteen per cent. per annum on the total amount invested. Railroad law applicable.
Exception.

SEC. 3. The franchise herein granted shall continue for the term of twenty years; *provided*, said company shall commence work upon said road within one year, and complete the same within three years after the passage of this Act.

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

—
This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this tenth day of March, eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

CHAPTER CLVIII.

An Act to authorize H. B. Tichenor and R. G. Byxbee to construct a railroad, railroad wharf and toll bridge in Mendocino County.

[Became a law by the operation of the Constitution, March 11, 1868.]

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

SECTION 1. H. B. Tichenor and R. G. Byxbee are hereby authorized to construct and maintain, for the period of twenty years from the passage of this Act, a railroad track, railroad wharf and a public toll bridge at the mouth of and across the Navarro River, in Mendocino County, and shall have and are hereby granted the right of way across said river, with all the privileges, rights of way, franchises and immunities hereinafter mentioned. Franchise.

SEC. 2. Said railroad track shall commence at the sawmill of said Tichenor and Byxbee, and cross said river at the most convenient point near said mills, and thence along the northern shore of said river to the ocean. Said railroad wharf may Location.

extend into the ocean a sufficient distance to allow railroad cars, loaded with lumber or other merchandise, to land and be loaded for water transportation. A space of one hundred feet in width on each side of said wharf, bounded by water, is hereby set apart for free access to and from said wharf.

Toll bridge. SEC. 3. The said H. B. Tichenor and R. G. Byxbee shall have full authority to construct a public toll bridge across said river at any point between the said sawmills and the mouth of said river, and to maintain the same for the said period of twenty years. The said parties shall, at all times after the completion of the bridge aforesaid, keep the same in good order and condition, and shall be responsible for all damages to person or property crossing the same, caused by neglect to keep the same in proper repair. Said bridge shall be built in a substantial manner, of durable materials.

Collect tolls. SEC. 4. Said parties and assigns shall be authorized to charge and collect such tolls as the Board of Supervisors of Mendocino County shall fix; *provided*, that the Legislature may, at all times, charge [change] or modify the rates so fixed by the Supervisors.

Regulate speed, etc. SEC. 5. The said parties and assigns may regulate the speed of travel, riding or driving upon said bridge, and may require the same to be no faster than a walk. Notice of such regulation, together with the rates of toll, shall be kept posted up on some conspicuous place upon said bridge; and for each violation of said regulation, the party offending, if prosecuted in any Court of competent jurisdiction, shall be fined in any sum not less than ten nor more than fifty dollars, and in addition shall be liable to said parties and their assigns for all damages actually sustained by reason of said violation.

SEC. 6. The said parties and their assigns may regulate and determine the number of cattle that may pass over said bridge at any one time, which regulation shall be affixed to the rate of toll in some conspicuous place as aforesaid; and the said parties or their assigns shall not be liable for any damages resulting from a violation of such regulation.

Bonds. SEC. 7. The said parties and their assigns shall, from time to time, as said Board of Supervisors may require, execute to The People of the State of California, for the benefit of any person or persons injured, a bond, with such sureties and in such an amount as said Board of Supervisors may deem proper for the faithful performance of the duties required of them and their assigns under this Act.

License. SEC. 8. The Board of Supervisors of Mendocino County shall fix and regulate the amount of license to be paid on said toll bridge each year; *provided*, said license shall not exceed fifty dollars for any one year.

SEC. 9. Said railroad track, wharf and toll bridge shall be commenced within one year, and completed within three years from the passage of this Act; otherwise, the privileges granted by this Act shall be forfeited.

SEC. 10. An Act entitled an Act to authorize H. B. Tichenor and R. G. Byxbee to construct a railroad and railroad wharf in Mendocino County, passed March thirty-first, eighteen hundred and sixty-six, is hereby repealed.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this eleventh day of March, A. D. eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

CHAPTER CLIX.

An Act to authorize Titus Hale, Austin Walrath, William McCall and Richard P. Tenney, their associates and assigns, to construct a railroad from the City of Monterey to the Rancho Natividad, and to construct a wharf at the City of Monterey.

[Became a law by operation of the Constitution, March 11, 1868.]

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

SECTION 1. There is hereby granted to Titus Hale, Austin Walrath, William McCall and Richard P. Tenney, their associates and assigns, the right to lay out, construct, maintain and use a railroad from such point on the Bay of Monterey where the water is four fathoms deep at low tide, in the City of Monterey, in the County of Monterey, as may be selected by them, to the Rancho Natividad, in said County of Monterey, with the privilege of erecting and maintaining a railroad and toll bridge across the Salinas River by such route as they may deem most practicable and advantageous; and to construct, maintain and use a wharf at the terminus of said railroad, in the Bay of Monterey, and charge wharfage for the use thereof; and to charge and collect such tolls for crossing such bridge which they may erect over the Salinas River as may be fixed, every five years after the completion of such bridge, by the Board of Supervisors of said county; said railroad to be constructed with either a single or double wooden or iron track, and to be used for carrying both passengers and freight; and no other railroad shall, within twenty years from the passage of this Act, be constructed within one mile, on each side thereof, from the point where the same shall strike the Salinas River to said Rancho Natividad, unless authorized by a special Act of the Legislature of the State of California.

SEC. 2. For the purpose named in section one of this Act, the said Titus Hale, Austin Walrath, William McCall and Richard P. Tenney, their associates and assigns, are hereby granted all the rights and privileges granted to, or conferred upon, railroad companies by the first ten subdivisions of section number seventeen, and by sections number eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two,

forty-three, forty-five, forty-six, forty-eight, forty-nine, fifty, fifty-two and fifty-three of an Act of the Legislature of the State of California, entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, and as amended since the approval of the same, by said Legislature, and as now in force; and all the provisions of said sections of said Act, as the same are now in force, shall be and are hereby made applicable to the said railroad and the rights, privileges and franchises herein conferred upon the above named parties; *provided*, however, that the rights and privileges hereby granted shall cease and be determined unless the said grantees, their associates and assigns, shall, within one year after the passage of this Act, expend twenty-five thousand dollars (\$25,000) in the construction of the wharf and road, beginning at the City of Monterey, and that they shall complete said road from the City of Monterey to the Salinas River within three years after the passage of this Act.

Unless conditions are complied with, grant to be annulled.

SEC. 3. The construction of the said railroad shall be commenced within one year from the passage of this Act, and it shall be completed within six years from the passage of this Act.

Charge for transportation.

SEC. 4. It shall be unlawful for said grantees, their associates or assigns, to charge more than ten cents per mile for each passenger, and fifteen cents per mile for each ton of freight transported on its road; and for every transgression of such limitation the company shall be liable to the party suffering thereby treble the entire amount of fare or freights so charged to such party; *provided*, that in no case shall the company be required to receive less than twenty-five cents for any one lot of freight for any distance.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this eleventh day of March, A. D. eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

CHAPTER CLX.

An Act amendatory of an Act entitled an Act to authorize John Lawley and his associates to construct a turnpike road in Napa and Lake Counties, approved March seventeenth, eighteen hundred and sixty-six.

[Became a law by operation of the Constitution, March 11, 1868.]

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

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

Franchise.

Section 1. John Lawley and his associates are hereby authorized to construct and maintain a turnpike road from Edward

Every's residence, in the County of Napa, through St. Helena Cañon and over the St. Helena range of mountains, to a point in Loconoma Valley, where the road leading from Calistoga to Lower Lake intersects the road leading from Calistoga to Lakeport via Cobb Valley.

SEC. 2. This Act shall take effect immediately.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this eleventh day of March, A. D. eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

CHAPTER CLXI.

An Act to amend an Act entitled an Act to provide for the election of Township Assessors in the County of Alameda, approved March twenty-eighth, eighteen hundred and sixty-four.

[Approved March 12, 1868.]

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

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

Section 5. The Assessors of the several townships shall receive the following compensation per annum, and none other, for all the duties performed by them under this Act, viz:

Compensation of Township Assessors.

The Assessor of the Township of Oakland, the sum of five hundred and fifty dollars.

The Assessor of the Township of Brooklyn, the sum of three hundred dollars.

The Assessor of the Township of Alameda, the sum of two hundred dollars.

The Assessor of the Township of Eden, the sum of three hundred dollars.

The Assessor of the Township of Washington, the sum of three hundred and fifty dollars.

The Assessor of the Township of Murray, the sum of two hundred dollars.

And in addition to such annual compensation, each Assessor shall receive the sum of five dollars for each day's actual attendance upon the Board of Equalization, the number of days actual attendance to be determined by the Board of Supervisors.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXII.

An Act to provide for the payment of the debt of Lassen County.

[Approved March 12, 1868.]

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

Not to pay
claims which
accrued
prior to 1868.

SECTION 1. From and after the first day of July, one thousand eight hundred and sixty-eight, it shall not be lawful for the County Treasurer of Lassen County to pay any warrant or claims of any kind whatsoever against said county that have accrued prior to said first day of July, one thousand eight hundred and sixty-eight, except in the manner hereinafter provided.

Levy special
tax.

SEC. 2. The Board of Supervisors of said county shall, from and after the first day of February, Anno Domini eighteen hundred and sixty-eight, levy a special tax annually, in addition to other taxes provided for by law, of not more than eighty cents on each one hundred dollars of all taxable property in said county. Said tax shall be levied, assessed and collected at the same time and in the same manner as other taxes are levied, assessed and collected in said county.

Redemption
Fund.

SEC. 3. The tax provided for in the preceding section shall be set aside and kept as a special fund, to be called the "Redemption Fund," and shall be held and disbursed as hereinafter provided.

Proposals for
redemption
of warrants.

SEC. 4. Whenever at any time there shall be in the Redemption Fund created by this Act a sum of money amounting to five hundred dollars or more, it shall be the duty of the County Treasurer to give fifteen days notice, by publication in some newspaper published at the county seat, that sealed proposals directed to him will be received for the surrender of county warrants issued prior to the first day of July, Anno Domini eighteen hundred and sixty-eight, or claims that accrued prior to that time, and that said proposals will be received by him up to the next regular meeting of the Board of Supervisors thereafter.

SEC. 5. On the first day of such regular meeting of said Board of Supervisors, they, with the County Auditor and Treasurer, shall attend at the office of the latter, and then and there open all proposals and accept the lowest bid for the surrender of the county warrants or claims of the character hereinbefore specified; *provided*, that no bid for more than par value shall be accepted, nor any bid unless accompanied by the warrants or claims proposed to be surrendered.

Redemption
of warrants.

SEC. 6. When any bids are accepted, the County Auditor and the Treasurer shall each take a description of the number and amount of warrants or claims to be redeemed, specifying the amount to be paid for each warrant or claim, and make a record thereof in their respective offices; and thereupon the Board of Supervisors shall make an order directing the County Treasurer to purchase the warrants or claims designated in the accepted bids, and pay the same out of the Redemption Fund; and the warrants and claims so redeemed shall be cancelled as

other redeemed county warrants, except that the County Treasurer shall write on the face of said warrants or claims the word "Purchased," and the amount paid for the same. The order of the Board of Supervisors directing the County Treasurer to purchase said warrants or claims, together with the record made by the County Auditor, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. The bids and amount of warrants being equal, taking into consideration the principal and interest, each shall be accepted pro rata, or as nearly so as possible; the bids being equal, preference shall be given to the smallest amount. The County Treasurer shall return all unaccepted bids, together with the warrants or claims therein contained, to the owners on demand.

SEC. 7. The County Treasurer shall keep a separate account, Account. under the heading of "Redemption Fund," and of all moneys paid out of said fund, when and to whom paid.

SEC. 8. Whenever there shall be sufficient moneys in said Redemption Fund to pay off all the outstanding warrants issued prior to said first day of July, Anno Domini eighteen hundred and sixty-eight, and the interest on the same, it shall be the duty of the County Treasurer to advertise for the space of fifteen days, in a newspaper published at the county seat of said county, to that effect; and after such publication such warrants shall cease to draw any interest whatever. Advertise.

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

CHAPTER CLXIII.

An Act concerning the Insane Convicts at the State Prison.

[Approved March 12, 1868.]

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

SECTION 1. Whenever the Physician, Warden and Captain of the Yard, of the State Prison, after an examination, are of opinion that any convict is insane, it shall be their duty to certify under oath that the charge be correct; and it shall be their duty to send a certificate to that effect to the Governor of the State; and the Governor is hereby authorized, at his own discretion, to order the removal of said convict to the Insane Asylum at Stockton; *provided*, that so soon as the authorities in said Insane Asylum shall ascertain that such person is not insane, they shall immediately notify the Warden of the State Prison of that fact, and thereupon the Warden shall cause said prisoner to be at once returned to the State Prison; *provided*, his term of imprisonment shall not have already expired. All Acts and parts of Acts, so far as the same conflict with the provisions of this Act, are hereby repealed. Convicts when insane to be sent to Asylum.

SEC. 2. This Act shall take effect immediately.

CHAPTER CLXIV.

An Act to amend an Act entitled an Act amendatory of an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, approved February twenty-ninth, eighteen hundred and sixty-four.

[Approved March 12, 1868.]

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

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

Salaries of officers.

[Section 2.] The District Attorney shall receive a salary of six hundred dollars per annum, to be paid quarterly, and such fees as allowed by law. The County Assessor shall be paid a sum not exceeding four dollars per day for the number of days actually necessary in assessing said county, and for each day's necessary attendance during the session of the Board of Supervisors as a Board of Equalization. The Superintendent of Public Schools shall receive a salary of one hundred dollars per annum, to be paid quarterly. All other county and township officers shall receive as compensation the fees allowed by law; *provided*, that the Board of Supervisors shall receive a compensation of ten cents for each mile necessarily travelled in going to and returning from the county seat to attend the regular meetings of said Board, and five dollars for each day's attendance on the same.

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

CHAPTER CLXV.

An Act to levy a tax upon the property of the Oroville School District, in the County of Butte, for the purpose of paying the claims now outstanding against said district.

[Approved March 12, 1868.]

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

Annual tax.

SECTION 1. An annual tax of two per cent. is hereby levied upon the property of the Oroville School District, in the County of Butte, the proceeds of said tax to be used as hereinafter directed; *provided*, that the Board of Trustees of said district may, by an order entered on its minutes, reduce the rate of tax hereby levied.

Money advanced.

SEC. 2. All sums of money advanced by any person or persons, and used by the Board of Trustees of said district in the construction of the new school-house therein, which moneys were advanced upon the express condition that no tax should

be levied for the construction of the said school-house, shall be and are hereby made valid claims against said district, and shall be so treated by the Board of Trustees of said district.

SEC. 3. The tax provided for in this Act shall be continued until all claims against said district are fully paid, and no longer. Tax limited.

SEC. 4. The Board of Trustees of said district are hereby authorized and directed to pay, out of the moneys arising under this Act, first, all claims against said district other than those mentioned in section two of this Act; and when such claims have been fully paid, said Trustees shall pay to the persons entitled thereto the claims mentioned in section two of this Act. No interest shall be allowed on the last named claims. Claims to be paid.

SEC. 5. There shall be allowed for assessing and collecting the taxes on the property of the said district, one hundred dollars.

SEC. 6. As soon as practicable after the passage of this Act, the Board of Trustees of said district shall proceed to carry into effect the provisions of the same in the manner provided by the Act known as the "Revised School Law" of this State, approved March twenty-fourth, eighteen hundred and sixty-six; and the provisions of said Act are hereby made applicable to this Act in every respect, except otherwise expressly provided by this Act; *provided*, that in giving the notice of election required by section ninety-eight of the Revised School Law, ten days shall be sufficient time for all posted notices, and two insertions in a weekly newspaper shall be sufficient for all notices required to be published; and it shall not be necessary for said notices to contain the amount of money to be raised, nor shall it be necessary for the ballots used at such elections to contain the words "Tax—Yes," or "Tax—No." The officers of the election shall certify to the Trustees the person or persons having the highest number of votes for Assessor and Collector, or for both such offices, and such person or persons shall be Assessor and Collector of said district. The Assessor shall assess and return his assessment roll, footed up, to the Trustees, within fifteen days from the time he receives his certificate of election. The Collector shall collect the tax levied by this Act in the manner provided by section ninety-nine of the Revised School Law; *provided*, he shall make the return of his roll to the Trustees within fifteen days, instead of sixty, as required by said section. All elections held for the purpose of carrying into effect the provisions of this Act shall be conducted according to the provisions of the said Revised School Law; *provided*, that no registration of the voters of said district, nor the enrolment of said voters, shall be necessary under this Act. Election of Assessor and Collector.

SEC. 7. This Act shall be in force immediately after its passage. Duties.

Legal voters.

CHAPTER CLXVI.

An Act concerning the Clerk of the Board of Supervisors of Napa County.

[Approved March 13, 1868.]

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

Compensation.

SECTION 1. In addition to the fees allowed by law, the Board of Supervisors of Napa County are hereby authorized to allow to the Clerk of said Board a reasonable compensation for services performed by him when such Board is not in session, payable out of the General Fund of said county.

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

CHAPTER CLXVII.

An Act granting leave of absence to George N. Whitman, District Attorney of Mono County, and Thomas Laspeyre, District Attorney of Kern County.

[Approved March 13, 1868.]

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

Leave of absence.

SECTION 1. George N. Whitman, District Attorney elect of the County of Mono, and Thomas Laspeyre, District Attorney elect of Kern County, are each hereby granted leave of absence from the State for a period of four (4) months, at such time as he may select during his term of office; *provided*, that the said George N. Whitman furnish a competent person to discharge the duties of his office during such absence from the State, which person shall be acceptable to the sureties on the official bond of said District Attorney.

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

CHAPTER CLXVIII.

An Act to authorize the County Judges and Probate Judges of this State to hold terms, or parts of terms, of the County Court and Probate Court in counties other than those for which they were respectively elected.

[Approved March 13, 1868.]

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

SECTION 1. Any County Judge or Probate Judge of this State may hold terms, or portions of terms, of the County Court or Probate Court, and perform any or all of the duties of County Judge or Probate Judge, in any other county of this State, as well as in that for which he was elected, to hear, try, adjudicate and determine all causes and matters in which the County Judge or Probate Judge of the proper county is interested, or has been employed as an attorney, or is disqualified by law from trying or adjudicating, and in cases of sickness of the proper Judge.

Judges may hold Court in another county.

SEC. 2. When, from any of the causes mentioned in the preceding section, a term, or portion of a term, of the County Court or Probate Court cannot be held in a county by a County Judge or Probate Judge thereof, as the case may be, such Judge so disqualified shall, by consent of the parties to any actions or proceedings which such Judge is so disqualified from adjudicating, or their attorneys, designate the County Judge or Probate Judge of some other county to hold such term, or portion of a term; and if the parties fail thus to consent, a certificate of the fact of such disqualification, or in the case of sickness of the Judge, then of the fact of such sickness, shall be transmitted by the County Clerk of such county to the Governor, who shall thereupon direct some County Judge or Probate Judge of a neighboring county to hold such term, or part of a term; and it shall be the duty of the County Judge or Probate Judge thus designated to hold such term, or portion thereof, as directed.

Judge to be designated.

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

CHAPTER CLXIX.

An Act to amend an Act entitled an Act to authorize the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same, passed May first, eighteen hundred and fifty-one, and the several Acts amendatory thereof.

[Approved March 13, 1868.]

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

SECTION 1. Section four of the Act to which this Act is amendatory is hereby amended so as to read as follows:

Commissioners to certify amount to be raised.

Section 4. The said Commissioners, previous to the making out of the general assessment list for the said city, in each and every year, shall certify and deliver to the City and County Assessors the amount which shall be necessary to be raised for the payment of the interest of the debt so funded, for the current year; and the said Assessors, in completing said assessment list, shall add to the amount which may be authorized by law to be raised thereon for other purposes the amount so certified for the payment of such interest. The first moneys collected upon the whole of such general assessment list, when so completed, shall be paid by the collector thereof into the City Treasury, and by the City Treasurer into the hands of said Commissioners, as fast as collected; and no payment shall, either directly or indirectly, be made out of the moneys assessed or collected upon the said assessment list for any other purpose until the amounts authorized by this section to be assessed and collected shall have been actually paid over to said Commissioners. The Common Council of the said city shall not have power to enact any provisions which shall prevent or hinder the immediate collection, in current coin, of the amount authorized to be raised by this section, or otherwise contravene the provisions of this section; and if any such provisions are attempted to be enacted, it shall be the duty of the City Collector to disregard the same, and to collect, in current coin, the amounts by this section authorized to be assessed and collected. The said Commissioners shall have the right at all times to inspect the books of the Treasurer, Assessor and Collectors of said city.

First moneys collected.

In current coin.

Inspect books.

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

Redemption of stock.

Section 6. At the time when the principal of said stock becomes redeemable, the said Commissioners shall devote the moneys in their hands to the redemption of the same, and shall pay the surplus, if any, to the Treasurer of the City and County of San Francisco. The said Commissioners shall also, after discharging the trust for which they are herein appointed, convey and restore to the City and County of San Francisco all the property, titles and assets belonging to the same and remaining in their possession. Each of said Commissioners shall receive for his services the monthly salary of one hundred dollars per month, except the President of the Board, who shall receive one hundred and twenty-five dollars per month, and the Secretary, who shall receive two hundred and fifty dollars per month. Said Commissioners may also expend, for clerk hire, rent and office expenses, a sum not exceeding two hundred dollars per month. Before entering upon their office, the said Commissioners hereafter appointed shall give bonds to the City and County of San Francisco, by its corporate name, to be approved by either of the District Courts of said city and county, conditioned for the faithful discharge of their trusts; and the bonds of either or all the Commissioners heretofore or hereafter appointed under this Act shall be renewed from time to time, upon the order of either District Court in said city and county, upon the application of said city and county, for cause shown, after previous notice to said Commissioners; and failure on the part of either of said

Compensation.

Give bonds.

Commissioners to comply with such orders shall *ipso facto* vacate the office of the one so in default.

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

Section 14. Whenever said Commissioners shall have surplus moneys in their hands for the extinguishment of any portion of the said principal stock, as hereinbefore provided, they shall publicly advertise for at least five weeks in some newspaper printed in the City of San Francisco, for sealed proposals for the surrender of portions of said stock, and shall state in such advertisement the amount of money which they have in their hands for that purpose; and they shall accept those proposals which shall secure the cancellation of the greatest amount of such stock and of annual interest thereafter to accrue on the same; *provided*, that no proposal shall be accepted at a rate above par; and in case proposals are not made, so that said stock can be redeemed as herein provided, the said Commissioners are authorized to invest said funds in any other stock of said city or of the City and County of San Francisco, at the best practicable rates, not exceeding its par value.

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

CHAPTER CLXX.

An Act to amend section two of an Act entitled an Act to provide for the election of two additional Supervisors in the County of Alameda, approved April sixth, eighteen hundred and sixty-three.

[Approved March 13, 1868.]

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

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

Section 2. Whenever the Board of Supervisors of said county shall have created a new township from adjacent portions of the territory of the Township of Eden and Washington, including in said new township the Village of Alvarado, then said new township shall have power to elect one Supervisor in manner provided by law.

CHAPTER CLXXI.

An Act to provide for the payment of assessments against the property of the Government of the United States for street improvements in the City and County of San Francisco.

[Approved March 13, 1868.]

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

To be paid
out of Street
Department
Fund.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to allow, the Auditor of said city and county to audit, and the Treasurer to pay, out of the Street Department Fund, all claims not heretofore paid for assessments that have been made, or that may hereafter be made, pursuant to law, against the property of the Government of the United States for street improvements in the said city and county; *provided* the Government of the United States shall by its officers refuse to make such payment.

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

CHAPTER CLXXII.

An Act to provide funds for the School Department of the City of Oakland, and to authorize the payment of certain present indebtedness.

[Approved March 13, 1868.]

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

Issue bonds.

SECTION 1. The City Council of the City of Oakland are hereby authorized to issue and sell school bonds to an amount not exceeding fifty thousand dollars, payable, at the option of the said City Council, at any time within ten years from the date of the issuance of said bonds, in gold coin of the United States, and to bear interest at a rate of not to exceed ten per cent. per annum, payable annually on the second day of January of each year, in gold coin of the United States.

Description.

SEC. 2. Said bonds shall be in sums of not less than one hundred dollars, nor more than five hundred dollars, and shall be signed by the Mayor and Treasurer of the city, and shall have the seal of the city affixed thereto by the City Clerk. Coupons for the interest shall be attached to each bond, signed by the Mayor and Treasurer of the city.

Advertise for
sale of bonds.

SEC. 3. Before the sale of said bonds the said City Council shall, at a regular meeting of the Council, cause to be entered upon the records of said Council an order directing the sale of a specified amount of said bonds, and the day and hour of such sale, and shall cause a copy of such order to be inserted in a

newspaper published in said city, for at least twenty days, and in any other newspaper published in the State, at their discretion, and a notice that sealed proposals will be received by said Council for the purchase of said bonds on the day and hour named in said order. The said City Council shall open all sealed proposals received by them, and shall award the purchase of said bonds to the highest responsible bidder; *provided*, that the said Council may reject all bids; and *provided* further, that no bonds shall be sold for less than ninety cents, in gold coin, on the dollar par value. Rates of sale.

SEC. 4. The said Council may sell bonds at not less than par value, without the notice provided for in the previous section.

SEC. 5. The amount of bonds sold, their number and dates, shall be entered upon the records of said Council in a book kept for that purpose.

SEC. 6. The proceeds of the sale of said bonds shall be paid into the City Treasury to the account of the School Fund of said city; and after the extinguishment of any present indebtedness incurred by the said City Council on behalf of the School Department, to an amount not exceeding ten thousand dollars, shall be used for the sole purpose of purchasing additional lots and erecting additional school buildings; *provided*, that no portion of the funds thus received from the sale of said bonds shall be expended without the consent of four members of the Board of Education and four members of the City Council. Proceeds,
how ex-
pended.

SEC. 7. After any of said bonds are sold, and until all bonds sold are redeemed, the said City Council are hereby authorized, and it shall be their duty, to levy annually, at the same time and in the same manner that other city taxes are levied, a tax on all the taxable property in the city, sufficient to pay the interest on all of said bonds not paid. Said tax when collected shall constitute a fund for the payment of the interest on said bonds, and shall be called the "School Bond Interest Fund;" and if any interest shall be due on said bonds, and there is no money in the said fund to pay the same, the City Council shall order the Treasurer to transfer from any or all other funds of said city, except the School Fund, a sufficient sum to pay said interest. Levy tax to
pay interest.

All moneys remaining in the Treasury belonging to the School Bond Interest Fund, after all interest has been paid, shall be applied to the redemption of bonds, as hereinafter provided; *provided*, that in the year eighteen hundred and sixty-eight the Council may, at any time before the second Monday of July, levy a tax, as before provided in this section, sufficient to pay the interest falling due upon said bonds on the second day of January, eighteen hundred and sixty-nine. Supply
deficiency.

SEC. 8. The City Council may, at their discretion, in each year until the year eighteen hundred and seventy-eight, levy a tax not to exceed in each year ten cents on each one hundred dollars in value, on all taxable property in said city. The said tax when collected shall constitute a fund which shall be called the "School Bond Redemption Fund;" and whenever there shall stand to the credit of that fund upon the Treasurer's books the sum of one thousand dollars or more, the City Council shall advertise in a newspaper published in the city, for the space of three weeks, for sealed proposals for the redemption of said Levy tax for
School Bond
Redemption
Fund.

bonds; and in one week from the expiration of the time of such publication the said Council shall open the sealed proposals and shall pay the bonds offered at the lowest price, as far as the money in the said School Bond Redemption Fund will extend; *provided*, that no bids shall be considered for more than par value of said bonds. Should there be no proposals made for par value or less, then the money in said fund shall be used for the redemption of said bonds according to the number of their issue, of which the City Treasurer shall give notice in the manner mentioned heretofore in this section, and after four weeks from the date of said notice the bonds proposed to be redeemed shall cease to draw interest; and if any of such bonds shall not be presented for redemption within three months from the date of said notice, the City Treasurer shall apply the money for the redemption of the bonds next in order of the number of their issue, as heretofore directed; *provided*, that in the year eighteen hundred and seventy-five the City Council are authorized, and it shall be their duty, to levy a tax sufficient to pay one half of the bonds then outstanding and not paid; and in the year eighteen hundred and seventy-seven they shall also provide in the same manner for the payment of all bonds issued under this Act and at that time unpaid.

Redemption
of bonds.

Cancelled.

SEC. 9. Whenever any bond shall have been paid, the City Treasurer shall mark the same "Cancelled," over his signature, and return the same to the Mayor, with the interest coupons which are not then due attached.

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

CHAPTER CLXXIII.

An Act to amend an Act to provide for a system of Common Schools, approved March twenty-fourth, eighteen hundred and sixty-six.

[Approved March 13, 1868.]

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

SECTION 1. Section ninety-eight is hereby amended to read as follows:

Additional
school
facilities.

Section 98. The Board of Trustees of any district may, when in their judgment it is advisable, call an election and submit to the qualified electors of the district the question whether a tax shall be raised to furnish additional school facilities for said district, or to maintain any school or schools in such district, or for building one or more school-houses, or for any two or all of these purposes. Such election shall be called by posting notices in three of the most public places in the district, for twenty days; and also, if there is a newspaper in the county, by advertisement therein once a week for three weeks. Said notices shall contain the time and place of holding the election, the amount of money proposed to be raised, and the purpose or purposes

for which it is intended to be used. The Trustees shall appoint Election. three Judges to conduct the election, and it shall be held in all other respects, as nearly as practicable, in conformity with the General Election Law. At such elections the ballots shall contain the words "Tax—Yes," or "Tax—No," and also the name of one person as Assessor and one as Collector; *provided*, however, the same person may be elected to both offices. If a majority of the votes cast are "Tax—Yes," the officers of the election shall certify the fact to the Trustees, and shall also certify the names of the person or persons having the plurality of votes for Assessor and Collector. The Trustees shall issue certificates of election, and the Assessor shall, on receiving his, forthwith ascertain and enroll, in the manner provided for County Assessors, all the taxable persons and property in the district; and within thirty days he shall return his roll, footed up, to the Trustees. The Trustees, upon receiving the roll, shall deduct fifteen per cent. therefrom for anticipated delinquencies, and then, by dividing Tax levied. the sum voted, together with the estimated cost of assessing and collecting added thereto, by the remainder of the roll, ascertain the rate per cent. required; and the rate so ascertained (using the full cent on each hundred dollars in place of any fraction) shall be and is hereby levied and assessed to, on or against the persons or property named or described in said roll; and it shall be a lien on all such property until the tax is paid; and said tax, if not paid within the time limited within the next succeeding section for its payment, shall be recovered by suit, in the same manner and with the same costs as delinquent State and county taxes. The maximum rate of tax levied by a district tax in any Maximum rates. one year, for building purposes, shall not exceed seventy cents on each hundred dollars; and the maximum rate levied for school purposes by such tax shall not exceed thirty cents on each hundred dollars in any one year. Each District Tax Collector shall give Bonds. a bond to The People of the State of California, joint and several in form, with similar sureties as are required on other official bonds. Such bonds shall be in such penal sum as the Trustees may direct, provided it be not less than double the amount to be collected, and shall be approved by them. The Trustees, upon receiving any assessment roll from the Assessor, shall give Equalization five days notice thereof by posting a notice in three public places in the district, and shall sit for at least three days as a Board of Equalization at such time and place as shall have been named in said posted notices; and they shall have the same power as County Boards of Equalization to make any changes in said assessment roll.

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

CHAPTER CLXXIV.

An Act to provide for the payment of the debt of Inyo County, and for other purposes.

[Approved March 13, 1868.]

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

Special tax
for Contin-
gent Fund.

SECTION 1. The Board of Supervisors in and for the County of Inyo, in addition to other taxes which they may levy under authority of law, shall annually levy a special tax of fifteen cents on the one hundred dollars, on the taxable property of Inyo County; and the money derived from said special tax shall constitute a Contingent Fund for the purpose of paying the actual cash outlay of the county officers of said county, and for other contingent expenses of the county, to be paid out by order of the Board of Supervisors.

Sinking
Fund.

SEC. 2. Said Board of Supervisors shall annually levy a special tax of twelve cents on the one hundred dollars, on the taxable property of said county; and the money derived from said special tax shall constitute a Sinking Fund for the extinguishment of the present and accruing indebtedness of said county, and shall be held and disbursed in pursuance of the provisions of this Act.

Proposals for
surrender of
warrants.

SEC. 3. Whenever there shall accumulate in the County Treasury, from proceeds of the special tax as provided for in the foregoing section, the sum of two hundred dollars or over, it shall be the duty of the County Treasurer to give at least twenty-one days notice before the regular meeting of the Board of Supervisors, either by publication in some newspaper published at the county seat, or by posting four public notices in four public places in said county, of the amount of money in said Sinking Fund as above provided, and that sealed proposals directed to him and marked "Sinking Fund," for the surrender of county warrants, will be received by him up to the time when the Board of Supervisors and County Treasurer shall commence opening said proposals, as hereinafter provided.

Redemption
of warrants.

SEC. 4. On the first day of the regular meeting of the Board of Supervisors, after said twenty-one days notice, between the hours of two and four o'clock p. m., the Board of Supervisors and County Treasurer shall attend at the office of the latter and then and there open all proposals; and the Board of Supervisors shall accept those proposals offered at the lowest rate, and most favorable to the county, for the surrender of county warrants; *provided*, that no bid for more than par value of said warrants, or any bid, unless accompanied by the warrant or warrants proposed to be surrendered, shall be considered. And provided there be no quorum present to act upon the proposals at the time and place and in the manner specified in this section, then as soon thereafter as there be a quorum present they shall proceed as hereinbefore provided.

SEC. 5. If, upon the final settlement of the Sheriff for taxes collected during the year, an amount less than two hundred dollars shall remain in the said Sinking Fund, the Board of Super-

visors and Treasurer may proceed in the same manner as if there were two hundred dollars in said fund.

SEC. 6. Whenever any bids are accepted, it shall be the duty of the County Treasurer to take a description of the number and amount of the warrant or warrants to be redeemed, specifying the amount to be paid each warrant, and make a record thereof in his office; and thereupon the Board of Supervisors shall make an order directing the County Treasurer to purchase the warrants designated in the accepted bids and pay for the same out of the Sinking Fund. Said order shall specify the number and amount of each warrant, and the sum to be paid therefor; and the warrants so redeemed shall be cancelled, as other redeemed warrants, except that the County Treasurer shall write on the face of said warrants purchased the amount paid for the same, and shall sign his name thereto; and said cancelled warrants, together with the order of the Board of Supervisors directing the County Treasurer to purchase said warrants, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. The bids being at equal rates, the preference shall be given to the person offering the smallest amount of warrants; and the bids and amount of warrants being equal, each shall be accepted pro rata, or as nearly so as possible. The County Treasurer shall return all unaccepted bids, together with the warrants therein contained, to the owners, on demand.

Warrants
redeemed.

SEC. 7. The County Treasurer shall keep a separate account, under the head of "Sinking Fund," of all moneys received from the source specified in the first section of this Act; and the said moneys shall never be used or mixed with other funds.

Account.

SEC. 8. The Collector of Taxes shall be allowed three per cent., and no more, for collecting; and the County Treasurer shall be allowed three per cent., and no more, for receiving and disbursing all moneys collected under this Act; *provided*, the revenue raised under this Act shall not be deemed or taken as a revenue for current expenses, further than as provided in this Act. And whenever the Board of Supervisors shall ascertain that there is no existing indebtedness of the county exceeding the available means on hand to pay the same, then their powers to levy taxes under this Act shall cease.

Remunera-
tion.

SEC. 9. These taxes shall be collected at the same time and in like manner as other taxes are collected in said county.

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

CHAPTER CLXXV.

An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six.

[Approved March 13, 1868.]

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

SECTION 1. Section four of said Act shall be amended so as to read as follows :

Levy road
poll tax.

Section 4. The said Board shall have power to levy a road poll tax on all able-bodied men, except Indians, between the ages of twenty-one and fifty years, which tax shall not exceed four dollars per annum, payable in coin; *provided*, that any person liable to pay said tax may pay the same, when called on by the Roadmaster, in labor on the road, under the direction of said master, at the rate of two dollars per day; and having fully worked out his road poll tax, the Roadmaster shall deliver to him a receipt therefor. Said road poll tax shall be levied by the said Board at the same time that other taxes are levied, for the year succeeding, which tax so levied shall be due and payable on or after the first Monday in March thereafter; *provided* further, that upon the filing of a petition with the said Board, signed by a Roadmaster and ten residents of his road district, praying for an additional road poll tax to be levied in the road district of the Roadmaster so petitioning, the said Board shall have power to levy, from time to time, additional road poll taxes, not exceeding in the aggregate the sum of eight dollars per annum, upon each and every person liable to pay the same within the road district of the Roadmaster so petitioning, which additional tax shall be payable immediately upon its being levied, and in the same manner as other road poll tax, and may be levied at any regular or special meeting of said Board for the three months next ensuing. And said Board may, in their discretion, levy a property tax for road purposes, upon all taxable property in said county, of not more than thirty cents upon the one hundred dollars, which said property tax shall be levied and collected at the same time, in the same manner, and by the same officers, as other property taxes; *provided*, the said Board may levy the road poll tax for the year eighteen hundred and sixty-eight at any regular or special meeting of the said Board in said year.

Property
road tax.

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

CHAPTER CLXXVI.

An Act to authorize the County of Sutter to give its bonds to the California Pacific Railroad Company, a corporation organized and working by and under the general railroad laws of this State, and to provide for the payment of said bonds.

[Approved March 13, 1868.]

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

SECTION 1. The Board of Supervisors in and for the County of Sutter are hereby authorized and required to issue the bonds of the County of Sutter, as a donation, for the purpose of aiding in the construction of the California Pacific Railroad from Knight's Landing to Marysville. Issue bonds.

SEC. 2. The bonds that are authorized to be issued under this Act shall not be issued unless upon a proposition to issue said bonds being submitted to the electors of Sutter County at the next general election, to be held for election of Presidential Electors, the majority of the electors voting upon said proposition shall be in favor of issuing said bonds. And it is hereby made the duty of the Board of Supervisors of said county to submit to the qualified electors at said election the proposition to issue said bonds. Those voting for said proposition shall have written or printed on their ballots "County bonds in aid of the California Pacific Railroad Company—Yes;" and those voting against said proposition shall have written or printed on their ballots "County bonds in aid of the California Pacific Railroad Company—No." Said vote shall be canvassed by the Board of Supervisors of said county at their next meeting after the said election, and the result of said voting shall be entered upon the records of the said Board; and if said proposition shall receive a majority of said votes cast, in favor thereof, it shall be their duty to issue said bonds; and if a majority of said votes are cast against said proposition, it shall not be lawful to issue said bonds. Election.

SEC. 3. If the majority of said votes shall be found in favor of the issue of said bonds, it shall be the duty of the said Board of Supervisors to have prepared county bonds to the amount of fifty thousand dollars, each of said bonds being for the amount of one thousand dollars, payable twenty years from the date thereof, bearing interest at the rate of seven per cent. per annum, payable annually, on the first day of January in each year—the principal and interest payable in gold coin of the United States—at the office of the County Treasurer of said county. Preparation of bonds.

SEC. 4. None of the said bonds shall be issued to the said company until the road of said company shall be completed, in good running order, from Knight's Landing to Marysville; and said bonds shall bear date of the day of such completion. Coupons for the interest shall be attached to each bond. Date of bonds.

SEC. 5. The bonds and their coupons shall be consecutively numbered, signed by the Chairman of the Board of Supervisors, Description.

the County Treasurer and County Auditor; and when so signed, the County Clerk of said county shall countersign said bonds and affix thereto the seal of the County Court of said county, who shall thereafter deliver the same to the Chairman of said Board of Supervisors; and the fact of such signing, attestation and sealing shall be entered upon the records of said Board of Supervisors, and the said bonds and coupons shall thereupon be delivered by the said Clerk to the President of the said the California Pacific Railroad Company, taking his receipt therefor containing a description of said bonds in the book of records of the proceedings of the said Board of Supervisors at a regular meeting of the said Board.

Tax for Interest Fund.

Sec. 6. It shall be the duty of the said Board of Supervisors of said county, and they are hereby authorized and empowered, to levy a yearly tax, to be styled the "Interest Fund Tax," on the assessed property of said county, sufficient to pay the yearly interest on said county bonds and five per cent. of the principal thereof, to constitute a "Sinking Fund," the same to be assessed and collected at the same time and in the same manner as the other property tax is assessed and collected; and the Treasurer of said county shall pay, or cause to be paid, out of the said Interest Fund, the interest on the said county bonds, as it falls due; and the said five per cent. shall be set apart as a Sinking

Pay interest.

Fund for the redemption of said bonds. Whenever the amount to the credit of the said Interest Fund shall equal or exceed one thousand dollars, the Treasurer shall apply the same to the purchase of said bonds from the lowest bidder, provided the same shall be offered at a price not exceeding the par value thereof, upon advertising for twenty days in some newspaper published in said County of Sutter for bids; but if none of said bonds are offered at par, or under, then it shall be the duty of the said Treasurer, with assent and approval of the said Board, to loan the amount standing to the credit of the said Sinking Fund, at interest upon said county bonds, in bonds of this State, or bonds of the United States, payable in gold coin, giving preference in the order named. The said Interest Fund and Sinking Fund shall not be appropriated or applied to any other purposes than those specified in this section.

Redemption of bonds.

CHAPTER CLXXVII.

An Act supplemental to an Act entitled an Act to provide for changing the location of the California Institution for the Education of the Deaf, Dumb and Blind, approved March thirty-first, eighteen hundred and sixty-six.

[Approved March 14, 1868.]

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

Term extended.

SECTION 1. The term of the Commissioners appointed by virtue of said Act is hereby extended, together with all the powers,

duties and obligations therein conferred and imposed, to the thirty-first of March, eighteen hundred and sixty-nine; *provided*, that a final report shall be rendered to the Governor before the expiration of the term of office herein extended.

SEC. 2. The sum of sixty-five thousand dollars is hereby appropriated, to be paid out of the State Treasury from any moneys not otherwise appropriated, to be expended in pursuance of the provisions of said Act, and in addition to the appropriations therein contained. Appropriation.

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

CHAPTER CLXXVIII.

An Act to authorize Niles Mills to build a wharf at Lakeville, in Sonoma County.

[Approved March 14, 1868.]

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

SECTION 1. The right to construct and maintain a wharf at Lakeville, on the east bank of Petaluma Creek, at Lakeville, Sonoma County, extending from a point on said creek where the existing wharf commences, and thence, not exceeding one hundred and seventy-five feet from high water mark, to a depth of water sufficient to admit the landing of vessels—said wharf in no wise to obstruct navigation—is hereby granted to Niles Mills, for the term of twenty years from the passage of this Act; *provided*, said wharf shall not exceed one hundred feet in width. Franchise.

SEC. 2. The wharf mentioned in section one of this Act shall be completed in a good and substantial manner, sufficient for the accommodation of the commerce of that vicinity, within two years from the passage of this Act; and a failure to comply with the requirements of this section shall be considered a forfeiture of all the rights and privileges herein granted. Description.

SEC. 3. The Board of Supervisors of Sonoma County shall fix the rates of wharfage to be collected at said wharf; and the said party herein named, or his assigns, shall be entitled to collect such wharfage as shall be fixed by said Board. Wharfage.

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

CHAPTER CLXXIX.

An Act to expedite the settlement of titles to lands held under a common source of title.

[Approved March 14, 1868.]

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

Parties may
join in an
action.

SECTION 1. Any two or more persons claiming any estate or interest in lands under a common source of title, whether holding as tenants in common, joint tenants, copartners, or in severalty, may unite in an action against any person claiming an adverse estate or interest therein, for the purpose of determining such adverse claim, or of establishing such common source of title, or of declaring the same to be held in trust, or of removing a cloud upon the same.

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

CHAPTER CLXXX.

An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three, and approved March twenty-fourth, eighteen hundred and sixty-six.

[Approved March 14, 1868.]

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

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

Counties
exempt.

Section 1. The Counties of Klamath, Sutter, Sacramento, Placer, San Joaquin, Humboldt, Plumas, Nevada, Trinity, Mendocino and Butte, and all incorporated cities and towns, are exempt from the provisions of this Act; *provided*, that the City of Marysville shall be subject to the provisions of section thirteen until the first Monday of March, Anno Domini eighteen hundred and seventy; and further *provided*, that for the year commencing the first Monday of March, Anno Domini eighteen hundred and sixty-eight, the Board of Supervisors in and for the County of Yuba may levy, and are hereby authorized and required to levy, said taxes, either at a special meeting of the Board for that purpose, or at a regular meeting thereof, as the necessity of the case may require; and the Counties of Sonoma and Marin from the provisions of the thirteenth to the twentieth section, inclusive; and the County of Sierra from the provisions of the thirteenth to the eighteenth sections, both inclusive. This Act shall not apply to the City and County of San Francisco, except

Levy taxes.

Part appli-
cable to San
Francisco.

so much of it as provides for the location, alteration or vacation of any road or highway; and said portion of this Act shall only apply to road districts which may be established in the Eleventh and Twelfth Election Districts of said city and county.

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

CHAPTER CLXXXI.

An Act to enlarge the powers of the Board of Supervisors of the County of San Joaquin.

[Approved March 14, 1868.]

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

SECTION 1. The Board of Supervisors of San Joaquin County are hereby authorized and empowered—on presentation of a petition of not less than fifty citizens and taxpayers of said county, asking for the surrender of any portion of any public or county road in said county to any corporation or association of persons who may be desirous of turnpiking or gravelling any portion of the public highway now or hereafter used as such—to grant the same, subject to the restrictions and conditions hereinafter provided in this Act. May grant a public road

SEC. 2. Upon presentation of a petition, signed as required by section one of this Act, the Board of Supervisors shall advertise in some newspaper published in the county, at least four successive weeks, giving notice of such petition, describing particularly the road, and portions or boundaries of said road, proposed to be improved; and if, in their judgment, no valid objections are presented to the granting the prayer of the petitioners, the Supervisors may grant and authorize and require the petitioners to enter upon, turnpike and gravel or sand, of sufficient width and depth, any part of said road, to insure good and easy travel for all classes of vehicles and teams at all seasons of the year; to build and keep in repair all bridges of sufficient strength to bear up all teams and wagons passing over or upon such road or bridge at all times; and if, from any deficiency in such road or bridge, the party or parties injured or damaged thereby may recover the amount of such injury or damage in any Court of competent jurisdiction; *provided*, said Board of Supervisors shall require, whenever any public road now or hereafter laid out shall cross such turnpike or gravel road, such crossing shall be left at all times unobstructed, without fee or charge from such company or corporation. Give notice by publication. Damages.

SEC. 3. The Board of Supervisors shall require such road to be delivered and given up to the county in good repair, on the expiration of the franchise, which shall not exceed twenty years from the passage of this Act. Duration of franchise.

SEC. 4. The Board of Supervisors shall authorize said corporation or company to demand, receive and collect such tolls or Tolls.

rates, for the passing over said roads, as shall produce a net revenue of not to exceed twelve per cent. per annum on amount expended, from all persons with teams, vehicles, horsemen, and loose stock of every description; *provided*, always, foot passengers shall pass over such toll roads free of charge at all times and seasons.

Account to
be kept.

SEC. 5. The said company so formed shall keep a correct account of all costs of construction and keeping in repair of such roads, and all expenses of collecting tolls, together with the amount of tolls collected, which shall be verified by the oath of the toll-gatherer or some responsible person, and presented to the Board of Supervisors at their regular meeting in February in each and every year. The Board of Supervisors shall have the privilege of purchasing, for the county, any road so granted and improved, at the cost of the improvements, less the net amount received as tolls at any time during the continuance of the franchise.

May be
purchased
for county.

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

CHAPTER CLXXXII.

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

[Approved March 14, 1868.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, allow and order paid, the several sums of money hereinafter mentioned, and to exercise the following powers, to wit :

Appropriations au-
thorized.

First—To allow and order paid out of the General Fund, to the Assistant Clerk of the Board of Supervisors, one hundred and twenty-five dollars per month, in lieu of the salary now allowed him by law.

Second—To authorize the Superintendent of the fire alarm and police telegraph to appoint three operators, to be approved by the Board of Supervisors, at a salary of one hundred and twenty-five dollars per month, in lieu of the salary now allowed them by law; also one repairer, at a salary of one hundred dollars per month.

Third—To authorize the Treasurer of said city and county to appoint two license-notice servers, to be approved by the Board of Supervisors, whose salary shall be fixed by said Board at a sum not to exceed eighty-five dollars per month.

Fourth—To authorize the Superintendent of Public Streets and Highways of the City and County of San Francisco to appoint a Deputy Clerk, whose salary shall be fixed by the Board of

Supervisors of said city and county, at a sum not to exceed one hundred and fifty dollars per month.

Appropriations authorized.

Fifth—To expend a sum not to exceed ten thousand dollars, for extending and repairing the fire alarm and police telegraph, payable out of the General Fund.

Sixth—To pay Exempt Fire Company two thousand dollars (\$2,000) for money expended in fitting up their house.

Seventh—For inclosing with wood and removing the remains of the dead in Yerba Buena Square, ten thousand dollars in addition to former appropriations.

Eighth—To pay George C. Potter, for making Block Book, by order of the Board of Supervisors, one thousand three hundred and twenty-seven dollars (\$1,327).

Ninth—To pay out of the General Fund a sum not exceeding eight thousand dollars per annum, for advertising and election printing.

SEC. 2. To pay out of the General Fund the following sums, which have heretofore been allowed by said Board and ordered paid, in excess of the respective allowances provided by law:

First—For purposes of urgent necessity, thirteen thousand four hundred dollars (\$13,400).

Second—For public buildings, six thousand dollars (\$6,000).

Third—Fire alarm and police telegraph, two thousand six hundred and fifty dollars (\$2,650).

Fourth—Fire Department material, twenty-nine thousand dollars; cisterns and hydrants, thirty-nine thousand seven hundred and eighty-seven dollars; salaries, six thousand seven hundred and sixty dollars; running expenses, eighteen thousand dollars.

Fifth—For extra deputies, three thousand four hundred and twenty-five dollars.

Sixth—For surveying outside lands by the United States Surveyor-General and procuring a patent therefor, two thousand five hundred dollars.

Seventh—For map of outside lands, twelve thousand dollars (\$12,000).

Eighth—For improving Washington Square, ten thousand dollars.

Ninth—For improving Columbia Square, six thousand dollars.

Tenth—For the purchase of the files of the Alta California newspaper, nineteen hundred dollars.

SEC. 3. This Act shall take effect immediately.

CHAPTER CLXXXIII.

An Act to establish and define the powers and duties of the Board of Education of the City of Oakland.

[Approved March 14, 1868.]

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

SECTION 1. The Board of Education of the City of Oakland shall consist of seven School Directors, who shall be elected as

Election of seven School Directors.

follows, namely: Four at the next ensuing charter election for city officers for said city, for the term of two years, and three at the next charter election thereafter, for two years; and at every subsequent charter election for city officers of said city there shall be alternately four and three School Directors elected, to take the place of those whose term of office has expired; said term of office, in each and every case, to be for two years and until a successor is duly elected and qualified; *provided*, that the present Board of Education of said city shall exercise, and are hereby authorized and enjoined to exercise, all the powers and duties hereinafter provided as appertaining to the Board of Education created by this Act; and *provided* further, that whenever said city shall have been divided into wards, all subsequent elections of School Directors shall be so arranged as finally to secure and thereafter to maintain in said Board of Education one Director from each ward in said city, the whole number, however, being at no time more than seven, as heretofore provided in this section. Said Board of Education shall meet within ten days after their election, and after qualifying, as provided in section one hundred and eight, Revised School Law, eighteen hundred and sixty-six, shall elect one of their number President, and shall hold meetings monthly thereafter, and at such other times as the Board may determine. A majority of all the members elect shall constitute a quorum to transact business, but a smaller number may adjourn 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. The Board shall also have power to fill all vacancies occurring in the Board until the next regular charter election.

Meet and
qualify.

SEC. 2. The Board of Education shall have sole power:

Powers.

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.

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 said 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, course of study and mode of instruction shall be used in said schools.

Fourth—To provide for the School Department of said 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.

Fifth—To build, alter, repair, rent and provide school-houses, and furnish them with proper school furniture, apparatus and school appliances, and to insure any and all such school property.

Sixth—To receive, purchase, lease and hold in fee, in trust for

the City of Oakland, 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 said 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 of the City Council of said city; 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 said city are 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 said city, for the use and benefit of the public schools; and the said Board is hereby authorized to defray all expenses attending the same.

Appropriation authorized.

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.

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, and to employ and pay counsel in such cases; *provided*, the amount of fees paid to such counsel shall not exceed five hundred dollars in any one year; and further, to do any and all lawful acts necessary thereto.

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 of February of each year, submit in writing to the City Council a careful estimate of the whole amount so required for the ensuing year, together with an estimate of the 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-five cents on each one hundred dollars valuation upon the assessment roll, 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.

Tenth—To establish regulations for the just and equal disbursement of all moneys belonging to the Public School Fund.

Eleventh—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.

Twelfth—To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

Thirteenth—To prohibit any child under six years of age from attending the public schools.

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.

President's powers.

SEC. 3. 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.

Contracts.

SEC. 4. 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 said city.

School officers shall be interested in.

SEC. 5. 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 a misdemeanor and shall be punished by fine of not less than one hundred dollars nor more than one thousand dollars.

Competency of teachers.

SEC. 6. No teacher shall be employed in any of the public schools without having a certificate issued under the provisions of this Act. For the purpose of granting the certificates required, the Board of Education, either as a body or by committee, or by the Superintendent, 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. The said certificate shall be in force for two years from the date thereof.

Renewal or revocation of certificates.

SEC. 7. The Board may in its discretion renew, without re-examination, 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; and any School Director, with the consent and advice of the Superintendent, may, for good and sufficient cause, provisionally withdraw the certificate of any teacher employed in said schools until the next regular meeting of the Board.

Election and compensation of Superintendent.

SEC. 8. At the next ensuing charter election for city officers of the City of Oakland, and at each charter election annually thereafter, there shall be elected a Superintendent of Public Schools for said city, who shall hold his office for the term of one year and until his successor is duly elected and qualified. He shall be *ex officio* a member of the Board of Education, without the right to vote, and shall be allowed, as compensation for his services, to be paid out of the School Fund, a sum not exceeding twelve hundred dollars per annum, to be determined by the Board of Education at the first regular meeting of said Board after the election of said Superintendent.

Secretary of Board.

SEC. 9. The said Board are hereby authorized to elect their own Secretary, who may be a member of the Board, and who shall be paid a salary not to exceed the sum of fifty dollars per month, to be fixed by the Board. The said Secretary shall be subject to removal at the pleasure of the Board, and shall perform such duties as may be required of him by the Board or the Superintendent.

SEC. 10. 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. Duties of Superintendent

SEC. 11. 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 Funds, and other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in the city. He shall acquaint himself with all the laws, rules and regulations governing the public schools in said city, and the judicial decisions thereon, and give advice on subjects connected with the public schools, gratuitously, to officers, teachers, pupils and their parents and guardians.

SEC. 12. In case of vacancy in the office of Superintendent, Vacancy. the Board of Education shall have power to fill the vacancy until the next ensuing charter election.

SEC. 13. The School Fund of the City of Oakland 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 said 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 Act. 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 withdrawn from said fund, except under the provisions of this Act. School Fund.

SEC. 14. 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. How applied

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 school property.

Fifth—For the discharge of all legal incumbrances now existing on any school property.

Sixth—For lighting school rooms and the office 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 salaries of the Secretary of the Board of Education and Superintendent of Public Schools.

Tenth—For grading, fencing and improving all school lots, and for grading, sewerage, planking or paving and repairing streets, and constructing and repairing sidewalks in front thereof.

Claims.

SEC. 15. 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 the Board, upon a call of ayes and noes, which shall be recorded, they shall be signed by the President and Secretary of the Board and be sent to the City Treasurer. Every demand shall have indorsed upon it a certificate of its approval. All demands for teachers' salaries shall be payable monthly.

How paid.

SEC. 16. All demands authorized by this Act shall be paid by the City Treasurer from the School Fund, when the same shall be presented to him so ordered paid and approved by the Board; *provided*, that the said Board shall not have power to contract any debt or liabilities, in any form whatsoever, against the said city, in contravention of this Act.

Debts not to be contracted.

Auditor's duty.

SEC. 17. It is hereby made the duty of the Auditor of the County of Alameda, upon the first Monday in each month, and at such other times as he may see proper, to certify in duplicate to the Superintendent of Schools of said county, the amount of common school moneys at that time in the County Treasury and the amount received during the previous month. The County Superintendent shall, upon receipt of said certificates, indorse upon one of them the amount of said moneys to which the common schools in the City of Oakland 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 said certificate to the legal custodian of the School Fund of said city.

Treasurer.

SEC. 18. The Treasurer of said County of Alameda is hereby required to pay the sum directed by the Auditor as above provided; and when said moneys are placed in said City School Fund they shall be used in precisely the same manner as moneys raised by city school taxes in said city.

When offices vacated.

SEC. 19. If the Superintendent of Public Schools or any member of the Board of Education shall remove from the city, or absent himself therefrom for more than thirty days, except by permission of the Board, or shall fail to qualify as prescribed by law, within ten days from the time his election is duly ascertained and declared, his office shall be thereby absolutely vacated, and the Board shall thereupon proceed to fill the vacancy until the time of the next ensuing charter election.

SEC. 20. This Act shall take effect and be in force from and after its passage; and all laws and parts of laws, so far as they are inconsistent with or a repetition of this Act, are hereby repealed.

CHAPTER CLXXXIV

An Act entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to levy a tax for repairs of the banks of the Los Angeles River in the city, to levy a tax for street improvements, and for lighting the streets of said city with gas.

[Approved March 16, 1868.]

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

SECTION 1. The Mayor and Common Council of the City of Los Angeles are hereby authorized to levy a special tax, not to exceed one quarter of one per cent. on each one hundred dollars worth of taxable property in said city, for the purpose of creating a Los Angeles River Fund, and the same shall be set apart and known as such fund, and shall be used and expended in such manner as the Mayor and Common Council shall direct, in improving the channel and banks of said river in any manner deemed necessary by said Mayor and Common Council for the protection of property on the banks of said river. Levy special tax for River Fund.

SEC. 2. The said Mayor and Common Council of the said city are authorized to levy and collect, as other taxes of said city are levied and collected, a tax, not to exceed one quarter of one per cent. on each one hundred dollars worth of property in said city, for the purpose of grading and repairing the public streets of said city; and the same shall be set apart and known as the Street Fund of said city, and shall be used for no other purpose. For Street Fund. When, in the estimation of the said Mayor and Common Council, there shall be sufficient money in said fund to commence the grading and repairing of any of the public streets of said city, it shall be the duty of said Mayor and Common Council to proceed at once with the grading and repairing of said streets in such a manner as shall be determined upon by them, either letting the same out upon contract, or otherwise.

SEC. 3. The said Mayor and Common Council of said city are hereby authorized to levy a special tax, not to exceed one fifth of one per cent. upon each hundred dollars worth of property, to be levied and collected as other taxes of said city, for the purpose of defraying the expenses of lighting the public streets of said city with gas. The money derived from said tax shall be set apart for and be known as the Gas Fund, and shall be used for no other purpose whatsoever. For lighting streets.

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

CHAPTER CLXXXV.

An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

[Approved March 16, 1868.]

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

Improvement of roads in First Road District.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby fully empowered and authorized to expend a sum not to exceed four thousand dollars per annum, payable out of the General Fund, for the improvement of roads in the First Road District; said money to be expended on roads outside of the charter line of eighteen hundred and fifty-one (1851).

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

CHAPTER CLXXXVI.

An Act concerning roads and highways in the County of Sacramento.

[Approved March 18, 1868.]

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

Taxpayers may petition for road tax.

SECTION 1. Whenever fifteen taxpayers residing in any road district in the county, outside of the City of Sacramento, shall petition the Board of Supervisors for the levy of a special road tax (stating the sum on the one hundred dollars they wish levied) in such district, the Clerk of the Board shall issue a notice that said petition will be acted on at a day specified, which day shall be not less than ten, nor more than thirty days, from the issuance of the notice, and during a regular session of the Board.

Hearing petition.

SEC. 2. On the day fixed for the hearing of the petition, or on a day thereafter to which the case may be continued, the Board of Supervisors shall hear proof that copies of the Clerk's notice have been posted for at least seven days, in at least five public places in the district; and, after such proof, shall hear parties, if any shall appear, for and against the levy of the tax, or a part of it; and shall, in their discretion, levy the tax asked for, or a part of [it], or decline to levy any.

Levy and collection.

SEC. 3. Whenever a tax is levied under the provisions of this Act, it shall be added by the Auditor to the other taxes levied upon the property in the district, and shall be collected with the State and county taxes, and be paid into the Road Fund of the district.

Repairs and improvements.

SEC. 4. Whenever the Board of Supervisors shall levy any tax under the provisions of this Act, said Board shall have power to authorize the Overseer of said road district to pro-

ceed, prior to the collection of said tax, to make such repairs and improvements on roads in said district as may be required, to the extent of the aggregate tax levied; and said tax, when collected, shall be appropriated to the payment of legal claims accruing from such improvements.

Sec. 5. This Act shall take effect on its passage.

CHAPTER CLXXXVII.

An Act to legalize and confirm the election of certain officers in the Town of Eureka, Humboldt County, and other matters.

[Approved March 16, 1868.]

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

SECTION 1. The election for town officers of the Town of Eureka, in Humboldt County, held on the third Monday in June, Anno Domini eighteen hundred and sixty-seven, is hereby legalized and confirmed; and the said election, and all subsequent proceedings in relation thereto, shall have full force and legal effect.

Election and subsequent acts legalized.

Sec. 2. All official acts done hitherto and since the said election and subsequent qualification of said officers, by said officers, or any of them, not in conflict with the provisions of an Act entitled an Act to incorporate the Town of Eureka, approved April the ninth, Anno Domini eighteen hundred and fifty-nine, and the several Acts amendatory thereof, are hereby legalized.

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

CHAPTER CLXXXVIII.

An Act to stay the collection of certain taxes in Fresno County.

[Approved March 16, 1868.]

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

SECTION 1. All persons owing taxes on property in Fresno County for the year A. D. eighteen hundred and sixty-seven, which property has been destroyed by the floods of December, eighteen hundred and sixty-seven and January, eighteen hundred and sixty-eight, may show, to the satisfaction of the Board of Supervisors of said county, the destruction of such property; and thereupon the said Board of Supervisors shall order the District Attorney of said county to dismiss all proceedings for

Taxes on property destroyed by flood re-mitted.

the collection of said delinquent taxes; and it shall be the duty of said District Attorney to obey said order.

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

CHAPTER CLXXXIX.

An Act to legalize the incorporation of the Towns of Healdsburg and Santa Rosa, in Sonoma County.

[Approved March 16, 1868.]

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

Proceedings
legalized.

SECTION 1. The petitions of the inhabitants of the Villages of Healdsburg and Santa Rosa to the Board of Supervisors of Sonoma County, asking to be (an) incorporated towns under the Act of the Legislature of this State, passed March twenty-seventh, eighteen hundred and fifty, and amended March twenty-seventh, eighteen hundred and fifty-five, together with the action of said Board of Supervisors on said petitions in incorporating said towns, and all elections held and officers elected and qualified under the orders of the Board of Supervisors made on said petitions, together with all ordinances, orders and assessments by them made and duly recorded in the minute books of said towns, respectively, are hereby declared legal, valid and binding.

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

CHAPTER CXC.

An Act to provide for the more certain execution of express trusts in case of the death of the last surviving trustee.

[Approved March 14, 1868.]

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

Trusts vest-
ed in the
State on
death of
trustee.

SECTION 1. Upon the death of the last surviving trustee of an express trust, the trust estate shall not descend to his heirs nor pass to his personal representatives, nor to any assignee or devisee; but the trust, if then unexecuted, shall vest in The People of the State of California, with all the powers and duties of the original trustee, and shall be executed by some person appointed for that purpose by the District Court for the county in which the property held in trust, or some part thereof, shall be situated at the time of the death of such surviving trustee, and under the direction of that Court, upon such previous notice to the Attorney-General, representing the State in that behalf, as the Court conducting the proceedings shall prescribe.

SEC. 2. The provisions of this Act shall extend to all express trusts heretofore created, provided the trustee or trustees shall be alive at the time of the passage of this Act, and to all express trusts hereinafter created. Where trustees now alive.

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

CHAPTER CXCI.

An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, one thousand eight hundred and sixty-six.

[Approved March 14, 1868.]

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

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

Section 5. Any person or persons owning or claiming lands through or upon which it is proposed to locate and establish a public highway, and desiring to apply for damages in consequence of such location, shall make application by petition, in writing, to the Board of Supervisors, on the day on which the application for such location shall be made according to notice, wherein they shall set forth the particular road referred to, the amount and character of the land affected thereby, and any other circumstances having relation to the subject of damages upon such land; *provided*, that the legal guardians of minors, idiots or insane persons shall be authorized and required to take all the measures in the premises which may be necessary fully to protect their rights. All persons who fail to make application for damages within the time and in the manner specified in this section shall be considered as waiving all rights to damages and as dedicating the lands affected by the proposed location or alteration to the public use as a highway; and their failure so to do shall forever be a bar to any action for damages in any of the Courts of this State. Claims for damages.

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

Section 20. At the session of the Board of Supervisors for levying, State, county and other taxes, the said Board shall levy upon each able-bodied man, except Indians, between the ages of twenty-one and fifty years, a road poll tax of two dollars; and upon all taxable property in the county a tax, for road purposes, of not more than forty cents upon each one hundred dollars, which sum shall be allowed and collected as all other taxes, except as hereinafter provided; and for the purpose of carrying out the provisions of this section, the Board of Supervisors are hereby authorized and required to levy said taxes, which may be done at any time, either at a special meeting of the Board for that purpose or at a regular meeting thereof, as the necessity of the case may require; and the Assessor, in cases where he has already made his assessment, shall place in a sep- Levy road poll tax and property tax. Default of application. How assessed.

arate column, opposite the name of the party so assessed, when liable to pay a road tax, the figure one, as required by this Act; and all able-bodied men, except Indians, who have resided three months in this State and ten days in the road district, shall pay the road poll tax herein provided for; and all moneys received or collected for such taxes or assessments shall constitute the County Road Fund. In order to enable the Board of Supervisors to levy the poll tax heretofore specified, and to provide for the collection of the same, the Assessor or Assessors in the County of Santa Clara shall prepare, in his or their tax list or assessment roll, a separate column, headed "Road Poll," in which he shall place against the name of every person liable to pay road poll tax, the figure one. All taxes and assessments, with the assessments hereinafter provided, shall be collected by the Tax Collector of the county, in the same manner as other State and county taxes, and placed in the County Treasury to the credit of the Road Fund.

County Road
Fund.

Road poll.

Collection.

CHAPTER CXII.

An Act to amend section one hundred and twenty-one of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

[Approved March 16, 1868.]

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

SECTION 1. Section one hundred and twenty-one of the Act of May first, eighteen hundred and fifty-one, the title of which is recited in the title of this Act, is hereby amended so as to read as follows:

Property to
be set apart
for use of
survivors.

Section 121. Upon the return of the inventory, or at any subsequent time during the administration, the Court or Probate Judge may set apart, for the use of the family of the deceased, all personal property which is by law exempt from execution; and, if no homestead has been selected under the General Homestead Law, shall also set apart, for the use of the family as a homestead, the dwelling-house occupied and used by the family as a residence at the time of such decease, if owned by the deceased; *provided*, however, that such homestead shall not include more than twenty acres of land, with the dwelling-house thereon, if situated without the limits of an incorporated city, town or village, or more than one lot of land in any incorporated city, town or village, with the dwelling-house thereon, to be selected by the widow, if there be one, and if not, then by the Probate Judge, and not to exceed in value the sum of five thousand dollars. If the homestead selected by the husband and wife, or either of them, under the General Homestead Law, has been included in the inventory, it shall be set off to the survivor of them, free from any further administration as a part

Homestead.

of the estate; *provided*, that no lien or incumbrance upon such homestead premises shall be in any way affected by any of the provisions of this Act.

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

CHAPTER CXCI.

An Act to provide for paving the streets in the City and County of San Francisco.

[Approved March 14, 1868.]

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

SECTION 1. Whenever a majority of the owners, or their agents, in frontage of any block of land fronting on any street, lane, place, alley, court, or street-crossing, in the City and County of San Francisco, petition the Board of Supervisors of said city and county for the construction of the "Stow Foundation" pavement, or any other wood pavement which shall be constructed with the grain of the wood in a vertical position, the said Board of Supervisors shall order the same to be laid down and constructed, under the same laws and regulations as other pavements are constructed; and when the same is completed to the satisfaction of the Superintendent of Streets, the Board of Supervisors may accept the same in the same manner as other pavements are accepted, and be liable to the same laws and regulations as other pavements are, and no other. Said "Stowe Foundation" pavement shall not cost to exceed twenty-five cents, in gold or silver coin, per square foot.

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

CHAPTER CXCV.

An Act granting to the mining counties of this State the foreign miners' tax collected in said counties, severally.

[Approved March 16, 1868.]

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

SECTION 1. All moneys hereafter collected for foreign miners' license, except when otherwise specially appropriated by law to special use, less the percentage allowed for collection, shall be paid into the County Treasury of the county in which they are collected; ten per cent. of which shall be accredited to and

Moneys to
be retained
by counties.

become a part of the County School Fund, and the remainder shall be paid into the General Fund of said county.

County
licenses.

SEC. 2. Foreign miners' licenses shall be hereafter issued and signed by the County Auditor and countersigned by the District Attorney of the county, and shall be placed in the hands of the County Collector for collection, in the same manner and under like regulations and restrictions as are now provided by law for the collection of foreign miners' licenses upon certificates issued by the Controller of State.

Record.

SEC. 3. The County Auditor shall keep a book, in which he shall charge the Collector with all licenses issued to him from time to time, and credit him with all licenses returned and not sold by him, and also credit him with the percentage due him for collecting, and for all moneys paid into the County Treasury; and said Collector shall be accountable on his bond for any deficiency in his accounting.

Reports of
Auditor and
Collector.

SEC. 4. The County Auditor shall make a quarterly report to the Board of Supervisors of the county of the number of licenses issued to the Collector, the number by him sold for each month, and the amount paid into the General and School Funds therefor; and he shall require the Collector, on the first Monday of each month, to render his account of sales for the previous month, and to settle his accounts with the county therefor.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act, except Acts heretofore passed granting the Foreign License Funds for counties for specific purposes, are hereby repealed; and in all cases of special grants, said licenses shall be collected in the manner and under the authority of this Act.

SEC. 6. This Act shall take effect sixty days after its passage.

CHAPTER CXCIV.

An Act to fix and define the boundary line between the Counties of San Mateo and Santa Cruz.

[Approved March 16, 1868.]

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

Boundary
line.

SECTION 1. The boundary line between the Counties of San Mateo and Santa Cruz shall be as follows: Commencing at a point in the Pacific Ocean, south, forty-five degrees west, three miles from the intersection of the east line of Rancho Punta del Año Nueva with said ocean; thence north, forty-five degrees east, to said point of intersection; thence northerly, following the eastern boundary line of said Rancho Punta de Año Nueva, to its intersection with the south boundary line of Township Eight south, Range Four west, Mount Diablo meridian; thence east to the southeast corner of said township; thence north to the northeast corner of section twenty-five of said township;

thence east to the corner of sections twenty-three, twenty-four, twenty-five and twenty-six, Township Eight south, Range Three west; thence north to the line between the Counties of Santa Clara and Santa Cruz.

SEC. 2. In consideration of the establishment of the dividing line between the said counties, and the setting off of said territory to the County of San Mateo, as provided for in section one of this Act, the County of San Mateo shall pay to the County of Santa Cruz the sum of five thousand dollars, in gold coin, together with interest thereon, at the rate of ten per cent. per annum from and after the passage of this Act, until paid; the said sum of five thousand dollars being a little over the proportion to the whole debt of the County of Santa Cruz that the taxable property transferred to the County of San Mateo, by the establishment of said line, bears to the whole amount of taxable property in the County of Santa Cruz. Said sum of five thousand dollars shall be paid as follows: Two thousand five hundred dollars during the fiscal year of San Mateo County, ending June thirtieth, eighteen hundred and sixty-nine, and two thousand five hundred dollars during the fiscal year ending June thirtieth, eighteen hundred and seventy. The interest shall be paid annually, at the same time that said principal is to be paid. And the Board of Supervisors of San Mateo County are hereby directed, at a meeting to be held on or before the last day of each of the two fiscal years above mentioned, to issue an order to the Auditor of said County of San Mateo, for the said several sums, as hereinbefore provided, instructing him to draw his warrant on the County Treasurer of said County of San Mateo for the sums above mentioned, and to deliver the same to the regularly constituted agent of the Board of Supervisors of Santa Cruz County, who shall present said warrants to the County Treasurer of San Mateo County, who shall pay the same as other county warrants are paid. If the Board of Supervisors of San Mateo County should neglect or refuse to levy the tax as provided for in section three of this Act, the Board of Supervisors of Santa Cruz County are hereby authorized to apply to any Court of competent jurisdiction for a writ of mandamus to enforce the levying of said tax. All the territory lying between the line, as fixed by section one of this Act, and the line or lines heretofore dividing said counties, is hereby declared to form a portion, and be included in, the County of San Mateo.

SEC. 3. For the purpose of carrying the provisions of section two of this Act into effect, the Board of Supervisors of San Mateo County shall have power, and it shall be their duty, to levy annually, at the time of levying State and county taxes, upon the whole amount of taxable property in the county entered and appearing upon the assessment roll, after the completion and equalization thereof, such rate or proportion as, upon the aggregate value of said roll as footed up, will produce an amount sufficient to meet said payments. Said tax shall be collected at the same time and in the same manner as State and county taxes are collected.

SEC. 4. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

San Mateo
County to
pay.

Apportion-
ment of debt.

Auditor to
draw war-
rant.

Supervisors
to levy tax.

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

CHAPTER CXCVI.

An Act to provide for the Government of the County of San Diego.

[Approved March 18, 1868.]

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

Board of Supervisors.

SECTION 1. The County of San Diego shall be governed by a Board of Supervisors, which shall consist of three members, who shall have such powers as are hereinafter conferred upon them, and such further powers and be subject to such limitations and restrictions as are conferred upon Boards of Supervisors by an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March twentieth, eighteen hundred and fifty-five, and of the various Acts amendatory thereof and supplementary thereto, so far as the same are applicable to San Diego County, except as herein otherwise specially provided; which Board of Supervisors shall be a body politic and corporate by the name and style of the Board of Supervisors of the County of San Diego, and by that name they and their successors shall be known in law; shall have perpetual succession; may make, have, alter and renew a common seal; may sue, complain and defend in all Courts and in all actions and proceedings whatever; and may purchase and hold real estate and personal property, and receive and hold, or both, by legacy or donation, for the county or in trust for the use of common schools, or for a Poor-house, Alms-house, Hospital or indigent sick; and they may do all such other things, perform all such other acts and exercise all such other powers as by this Act or by any other law are or may be granted them to do, perform or exercise, except as otherwise in this Act provided; but said corporation shall not be sued in any action whatever, nor shall any of its lands, tenements, appurtenances, franchises, taxes, revenues, actions, choses in action, property or effects, of any kind or nature whatever, be taken in attachment or on execution, or be subject to levy or sale upon any process, either original, mesne or final; but any citizen of the county who is a taxpayer, or any party interested or damaged or likely to be damaged by any action or proceeding had, about to be had, or refused to be taken, on the part of the Supervisors or of any county officer, may proceed by certiorari, mandamus or injunction to inquire into the legality of, or to prevent or compel, as the case may require, such action or proceeding, if the same can legally be prevented or compelled.

Powers.

Not be sued.

Their action may be contested.

Qualification and election.

SEC. 2. Each member of the Board shall be a resident taxpayer and qualified elector of said county. Said Board shall be elected by the qualified electors of said county at the general election of the year one thousand eight hundred and sixty-nine,

and biennially thereafter; they shall enter on their duties on the first Monday of the month next succeeding their election, and shall hold their office for the term of two years and until their successors are elected and qualified; *provided*, that the election of the members of the Board of Supervisors at the general election in the year one thousand eight hundred and sixty-seven is hereby legalized and confirmed, and the members of said Board shall hold their said offices until the first Monday in October, one thousand eight hundred and sixty-nine, and until their successors are elected and qualified. Whenever a vacancy occurs in the Board of Supervisors, from failure to elect or otherwise, the County Clerk of the county shall call a special election, to be held after twenty days public notice, to fill such vacancy.

Vacancy.

SEC. 3. The regular terms of the Board of Supervisors shall be held at the county seat, on the first Monday of April, July, October and January of each year, and shall continue from time to time until all the business before them is disposed of; and meetings shall also be held by them to canvass the election returns in said county, at such times as are or may be prescribed by the laws regulating elections, as well as for special business. Each member shall receive the sum of three dollars per day for each day he actually attends the meetings of the Board, and fifteen cents for each mile actually traveled in going to and from the county seat; *provided*, that no Supervisor shall receive per diem for more than three days, nor more than one mileage for each quarter; and *provided* further, that no Supervisor shall receive any pay or compensation whatever other than is provided in this section, excepting when he is sitting as a member of the Board of Equalization, for which he shall receive one mileage and the per diem allowed by this section; and *provided* further, that if the Board of Supervisors and the Board of Equalization are both in session on the same day but one per diem or mileage shall be allowed. Every session of the Board shall be public; all elections or appointments shall be made viva voce; the ayes and noes shall be taken and recorded upon any question pending, upon the demand of one member; and all records of their proceedings, and all the books, papers and documents belonging to their office shall be open to public inspection during office hours.

Terms, when held.

Compensation.

Proceedings.

SEC. 4. The Board of Supervisors shall have and they are hereby invested with power, subject to the limitations of this Act or any other law, to sell, lease, control and take care of the property of the county; *provided*, however, that no real property shall be sold except at public auction to the highest bidder; to examine all claims against the county, and allow such, or part thereof, as are legal, except as herein otherwise specially provided; to levy taxes and cause the same to be collected; to examine, audit, reject, cause to be corrected, or pass, or allow, the accounts of any officer or other person having the custody, management, collection or disbursement of any money collected for, belonging, appropriated or appertaining to the State or county, or to any of their or either of their uses or trusts, and to determine and allow, except as otherwise pro-

Further powers.

Further powers.

vided, the salary, fees, per centum or compensation, if any, which such officer or other person is entitled to charge or receive; to lay out, control, vacate and manage public roads, turnpikes and bridges in the manner provided by law; to make and establish road districts and appoint Road Overseers; to license toll roads, ferries and bridges, under the statutes regulating the granting of such licenses; to fix the amount of any bridge license or ferry license, and to regulate the rate of tolls that may be collected thereon; *provided*, that all costs of advertising or posting notice of the application for any ferry or bridge license, or of the time when the application will be heard, or of the notice when the application for the opening or vacating of any public road will be heard, shall be paid by the applicants, and shall in no case be allowed by the Board or be paid out of the Treasury; to provide a Court-house, Jail, Hospital and Poor-house; to divide the county into townships, and to change the same, and to make new ones; to provide for the feeding, clothing, etc., of the county prisoners; to provide for the care, management and control of a Hospital and Poor-house, and to determine who shall be admitted thereto; to regulate roads and highways, bridges and ferries, and the powers and duties of Road Overseers, and to create road and school districts.

County officers to be elected.

SEC. 5. There shall be elected at the general election of the year eighteen hundred and sixty-nine, and at the general election every two years thereafter, by the electors of the county, a Sheriff, a County Clerk (who shall be ex officio County Recorder, Auditor, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization), a Treasurer, a District Attorney, an Assessor, a Public Administrator, a Coroner, a County Surveyor and a Superintendent of Common Schools, and two Constables for each township; and the persons so elected shall take office on the first Monday of March next succeeding their election, and shall hold for two years, and until their successors are elected and qualified.

Vacancies.

SEC. 6. Whenever a vacancy shall occur in, or the qualified electors of the county or township shall fail to elect to, any county or township office, other than the office of County Judge or Supervisor, the Board of Supervisors shall, at any meeting of the Board, appoint some suitable person, an elector of the county or township, to fill the vacancy until the election and qualification of a successor. No appointment shall be made except upon petition, signed by not less than thirty of the qualified electors of the county, if for a county office, or by not less than fifteen of the qualified electors of the township, if for a township office.

Board of Commissioners to examine present indebtedness

SEC. 7. John Foster, George A. Pendleton and W. B. Coutts are hereby constituted and appointed a Board of Commissioners, who are hereby authorized and empowered, and it shall be their duty, to carefully examine into the legality or illegality of all the unfunded indebtedness, certificates of indebtedness, accounts, warrants, vouchers, claims or demands, of every nature or character whatever, which now are or may remain outstanding against said county on the first day of April, eighteen hundred and sixty-eight, and they shall audit and allow, or reject, in

whole or in part, any or all of said unfunded indebtedness, certificates of indebtedness, accounts, warrants, claims, demands, or other charges, according as in their judgment the same shall appear to be a legal and just claim against the county, or otherwise; and for the purpose of such examination, they are hereby authorized to examine all books and papers in or on file in the Auditor's or other office of said county, and to administer oaths, compel the attendance of witnesses, and examine the same upon oath, and do and perform all other acts and things necessary for the full discharge of their said duties. A majority of said Board shall constitute a quorum to do business. Every claim, demand, account, warrant [and] certificate of indebtedness examined by said Board shall be indorsed by them, which indorsement shall show the date of its examination, and allowance or rejection; and if allowed only in part, the amount so allowed. No such certificate of indebtedness, warrant, claim, demand, or other charge, shall be a legal and valid claim against said county, or be paid, until passed upon, audited and allowed by said Board, as in this Act provided; *provided*, where such indebtedness accrues upon warrants heretofore issued, bearing interest, the amount of such interest from the date of their presentation to the County Treasurer till the first Monday of April, eighteen hundred and sixty-eight, shall be added to the principal named in such warrant, if the whole thereof be allowed; but if only allowed in part, then only a pro rata amount of such interest shall be added.

Legal claims

SEC. 8. Upon the allowance by said Board of any such certificate of indebtedness, warrant, claim, demand or charge, in whole or in part, they shall issue to the rightful owner and holder thereof a warrant for the amount so found to be a just and legal claim against the county, which shall be payable without interest, in the manner, and out of the Floating Debt Redemption Fund, provided for in sections nine and ten of this Act, and which shall be signed by a majority of said Board; *provided*, that no such warrant shall be issued by said Board when the claim is based upon a warrant previously issued until such former warrant shall have been surrendered and cancelled by them.

Issue warrants.

SEC. 9. The Board of Supervisors are hereby authorized and required, on the first Monday of April, in each year, to levy an annual tax of two dollars upon every one hundred dollars valuation of real and personal property within the county, which shall be collected in the manner prescribed by law, and when paid into the County Treasury shall be distributed into funds as follows: Twelve and one-half per cent. into a School Fund, to be used for school purposes, as provided by law; five per cent. into a Road Fund, to be used in the construction and repairing of public roads and highways; five per cent. into a County Contingent Fund, to be used in the payment of the contingent expenses of the county not otherwise provided for; seventeen and one-half per cent. into an Interest Tax Fund, to be used in payment of the interest on the funded debt of the county—such percentage of tax shall be in full place and stead of the tax required to be levied by the provisions of an Act entitled an Act to fund the debt of the County of San Diego and provide for the payment of the same, approved May fourth, eighteen

Tax for county purposes.

Distribution.

Contingent
Fund.

hundred and fifty-five; thirty per cent. into a Salary Fund, to be used in the payment of the salaries of the county officers, as hereinafter provided; seventeen and one-half per cent. into a Floating Debt Redemption Fund, to be used in the payment of the unfunded indebtedness of the county outstanding on the first day of April, A. D. eighteen hundred and sixty-eight; and twelve and one-half per cent into a Funded Debt Redemption Fund, which shall be used for the redemption of the funded debt of the county, in the manner in this Act provided; *provided*, that said Contingent Fund shall be first applied to the payment of the expenses of feeding and clothing the county prisoners; and *provided* further, that at the close of any fiscal year the Board of Supervisors may, in their discretion, transfer to said Contingent Fund any surplus that may remain in the Salary Fund; and *provided* further, that the several funds in this section created shall be used only in the manner herein provided; and *provided* further, that the annual taxes for the year eighteen hundred and sixty-eight may be levied by the Board of Supervisors at any regular or special meeting during the month of April, in said year. Any violation of any of the provisions of this section shall be deemed a misdemeanor, and punished accordingly.

Redemption
of floating
debt.

SEC. 10. Whenever the Floating Debt Redemption Fund contains the sum of two hundred dollars or more, the County Treasurer shall give notice by posting notices in three public places in the county, one of which shall be placed on the Court-house door for ten days, that he will receive sealed bids for the surrender of warrants drawn upon said fund as provided in section eight of this Act. At the day and hour named in said notice, the Treasurer shall, in public and in the presence of the President of the Board of Supervisors, open the proposals, and shall accept the lowest bid or bids for the surrender of warrants as hereinbefore provided; *provided*, that no bids shall be accepted for more than thirty-five cents upon the dollar, nor shall any bid be accepted which is not accompanied by the warrants. All unaccepted bids and the accompanying warrants shall be returned to the owner thereof. The President of the Board of Supervisors shall cause to be written across the face of each such warrant as may be surrendered and redeemed, the rate at which the same was redeemed and the amount to be paid, which shall be signed by the President and countersigned by the Auditor. The Treasurer shall pay the amount so written or specified on the face of such warrants from the said Floating Debt Redemption Fund, and shall mark or stamp the same as paid, with the date of payment.

Redemption
of bonds.

SEC. 11. All moneys set apart by section nine of this Act, and placed in the Funded Debt Redemption Fund shall be used exclusively for the redemption of bonds of said county. Whenever there shall be five hundred dollars or more in said fund, the County Treasurer shall give notice by posting notices in three public places in the county, one of which shall be placed on the Court-house door, for ten days, that he will receive sealed bids for the surrender of such bonds, at the time and place therein specified. At the time named in said notice, the Treasurer shall, in public and in the presence of the President of the Board of

Supervisors, open the proposals, and shall accept the lowest bid or bids for the surrender of such bonds; *provided*, that no bid shall be accepted for more than fifty cents upon the dollar of the face value of said bonds, exclusive of interest; nor shall any bid be accepted which is not accompanied by the bonds, with the interest coupons attached which may remain unpaid. All unaccepted bids and the accompanying bonds shall be returned to the owners thereof. The President of the Board of Supervisors shall cause to be written across the face of each such bond, and coupons attached thereto, as may be surrendered and redeemed, the rate at which the same was redeemed, and the amount to be paid; which shall be signed by the President and countersigned by the Auditor. The Treasurer shall pay the amount so written or specified on the face of such bond and interest coupons, from the said Funded Debt Redemption Fund, and shall mark or stamp the same as paid, with the date of payment.

SEC. 12. The Treasurer shall receive, when presented to him in the manner provided in section twenty of this Act, and place in the proper fund or funds, all moneys belonging to or paid into the County Treasury; and he shall keep all such moneys in a secure fireproof vault or safe provided for the purpose by the county; and he shall neither use nor loan said moneys, nor any part thereof, nor deposit the same, or any part thereof, with any banker, or other person, nor pay out any of said moneys, except upon warrants drawn by the Auditor on claims authorized by law and duly audited and allowed, except on warrants issued as in section eight of this Act provided, and for the redemption of bonds as provided in section eleven of this Act; nor shall he pay any demand against one fund out of the moneys belonging to another; *provided*, that in any settlement with the State, the Auditor shall draw his warrant for the amount due the State; and *provided* further, that he may pay out county school moneys, upon the warrant of the Superintendent, after such warrant has been charged and indorsed by the Auditor. He shall keep the key of his vault or safe, and shall not suffer such vault or safe to be open, except in presence of himself, or of some person who has been duly authorized, in writing, and qualified as his clerk or deputy. And if the Treasurer shall violate any of the provisions of this section he shall be guilty of felony, and upon conviction thereof shall be imprisoned in the State Prison for a term not exceeding five years and shall be removed from office.

Treasurer's
duties.

SEC. 13. The Clerk of the Board of Supervisors shall be present at each meeting of the Board, and keep a record of their proceedings, and shall have the care of all books, papers and archives belonging to the Board; shall do and perform such other services as the Board may direct. He may administer oaths and affirmations in any investigations or other proceedings before the Board, or touching any claim presented or account rendered; and he shall number, date and file, in the order [in] which they are presented, all claims presented for the action of the Board.

Clerk of
Board of Su-
pervisors.

SEC. 14. No demand whatever, excepting only as provided in sections seven, eight, eleven and twelve of this Act, shall be audited or paid until it has been presented to and allowed by the Board of Supervisors; and the Supervisors shall act on, allow

All claims to
be presented
to Supervi-
sors.

in whole or in part, or reject, in the order in which they were presented, all claims against the county; *provided*, however, that no claim shall be allowed or acted on unless it is filed within a year from the time it accrues; *provided*, that no claim shall be filed, considered or allowed unless such claim shall be made out in items, with date, together with the amount charged for each item, affixed thereto, and accompanied with an affidavit, to be filed with such claim or account, made by the person presenting or claiming the same, that the items are correct, and stating that no part thereof has been paid or satisfied; *provided*, that nothing in this section shall prevent the Supervisors from disallowing any account, in whole or in part, when so rendered and verified, nor from requiring any other or further evidence of the truth and propriety thereof, as said Board may think proper.

Duties of Auditor.

SEC. 15. The Auditor shall number, in the order of their allowance by the Board of Supervisors, all claims allowed by them, and shall enter them of record on his books in that order; and said books shall also show the number, date of allowance, the amount allowed, and the party in whose favor it was allowed; and after he has acted on such claims he shall add to the record the date of his action, the approval or rejection, and if approved the fund or funds out of which it is payable.

Examine claims.

SEC. 16. Every claim allowed by the Supervisors shall, after such allowance, be carefully examined by the Auditor to ascertain whether or no it is correct, whether the money is due, and if so, out of what fund it is payable. After such examination he shall either approve or reject the claim, in whole or in part, and indorse over his signature his action thereon, and shall also make the record thereof required by section fifteen. If he approves the claim, he shall also indorse the fund or funds out of which it is payable. If he rejects it, or any part of it (unless the party presenting it is willing to take the sum approved in full for the entire demand), he shall return it, with his reasons in writing for rejecting it, to the Supervisors, when, if it is allowed by the vote of all the members, it shall be paid in the same manner and in the same order as if it had not been rejected; and no claim which has been rejected by the Auditor, and which then, on its final passage, fails to receive the vote of all the members of the Board of Supervisors, shall ever again be considered by either the Supervisors or Auditor.

Keep financial account.

SEC. 17. The Auditor shall keep a complete set of books for the county, with proper indexes, in which shall be set forth, in a plain and business-like manner, every monetary transaction of the county, so that he can tell the exact condition of the Treasury, and of each particular fund, and of the amount allowed and approved against it; and also so that he can tell where the money came from, what funds it belonged to, for what purposes it was expended, and what are the deficiencies or the balances on hand; and also, what officers or other persons have paid, and how much was received from each. The Auditor shall also perform such other duties as may be required of or be imposed on him by law or by the order of the Board of Supervisors.

Claims of delinquents.

SEC. 18. No claim on the Treasury shall be allowed by the Board of Supervisors, or be approved by the Auditor, in favor

of any person, or his assigns, having the care, collection, custody or disbursement of any public moneys who withholds any part thereof, nor in favor of any officer who neglects to make his official returns or reports, as required by law or any order or regulation of the Supervisors; nor to any officer who, after notice from the Board of Supervisors, fails, neglects or refuses to comply with the provisions of any law or legal order or ordinance made by the Supervisors.

SEC. 19. The Board of Supervisors shall elect one of their number President, who shall preside at the meetings of the Board. The record of each day's session shall be read, corrected and approved in open Board, and shall then be signed by the Clerk and presiding officer; and records of such corrections shall be made in the proceedings of the session making the same.

President of Board of Supervisors.

SEC. 20. Every officer or other person having any moneys payable into the Treasury of the county, shall inform the Auditor thereof, and procure from him unsigned receipts in duplicate, which receipts shall state the amount of money to be received by the Treasurer, the source whence it came, the fund or funds, if more than one, to which it belongs, and the amount belonging to each. The Treasurer, upon receiving the amount named, shall place it in the funds specified, and indorse upon one of the receipts an acknowledgment of the money, and a request to the Auditor to receipt for the same. The indorsed receipt shall be filed by the Auditor, and the amount charged to the Treasurer, and upon the other receipt the Auditor shall certify the fact that the money has been paid into the Treasury; but nothing but the gold and silver coin of the United States shall be received in payment of any taxes, licenses, fines, forfeitures or other revenues, of any kind or nature, to be paid into the County Treasury or to be received by the County Treasurer.

Moneys payable into Treasury.

SEC. 21. No receipt for any money paid, or purporting to be paid, into the County Treasury or to the Treasurer, excepting the certificate of the Auditor, as provided in the last preceding section, shall be valid for any purpose whatever, except as between the county and the Treasurer; nor shall any other receipt be used in evidence in any case or for any purpose, excepting in an action by the county against the Treasurer or his bondsman. This section shall be written or printed on the receipts furnished by the Auditor.

Valid receipts.

SEC. 22. At the first regular meeting of the Board of Supervisors, of each quarter, the Auditor shall prepare a statement, under oath, giving the total receipts during the quarter last preceding, particularizing each source of revenue, and stating the amount of each, and giving the funds into which the gross amount was separated, and the amount to each, and the aggregate amount then in each fund, stating the amount paid out of each fund, and the amount of warrants outstanding against it, and generally to make a complete exhibit of all the financial transactions of the last preceding quarter, and of the condition of the County Treasury.

Quarterly reports.

SEC. 23. The compensation of county officers shall be as follows: The County Judge shall receive the salary allowed by law; the District Attorney shall receive a salary of two hundred and fifty dollars per annum, and the fees allowed to him by law for the collection of delinquent taxes and for convictions

Pay of county officers.

Pay of county officers.

in criminal cases, to be collected from the defendant, but no other fees or perquisites; the Treasurer shall receive a salary of four hundred dollars per annum, and the mileage allowed by the State in traveling to and from the seat of government to make his quarterly or semi-annual settlements with the Controller and Treasurer of State, but no other fees or perquisites; the Superintendent of Common Schools shall receive a salary of fifty dollars per annum; the Public Administrator, Coroner and Surveyor shall each receive for his own use such fees as are allowed by law for his services; the Sheriff shall receive a salary of six hundred dollars per annum, and such fees as are or may be provided by law to be given him for the collection of taxes and issuance of licenses, and such fees other than is herein provided, as are provided in section twenty-nine of an Act entitled an Act to regulate fees of office, approved April tenth, eighteen hundred and fifty-five; the County Clerk (and ex-officio County Auditor, County Recorder, Clerk of the Board of Supervisors and Clerk of the Board of Equalization) shall receive a salary of four hundred and fifty dollars per annum, and the fees which are provided to be given him by sections twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and thirty-four of said last mentioned Act. Justices of the Peace and Constables shall be allowed the fees provided by law; *provided*, that no county or township officer shall be allowed any claim, fees, charge or demand against the county for any services in any criminal action or proceeding. In no case where an officer is required under this Act to perform the duties of any other office, being declared by this Act *ex-officio* such officer, shall he be entitled to any additional fees or compensation for discharging the duties of such office, except as in this section provided. No officer shall receive any salary, fee or compensation whatever other than is provided in this Act, for services of any kind or nature whatever performed by him or by any clerk or deputy of his, or by any other person for him; nor shall any clerk, deputy or assistant be allowed to any officer at the expense of the county; and no officer shall have any charge or claim against the county, except as in this Act expressly provided. The County Auditor shall audit monthly the salaries of the respective officers provided by this Act, and draw his warrants on the County Treasurer in favor of such officers, respectively, for the proportionate amount of such salary which shall be due and payable on the last day of each month in every year, out of the Salary Fund; and it is hereby expressly provided that no county or township officer shall be allowed any fee, claim or demand whatever except for his salary, as provided in this Act, against the county, for any official services whatsoever.

Additional compensation.

Audited and paid.

Collectors to make monthly payments.

SEC. 24. Each county or township officer collecting or receiving any money for the State or county, or for any or either of their purposes, uses or trusts, under or by virtue of the provisions of any law whatever, shall, on or before the first Monday in each and every month, pay the same to the County Treasurer and file with the Auditor a statement on oath of the amount of money so collected by him during the last preceding month, and the source from which it is received, and that the account

or statement of such moneys is true and correct in every particular, and he shall at the same time file with the Auditor the Treasurer's receipt for the whole of said money required by law to be paid to said Treasurer; and if any officer having the custody, care or control of any money collected for or belonging to the State or county shall fail to make a statement thereof, or to make payment to the Treasurer, on or before the first Monday in each and every month, as in this section required, he shall be guilty of a misdemeanor and punished accordingly, and shall be removed from office.

SEC. 25. The Board of Supervisors shall fix the amount of the official bonds of the several county officers, and also of Road Overseer, Justices of the Peace, Constables and other district or township officers. All official bonds shall be to "The People of the State of California;" but any such bond may be sued on, without assignment, by any party damaged by the official act of the principal in such bond. The bonds shall be joint and several in form, but each surety may fix the amount for which he is held, and no judgment shall be rendered against him for a greater sum than the amount so fixed. Every official bond shall be approved by the Board of Supervisors in open session, which fact shall be entered in their minutes and be indorsed on the bond by the Clerk, and it shall then be approved by the County Judge; *provided*, however, that when any other law fixes a minimum for the penalty of an officer's bond, the Supervisors shall not have power to fix a less amount. The County Clerk shall be the custodian of all official bonds, excepting his own, which shall be in the custody of the County Treasurer. All fee or other books or records kept by any officer shall be the property of the county, and shall be deposited with the Auditor at the expiration of every term of office.

SEC. 26. Whenever, from death, insolvency, absence, application of a bondsman to be released, or other cause, the Supervisors become dissatisfied with the sureties on any official bond, or when in their opinion the penalty in any such bond is too small, they may cite the officer to file a new bond within ten days, or otherwise to appear before them and show cause, if any he has, why he should not do so; and if at the hearing it be determined that he shall file such new bond, his office shall be declared vacant, and be filled as in case of a vacancy from any other cause.

SEC. 27. The President of the Board of Supervisors and the Auditor shall, at least once in each quarter, examine the books and vouchers of the Treasurer and other officers having the collection, care, custody, control or disbursement of any public money; and they shall also at the same time ascertain by actual count that the Treasurer has on hand the amount of money which the Auditor's books and his vouchers require to be on hand, and they shall file with the Supervisors a statement of the amount and kind of money they find, and to which fund it belongs; and if they ascertain or believe that any officer has violated or is violating this Act, they shall, by written notice, suspend him from office and appoint a temporary officer in his place, who shall qualify and take possession, and the President

and Auditor shall make complaint forthwith against the suspended officer, so that the matter may be tried and determined.

Parties to
testify.

SEC. 28. The Clerk of the County Court shall, upon demand, issue subpoenas, under the seal of the Court, requiring the parties to appear before the Supervisors and testify in any matter pending before them. Such subpoenas may be served in the same manner as other subpoenas; and any disobedience thereto, or any refusal to testify before the Board, shall be punished for contempt by the County Judge in the same manner as though the contempt had been committed in his Court; *provided*, that said Clerk shall not receive any fees for issuing such subpoenas.

Leases lim-
ited.

SEC. 29. No property belonging to the county shall be leased for a longer period than two years; and no property belonging to other parties shall be leased for the use of the county for a longer period than two years.

Warrants.

SEC. 30. Whenever an account has been allowed by the Supervisors, and approved by the Auditor, the Auditor shall draw his warrant therefor on the proper fund, as in this Act provided, preserving on the tag in the margin of the book from which the warrant is taken, a memorandum of its number, the date of its issuance, the date of the allowance of the account, its amount, to whom allowed, and the fund out of which it is payable; and he shall also enter in his record, opposite the registry of the claim, the number of the warrant drawn; and he shall, on the last Saturday in each month, furnish the Treasurer with a record (in the order in which the accounts were allowed and the warrants drawn) of all warrants drawn during the month, their respective numbers, amounts, in whose favor, and on what fund; and the Treasurer shall pay them in such order whenever there is any money in the fund applicable thereto.

SEC. 31. The fiscal year shall commence on the first Monday in March.

Auditor's
statements.

SEC. 32. On the last Saturday in each month the Auditor shall prepare a statement under oath, giving the total receipts during the month, particularizing each source of revenue, and stating the amount of each, giving the funds into which the gross amount was separated, and the amount to each, and the aggregate amount then in each fund; stating the amount paid out of each fund, and the amount of warrants outstanding against it; and generally to make a complete exhibit of all financial transactions of the month and of the condition of the Treasury, and file the same with the Board.

Officers to
estimate
yearly rev-
enue.

SEC. 33. As soon as possible after the first meeting of the Board of Supervisors under this Act, and at the commencement of the fiscal year, each year thereafter, the Auditor, Assessor, President of the Board of Supervisors and Treasurer shall each make and file with the Clerk of the Board an estimate, under oath, of the probable revenue of the county applicable to distribution under the provisions of section nine, that will accrue during the fiscal year; giving in the estimate the various sources of revenue and the amount anticipated from each; and at the next regular meeting of the Board of

Supervisors shall examine such estimates and make an estimate themselves, which latter estimate shall be entered upon their records, and shall be the official estimate for the year; *provided*, however, that the estimate of the Supervisors shall not exceed the average of the estimates made by the officers; and *provided* further, that the first estimate shall be from the organization of the Board until the commencement of the fiscal year in eighteen hundred and sixty-nine.

SEC. 34. It shall be unlawful for the Supervisors to make and allow, or for the Auditor to approve, any contract, claim or account accrued during any period for which the estimate mentioned in the next preceding section has been made, when such contract, claim or account, added to all the contracts, claims and accounts previously made, accrued, allowed or approved, and such as are fixed by law, will amount to sixty per centum of the official estimate. And every pretended contract, claim or account attempted to be made, allowed or approved, contrary to the provisions of this section, shall be, and it is hereby declared and determined to be, a fraud, and wholly void against the county, either as an agreement or contract, or as the foundation of *quantum meruit* or *quantum valebat*; and each Supervisor who votes to make or allow, and the Auditor who approves any such contract, claim or account, shall be guilty of a misdemeanor, and on conviction his office shall become vacant, and he shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both fine and imprisonment; and each Supervisor who votes to make or allow, and the Auditor who approves such contract, claim or account, shall be personally liable to the party of the other part for the payment thereof; *provided*, however, that the prohibition of this section shall not apply to the allowing and approving of claims fixed by law, or of payments required by law to be made; nor shall it apply, so far as such additional moneys are concerned, when there are moneys received beyond the estimate. If any officer required by section thirty-three to make an estimate fails, neglects or refuses to do so at the proper time, his office shall be declared vacant, and he shall be proceeded against for misdemeanor.

SEC. 35. All moneys derived from any source, for which a fund is not by this Act specially provided, shall be paid into the Contingent Fund of the county.

SEC. 36. All valid orders of the Board of Supervisors heretofore made, not inconsistent with the provisions of this Act, are hereby continued in force until repealed by authority of law.

SEC. 37. There shall be elected by the qualified electors of the county, at the time and in the manner provided by law, in the year eighteen hundred and seventy-one, and every four years thereafter, one County Judge, who shall hold his office for the term of four years and until his successor is elected and qualified. There shall also be elected, at the time and in the manner provided by law, in the year eighteen hundred and sixty-nine, and every two years thereafter, by the qualified electors of their respective townships, two Justices of the Peace for each township in the county, who shall hold their office for

No debts to be contracted beyond 60 per cent. of estimate.

Penalties for violating.

Exceptions.

County Judge.

Justices of the Peace.

the term of two years, and until their successors are elected and qualified.

Taxes and charges.

SEC. 38. The Board of Supervisors shall not be authorized to levy any other or greater taxes for county purposes than are specially provided to be levied in this Act; nor shall any jury or witness fees in any civil or criminal action or proceeding be made a charge, or allowed against the county.

Assessment rolls.

SEC. 39. The assessment rolls of the County of San Diego for the years eighteen hundred and sixty, eighteen hundred and sixty-one, eighteen hundred and sixty-two, eighteen hundred and sixty-three, eighteen hundred and sixty-four, eighteen hundred and sixty-five, eighteen hundred and sixty-six and eighteen hundred and sixty-seven, are hereby legalized and made valid.

SEC. 40. All and every of the county, district and township officers of the county are hereby continued in their respective offices until their successors are elected and qualified under the provisions of this Act.

Officers to file bonds.

SEC. 41. All officers provided to be elected, appointed or named under the provisions of this Act shall, before entering upon the duties of their respective offices, execute and file, in the manner and form provided by law, such official bonds as may be required of them by the Board of Supervisors, and shall take the oath of office.

Acts repealed.

SEC. 42. An Act to create a Board of Supervisors for the County of San Diego, and to define their duties, approved May third, eighteen hundred and fifty-two, and the several Acts amendatory thereof and supplementary thereto; also an Act relative to the Board of Supervisors of San Diego County, approved April fifteenth, eighteen hundred and fifty-eight; also an Act to authorize the Board of Supervisors of the County of San Diego to levy a special tax for road purposes, approved April twenty-first, eighteen hundred and fifty-eight; also an Act to regulate the fees of the County Clerks of Los Angeles and San Diego Counties, which became a law by operation of the Constitution, April twenty-seventh, eighteen hundred and sixty; also an Act to regulate the proceedings of the Board of Supervisors of the County of San Diego, and to define their duties, approved April seventeenth, eighteen hundred and sixty-two; also an Act in relation to the office of Superintendent of Common Schools in the County of San Diego, approved April nineteenth, eighteen hundred and sixty-two; also an Act in relation to the office of Superintendent of Common Schools in San Diego County, approved April first, eighteen hundred and sixty-four; also an Act to provide for levying, assessing and collecting of a Cash Contingent Fund for the County of San Diego, approved April first, eighteen hundred and sixty-four; and all other Acts and parts of Acts conflicting or inconsistent with the provisions of this Act, are hereby repealed, so far as the same are in conflict with the provisions of this Act.

SEC. 43. This Act shall take effect and be in force from and after the first day of April, A. D. one thousand eight hundred and sixty-eight.

CHAPTER CXCVII.

An Act to authorize the County of Sonoma to donate bonds to a railroad company, and to provide for the payment of the same.

[Approved March 13, 1868.]

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

SECTION 1. A special election shall be held in the County of Sonoma, at the several places of holding elections therein, on the second Saturday of May, eighteen hundred and sixty-eight, for the purpose of submitting to the qualified electors of said county the proposition for the County of Sonoma to donate certain sums to a railroad company. Election.

SEC. 2. It shall be the duty of the Board of Supervisors of said county to cause a notice to be published, for at least fifteen days previous to said election, in one or more newspapers published in said county, stating the propositions to be submitted to said electors, and the time and manner of voting thereon. Publication.

SEC. 3. The propositions so to be submitted to said electors are as follows, viz: The Sonoma County and Vallejo Railroad Company, a company organized to build a railroad from Vallejo, Solano County, to Healdsburg, propose, and are hereby authorized, to build a railroad from Vallejo to Cloverdale, with a branch from Santa Rosa to Bloomfield, and ask the County of Sonoma to make a donation to aid in the construction of said road, as hereinafter provided. The Sonoma County Railroad Company, a company organized to build a railroad from Petaluma to Healdsburg, propose to build a railroad from Cloverdale, by way of Healdsburg, Santa Rosa and Petaluma, to Marin County line, with a branch from some point on said road, to Bloomfield; and said company and its assigns are hereby authorized to build said road from Cloverdale to Marin County line, and also said branch to Bloomfield. And said propositions so to be submitted are: Propositions submitted.

First—Which road is preferred?

Second—Will the county donate, as asked, to the company building the preferred road?

SEC. 4. The donation so asked by the said Sonoma County and Vallejo Railroad Company is as follows: That the Treasurer of the County of Sonoma shall deliver to the said Sonoma County and Vallejo Railroad Company, the bonds of said county, prepared as hereinafter provided, as follows, viz: Forty thousand dollars of said bonds to be delivered upon the completion of the railroad so proposed to be built by said company to the point of location nearest the plaza, in the town of Sonoma; twenty thousand dollars of said bonds to be so delivered on the completion of said road five miles northwardly from the last mentioned point; twenty thousand dollars of said bonds to be so delivered on the completion of the next contiguous five miles; and thirty thousand dollars of said bonds to be so delivered on the completion of said road to a point of location nearest the Court-house, in the town of Santa Rosa; and ninety-five thousand dollars of said bonds to be so delivered on the completion Donation asked.

Donation
asked.

of said road within eighty rods of the plaza, in the village of Healdsburg; and ninety-five thousand dollars of said bonds to be so delivered on the completion of said road from Santa Rosa to Bloomfield; and ninety thousand dollars of said bonds to be so delivered on the completion of said road to Cloverdale. The donation so to be made to the Sonoma County Railroad Company, or its assigns, is as follows: The Treasurer of the County of Sonoma shall deliver to said Sonoma County Railroad Company, or its assigns, the bonds of said county, prepared as hereinafter provided, as follows: Twenty-five thousand dollars of said bonds to be so delivered on the completion of each five miles of the railroad so proposed to be built by them; *provided*, that none of said bonds shall be so delivered until the completion of ten consecutive miles of said road northerly from the City of Petaluma; and *provided* further, that if the last section or part of said road shall be less than five miles, five thousand dollars of said bonds shall be delivered for every mile of said last section or part of said road when completed; and five thousand dollars of said bonds shall be so delivered for every mile of said branch to Bloomfield, whenever said branch shall be completed.

Form of bal
lots.

SEC. 5. Two ballots shall be used at said election, and they shall be in the form hereinafter given. One of said ballots shall be in the following form: "I prefer the railroad from Cloverdale to Vallejo. Donation—Yes. No." And the other shall be in the form following: "I prefer the railroad from Cloverdale to Marin County line. Donation—Yes. No." If the ballots cast at said election which have the words thereon "Donation—No," exceed in number the ballots which have thereon the words "Donation—Yes," then and in that case the said donation shall be deemed to have been lost. But if the ballots cast at said election which have the words thereon "Donation—Yes," exceed in number the ballots which have the words thereon "Donation—No," then and in that case the said donation shall be deemed to have been carried. And if the ballots cast at said election which have the words thereon, "I prefer the railroad from Cloverdale to Vallejo," exceed in number the ballots which have the words thereon, "I prefer the railroad from Cloverdale to Marin County line," the said donation shall be deemed to be, and shall be, made to the said Sonoma County and Vallejo Railroad Company. But if the ballots cast at said election which have the words thereon, "I prefer the railroad from Cloverdale to the Marin County line," exceed in number the ballots which have thereon, "I prefer the railroad from Cloverdale to Vallejo," the said donation shall be deemed to be, and shall be, made to the said Sonoma County Railroad Company.

If donation
made, bonds
to issue.

SEC. 6. If a donation is so made to either of said companies, the Board of Supervisors of said county are hereby authorized, empowered and directed, immediately after the result is known and ascertained, to make and execute, in the name of said county, the bonds necessary to make the donation voted. Said bonds shall be of one thousand dollars each, and shall be payable to the order of the President of the company entitled thereto under the provisions of this Act. Said bonds shall bear interest at the rate of eight per cent. per annum, and the prin-

incipal thereof shall be made payable on a day to be named therein, which shall be twenty years from their date, at the office of the Treasurer of the County of Sonoma, both principal and interest to be payable in the gold coin of the United States, dollar for dollar. The interest accruing on said bonds shall be due and payable on the first day of January of each year, so long as said bonds are outstanding unpaid, at the Treasurer's office, in said county.

SEC. 7. Said bonds shall be prepared and signed by the Chair-
man of the said Board of Supervisors, the Auditor and the
Treasurer of the said county; and when prepared and signed,
shall be forthwith presented to the Clerk of the County of
Sonoma, who shall countersign the same officially and cause the
seal of said county to be affixed to or impressed upon each of
said bonds so countersigned. Coupons for the annual interest
shall be attached to each bond so that they may be removed
without mutilation of the bond, and they shall be signed by the
Treasurer of the County of Sonoma. When any interest shall
be paid on a bond, under the provisions of this Act, the County
Treasurer shall receive the detached coupons for the interest
then due and paid, and shall cancel and file the same in his office,
and report the same to the Board of Supervisors.

County off-
cers to pre-
pare and
sign bonds.

SEC. 8. Said bonds shall be dated and bear date of the day
on which they shall be delivered to the company, in accordance
with the provisions of this Act. Said bonds shall be delivered
to the company entitled to the donation, on complying with the
conditions and limitation prescribed by this Act. They shall be
so delivered in amount, and at the time and upon the conditions
specified in section four of this Act, and when so delivered shall
be due and payable from said county to said company, or its
assigns, in accordance with the provisions of this Act and with
the terms of said bonds. If the donation shall be made to the
Sonoma County and Vallejo Railroad Company, then the amount
of said bonds specified in section four of this Act to be delivered
to said company shall be delivered to said company in accord-
ance with the provisions of said section four. And if the dona-
tion shall be made to the Sonoma County Railroad Company,
or its assigns, then the amount of said bonds specified in section
four of this Act to be delivered to said company, or its assigns,
shall be delivered to said company, or its assigns, in accordance
with the provisions of said section four. The said Treasurer
shall take receipts for the same when delivered, and report the
same to the Board of Supervisors, who shall cause a minute of
the same to be entered upon their records.

Delivered to
company en-
titled.

Receipts.

SEC. 9. The said Board of Supervisors shall, previous to
making the duplicate or general assessment list for said county
in each year, levy a tax, to be styled "Railroad Interest and
Sinking Fund Tax," sufficient to raise the amount of interest
required to be paid and to provide a Sinking Fund for the pay-
ment of said principal sum as shall have been donated under
the provisions of this Act; and for every year, until the said
bonds issued under this Act shall be paid and liquidated. The
said taxes shall be levied and collected in the same manner as
the general taxes for county purposes, and when collected shall
be paid to the County Treasurer, to be kept in a separate fund

Tax to re-
decem.

to be known as the "Railroad Fund," to be by him applied to the payment of the interest, as herein provided, and for the redemption and payment of said bonds, under the direction of the Board of Supervisors.

Interest to
be paid.

SEC. 10. Said Board of Supervisors, Auditor and Treasurer of said county shall make arrangements for the payment of the interest on said bonds, when the same shall fall due, at least thirty days before the time of payment; and in the event said Railroad Fund is insufficient, the said Treasurer shall draw on the common or General Fund of said county for said purposes; and in the event these funds prove inadequate, the said Supervisors are authorized and required to make such contracts and arrangements, or loans, as may be necessary for the payment of said interest and the protection of the faith of said county.

Surplus in
Railroad
Fund.

SEC. 11. Whenever at any time after the payment of the interest on said bonds there shall be in the fund so raised for the payment of the principal and interest of said bonds a sum of money amounting to five thousand dollars, over and above the amount required for the payment of the annual interest, the said Board of Supervisors shall advertise in a newspaper published in said county, for a period of four weeks, for sealed proposals for the redemption of said bonds; and ten days from the time of the expiration of such publication the said Board of Supervisors shall open said sealed proposals, and the Treasurer shall pay and liquidate, so far as the funds then on hand shall extend, such bonds presented under said proposals as shall be offered at the lowest value; *provided*, the same shall not be redeemed beyond their par value; and provided there be no proposals for less than their par value, then the payment of said funds on hand shall be made on said bonds according to the number of their issue, and the Board of Supervisors shall give four weeks notice in such newspapers of the number of bonds to be so paid; after which time said bonds shall cease to bear interest, and all money remaining in said fund after the redemption and payment of the whole of said outstanding bonds shall be turned over to the common or General Fund.

Bonds re-
deemed.

SEC. 12. Whenever any bond shall have been paid and redeemed, the said Treasurer shall mark the same "Cancelled," and deliver it to the County Auditor, to be filed and disposed of by him as shall be directed by the Board of Supervisors. The County Treasurer shall open and keep an account of all moneys collected and paid out for the interest and redemption of said bonds, called "Railroad Interest and Redemption Account," and shall settle and vouch the same as often as required by the Board of Supervisors.

If road not
built.

SEC. 13. If the said donation shall be made to Sonoma County Railroad Company or its assigns, and said company or its assigns shall not, within six months after the result of said election shall be declared, in good faith commence the building of said road, or if said company or its assigns, within eighteen months from the time when said result shall be declared, shall not have completed ten miles of said road north of the City of Petaluma, then and in that case any other company may build said road so proposed to be built by said company, and receive said donation. At any time before or after said election, the said Sonoma County

Other com-
pany may
build and re-
ceive dona-
tion.

Railroad Company may, by an affirmative vote of subscribers who have subscribed a majority of the subscription of stock now subscribed in said company, assign and transfer to any other railroad company all of the rights and privileges under and by virtue of this Act, and of the said vote of the qualified electors; and said vote of said majority may be made and expressed by the signature of said majority to an instrument purporting to assign and transfer said rights and privileges. In case such assignment and transfer shall be made, the company to whom it shall be made shall be placed, substituted and be in the place and stead of the said Sonoma County Railroad Company in all things, and be the successor to said Sonoma County Railroad Company, and have and own the same rights, privileges and advantages, subject in every respect to the same conditions. But no bonds shall be issued or right accrue to the same under the provisions of this Act, for any road or part of a road, unless such road or part of a road shall have been built within four years next after the passage of this Act.

Rights transferable.

SEC. 14. Said election shall be held in the same manner as other elections, and like qualifications of electors shall be required; but no printing of the Great Register or poll list shall be required, but copies of the Great Register and poll lists used at the last judicial and general elections may be used, discarding such names as may not be entitled to be thereon. Copies of the names of those registered since printing of the Great Register, or who may hereafter be registered in time for said election, may be written and sent to each precinct; and in such copy sent it shall be necessary to name only those entitled to vote at that precinct. And the officers of said county are hereby authorized and directed to register for said election, and place upon the poll lists all persons not on the register and poll list, who are entitled to vote; but persons whose names are on the poll lists of the last general or judicial election shall not be compelled to have their names put on said lists again, but the said lists may be used. Officers of election shall be appointed for said election as provided by law. Returns of said election shall be made within five days after the said election; and so soon as the returns are in, and within fifteen days after said election, the Board of Supervisors shall canvass said votes and declare the result.

Manner of conducting election.

SEC. 15. This Act shall take effect and be in force on and after its passage.

CHAPTER CXCVIII.

An Act in relation to Witnesses.

[Approved March 19, 1868.]

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

SECTION 1. In any civil or criminal action or proceeding, a witness may be discredited or impeached, and for such purpose

May be discredited or impeached.

his general character for truth, honesty and integrity may be inquired into.

Sec. 2. This Act shall take effect immediately.

CHAPTER CXCLX.

An Act to punish assaults with caustic or corrosive liquids and substances.

[Approved March 19, 1868.]

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

Penalties
for throwing
caustic
chemicals.

SECTION 1. Any person who shall wilfully and maliciously place or throw, or cause to be placed or thrown, upon the person of another, any vitriol, corrosive acid, or caustic chemical of any nature, with the intent to injure the flesh or disfigure the body of such person, shall be deemed guilty of felony, and upon conviction thereof shall be imprisoned in the State Prison for a period of not less than one year nor more than twenty years.

CHAPTER CC.

An Act to purchase a transit instrument for the office of the Surveyor-General.

[Approved March 19, 1868.]

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

Purchase of
instrument.

SECTION 1. The Governor is hereby authorized to purchase of Mrs. Emeline Mathewson the transit instrument manufactured for the late Robert C. Mathewson, in Germany, for the use of the Surveyor-General's office of this State, for any sum not exceeding two thousand dollars.

Appropriation.

SEC. 2. A sum not exceeding two thousand dollars is hereby appropriated for the payment for such instrument; and the Controller is hereby required to draw his warrant for the same, upon the certificate of the Governor that such purchase has been made.

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

CHAPTER CCI.

An Act to authorize Richard Abby, administrator of the estate of Richard H. Farquhar, deceased, to sell certain lands of said estate.

[Became a law by operation of the Constitution, March 16, 1868.]

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

SECTION 1. Richard Abby, administrator of the estate of R. H. Farquhar, deceased, is hereby authorized, under the direction of the Probate Judge of Nevada County, to sell, at public or private sale, all or any part of the interest of said estate in and to any land or real estate located in the Township and County of Nevada. Administrator may sell.

SEC. 2. Upon making any sale under the provisions of this Act, said administrator shall make full report of the same to the Probate Judge of Nevada County, and such Judge shall examine and confirm, or set aside the same, as in other cases of sales made under order of the Probate Judge. Report.

SEC. 3. Before making any sales under this Act, said administrator shall give such other and further bond as may be required by said Probate Judge, for the faithful performance of all acts authorized, and for the proper application of the proceeds of all sales made under the provisions of this Act. Bond.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this sixteenth day of March, A. D. eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCII.

An Act to repeal an Act entitled an Act to incorporate the Town of Hornitos, approved April eighth, eighteen hundred and sixty-one.

[Approved March 19, 1868.]

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

SECTION 1. An Act to incorporate the Town of Hornitos, approved April eighth, eighteen hundred and sixty-one, is hereby repealed. Repeal

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

CHAPTER CCIII.

An Act to authorize the City Council of the City of Oakland to purchase land and erect a City Hall, and to issue bonds of said city and provide for the payment of the same.

[Approved March 19, 1868.]

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

- Issue bonds.** SECTION 1. The City Council of the City of Oakland are hereby authorized to issue and sell bonds of said city, not exceeding in amount the sum of fifty thousand dollars, payable, at the option of the said City Council, at any time within fifteen years from the date of the issuance of said bonds, in gold coin of the United States, and to bear interest at the rate of ten per cent. per annum, payable annually on the second day of January in each year.
- Description.** SEC. 2. Said bonds shall be in not less than one hundred dollars nor more than five hundred dollars, shall bear the date of their issuance, and shall be signed by the Mayor and Treasurer of the city, and shall have the seal of the city affixed thereto by the Clerk of the city. Coupons for the interest shall be attached to each bond signed by the Mayor and Treasurer.
- Sale of.** SEC. 3. Before the sale of said bonds, the said City Council shall, at a regular meeting of the Council, cause to be entered upon the records of the said Council an order directing the sale of a specified amount of said bonds, and the day and hour of such sale, and shall cause a copy of such order to be inserted in a newspaper published in said city, for at least twenty days, and in any other newspaper published in the State, at their discretion, and a notice that sealed proposals will be received by said Council for the purchase of said bonds on the day and hour named in said order. The said City Council shall open all sealed proposals received by them, and shall award the purchase of said bonds to the highest responsible bidder; *provided*, that said Council may reject all bids; and *provided* further, that no bonds shall be sold for less than ninety cents in gold coin on the dollar par value.
- Without notice.** SEC. 4. The said Council may sell bonds, at not less than par value, without the notice provided for in the preceding section.
- Record.** SEC. 5. The amount of the bonds sold, their number and dates, shall be entered upon the records of said Council, in a book kept for that purpose.
- Proceeds.** SEC. 6. The proceeds of the sale of said bonds, and the proceeds of any tax, as contemplated in section seven of this Act, shall be paid into the City Treasury, and shall constitute a fund, to be called the "Building Fund," and shall be expended, under the direction of the City Council, for the purchase of a suitable site for a City Hall, and the erection of a City Hall thereon.
- Levy tax for Building Fund.** SEC. 7. In the event the said bonds or a sufficient amount of the same cannot be sold at the minimum price, as provided in section three, the City Council are hereby authorized to levy annually, in addition to the amounts authorized by any other

law, a tax of not exceeding fifty cents on each one hundred dollars in value, on all taxable property in the said city, for the purposes mentioned in section six; said tax to be levied at the same time that other city taxes are levied, except in the year eighteen hundred and sixty-eight it may be levied at any time previous to the second Monday of July. The levying of said tax shall cease as soon as the said land and buildings are paid for, or as soon as sufficient bonds have been sold to pay for the same.

SEC. 8. After any of said bonds are sold, and until all bonds sold are redeemed, the said Council are hereby authorized, and it shall be their duty, in addition to the amount authorized in section seven, to levy annually, at the same time that other city taxes are levied, a tax on all the taxable property in the city, sufficient to pay the interest on all bonds not paid.* Said tax, when collected, shall constitute a fund for the payment of the interest on said bonds, and shall be called the "Building Interest Fund;" and if any interest shall be due on said bonds, and there is no money in said fund to pay the same, the City Council shall order the Treasurer to transfer to said Building Interest Fund, from any or all other funds of said city except the School Fund, a sufficient sum to pay said interest. All moneys remaining in the Treasury belonging to the Building Interest Fund, after all interest has been paid, shall be applied to the redemption of bonds, as is provided hereafter; *provided*, that in the year eighteen hundred and sixty-eight they may, at any time before the second Monday of July, levy a tax, as before provided for in this section, sufficient to pay the interest falling due upon said bonds on the second day of January, eighteen hundred and sixty-nine.

Levy tax for Building and Interest Fund.

Levy tax for interest.

SEC. 9. The City Council may, at their discretion, in each year until the year eighteen hundred and eighty-two, levy a tax, as provided for in section seven, not to exceed in each year ten cents on each one hundred dollars in value, on all taxable property in said city. The said tax, when collected, shall constitute a fund, and shall be called the "Building Redemption Fund;" and whenever there shall stand to the credit of that fund, upon the Treasurer's books, the sum of one thousand dollars or more, the City Council shall advertise in a newspaper published in the city, for the space of three weeks, for sealed proposals for the redemption of said bonds; and in one week from the expiration of the time of such publication the said Council shall open the sealed proposals, and shall pay the bonds offered at the lowest price, as far as the money in the said Building Redemption Fund will extend; *provided*, that no bids shall be considered for more than par value of said bonds. Should there be no proposals made for par value or less, then the money in said fund shall be used for the redemption of said bonds, according to the number of their issue, of which the City Treasurer shall give notice in the manner mentioned heretofore in this section; and after four weeks from the date of said notice the bonds proposed to be redeemed shall cease to draw interest; and if any such bonds shall not be presented for redemption within three months from the date of such notice, the City Treasurer shall apply the money for the redemption of the bonds next in order of the

Levy tax for Building Redemption Fund.

Redemption of bonds.

number of their issue, as heretofore directed; *provided*, that in the year eighteen hundred and eighty, the City Council are authorized and it shall be their duty to levy a tax, as provided in section seven, sufficient to pay one half of the bonds then outstanding and not paid. And in the year eighteen hundred and eighty-two they shall also provide in the same manner for the payment of all bonds issued under this Act and at that time unpaid.

Bonds cancelled.

SEC. 10. Whenever any bond shall have been paid, the City Treasurer shall mark the same "Cancelled," over his signature, and return the same to the Mayor, with the interest coupons which are not then due attached.

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

CHAPTER CCIV.

An Act to create the Seventeenth Judicial District.

[Approved March 19, 1868.]

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

First Judicial District divided.

SECTION 1. The First Judicial District of this State is hereby divided and the Seventeenth Judicial District created. The Counties of Santa Barbara and San Luis Obispo shall remain and hereafter constitute the First Judicial District, of which the Judge thereof shall remain and be the Judge. The County of Los Angeles, San Bernardino and San Diego shall constitute the Seventeenth Judicial District, for which a District Judge shall be appointed and elected as hereinafter provided.

Suits now pending.

SEC. 2. Suits brought and matters pending in the District Court in the Counties of Los Angeles, San Bernardino and San Diego shall be heard and determined in the Seventeenth Judicial District, as if matters had been commenced in said district; and the process of the District Court of the Seventeenth Judicial District shall be as effectual for all such purposes as if the same were issued from the First Judicial District.

Terms of Court.

SEC. 3. The terms of the District Court of the Seventeenth Judicial District, during each year, shall be commenced as follows: In the County of San Bernardino, on the first Tuesday of January and the third Tuesday of June and September of each year. In the County of Los Angeles, on the first Monday of February, May, August and November of each year. In the County of San Diego, on the first Monday of April and the second Monday of July and October of each year.

SEC. 4. The terms of the District Court provided for in this Act shall continue until the time fixed for holding a term in another or the same county in the district, if the business of the Court shall require it.

Election of Judge.

SEC. 5. At the special judicial election of the year one thousand eight hundred and sixty-nine, and every six years there-

after, a District Judge shall be elected for the Seventeenth Judicial District; and the Judge so elected shall enter upon the discharge of his duties on the first Monday of January after his election.

SEC. 6. The Governor shall appoint, immediately after the passage of this Act, some suitable person as District Judge of the said Seventeenth Judicial District, who shall hold his office until the election and qualification of his successor, as provided in this Act. Judge appointed.

SEC. 7. The District Judge of the Seventeenth Judicial District shall receive the sum of four thousand dollars per annum, payable in the same manner as the salaries of other District Judges of the State. Salary.

CHAPTER CCV.

An Act to authorize Cyrus Cheeny and assigns to build and maintain a wharf on the San Joaquin River, at Antioch.

[Became a law by operation of the Constitution, March 20, 1868.]

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

SECTION 1. The privilege is hereby granted to Cyrus Cheeny and his assigns to build and maintain a wharf on the San Joaquin River, at the Town of Antioch, for and during the period of fifteen years, from and after the date of the passage of this bill. Franchise.

SEC. 2. Said wharf shall be built at a point commencing distant two hundred feet easterly of Galloway and Company's wharf, running thence easterly along the bank of the San Joaquin River six hundred feet; *provided*, that privileges in this Act granted shall not in any manner prejudice or interfere with rights of other persons which may have become vested before the passage of this Act. Location.

SEC. 3. The building of said wharf shall be commenced within four months from and after the passage of this bill, and shall be completed within two years from that date. Said wharf shall not be less than sixty, nor more than one hundred feet in width, and shall be so constructed as not to interfere with the free navigation of the San Joaquin River. Time of building.

SEC. 4. The rates of wharfage and tolls to be collected on said wharf shall be under the direction and control of the Board of Supervisors of the County of Contra Costa. Tolls.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law, this twentieth day of March, A. D. eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCVI.

An Act to authorize Antonio Giorgiani and Paul Torre, their associates and assigns, to maintain a wharf on lands in Alameda County.

[Approved March 20, 1868.]

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

SECTION 1. Antonio Giorgiani and Paul Torre, their associates and assigns, are authorized to maintain and use that certain wharf heretofore constructed and now used by them, beginning at or near the mouth of the creek or slough in Alameda County, being located partly on Swamp Land Survey number sixty-eight, in Township Three south, Range Three west, of Mount Diablo meridian, and partly on Marsh and Tide Land Survey number eighty-two, in the same township and range; and the grantees are authorized to occupy and use, for the purpose of this franchise, a strip of any land belonging to the State, not exceeding three hundred feet in width, for the length of said wharf; *provided*, that nothing in this Act shall be construed to affect the vested rights of any other person in any of the lands upon which such wharf is constructed, or in the strip of land three hundred feet in width granted; to have and to hold the same for the term of twenty years; *provided*, that nothing herein shall be construed to prevent the free ingress or egress into and from said creek or slough.

SEC 2. The said grantees, their associates and assigns, shall have the right to charge and collect such rates of toll and wharfage on goods and merchandise, and for storage, as shall be allowed by the Board of Supervisors of Alameda County.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCVII.

An Act to correct a clerical error in section two of an Act entitled an Act to authorize the Board of Supervisors of Colusa County to issue bonds for road purposes, approved March sixth, eighteen hundred and sixty-eight.

[Approved March 20, 1868.]

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

SECTION 1. Section two of said Act shall read as follows:

Bonds. Section 2. Said bonds shall be made due and payable in gold coin, at the office of the Treasurer of said county, on the first day of January, A. D. eighteen hundred and eighty-nine; *provided*, that the Board of Supervisors shall have the power to redeem said bonds in the manner and at such time as shall be hereinafter provided. The interest on said bonds shall be due

Redemption.

and payable in like gold coin, on the first day of January and July of each year, and shall be payable at the office of the County Treasurer of said county, or at the Bank of California, in the City of San Francisco, as shall be designated by the purchaser at the time the bonds shall issue.

Sec. 2. This Act shall take effect immediately.

CHAPTER CCVIII.

An Act concerning the Ancient Jewish Order of Keshet shel Barsel.

[Approved March 21, 1868.]

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

SECTION 1. All the rights, privileges and immunities granted by an Act entitled an Act to amend an Act relating to corporations, passed May eighteenth, eighteen hundred and fifty-three, are hereby extended to and conferred upon the Ancient Jewish Order of Keshet shel Barsel, after said Order shall have assumed corporate powers. Corporation Act applies.

Sec. 2. This Act shall take effect immediately.

CHAPTER CCIX.

An Act to amend an Act entitled an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

[Approved March 21, 1868.]

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

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

Section 22. The County Treasurer shall be allowed and receive, for his services required by law as such County Treasurer, a salary of ten hundred dollars per annum, payable quarterly, out of the County Treasury, and shall also be allowed to retain, for his own use and benefit, from all State and county taxes collected by him, one and one half per cent. thereon, and no more; and for all State and county licenses, including bridge and ferry license, sold by him, the sum of fifty cents each, to be paid by the party procuring the license, in all cases; and no other or greater compensation or fees shall be allowed, charged, or received, or retained by him, for all or any services required County Treasurer. Compensation.

by law to be performed by him; but said Treasurer shall collect all other fees, moneys and percentages which by law now are or hereafter may be allowed to be collected or received by County Treasurers, and shall pay the same into the General Fund, for the use and benefit of said county; which said payments into said General Fund shall be made quarterly, and before receiving said quarterly payments of his said salary; and he shall, at the same time, file with the Auditor of said county a statement under oath, of the items, and amount of the same.

SEC. 2. This Act shall take effect and be in force from and after the first Monday of March, A. D. eighteen hundred and seventy.

Fees to be paid into General Fund.

Statement.

CHAPTER CCX.

An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey.

[Approved March 21, 1868.]

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

Grant of land.

SECTION 1. The State of California does hereby cede, grant and relinquish forever, unto the municipal corporation called the City of Monterey, all the right, title, interest and estate whatsoever of the said State of California, of, in and to, all the real estate, lands and property situate within the corporate limits of said corporation, and bounded and described as follows, to wit:

Description.

Commencing at a point where the line of the corporation limits of said city strikes the Bay of Monterey on the north, and running along the entire water front thereof in a southerly and westerly direction to the point where the southern or western boundary of said city strikes the said bay, comprising the entire water front of said city, out to a depth of twenty feet at low tide water; *provided*, that the rights of all persons, if any existing, under any title derived from said State of California, in and to any part of said property and premises hereby ceded and granted, be and the same are hereby reserved from the operation of this Act.

Proviso.

Not subject to execution.

SEC. 2. The entire water front hereby granted shall be held by the Trustees of the City of Monterey and their lawful successors forever, for the use and benefit of said city, and shall not be subject to execution upon any judgment against said city, but may be from time to time let or leased for a term not to exceed ten years, by the Trustees thereof, or their lawful successors, in such manner and upon such terms as may by them be deemed most advantageous to said city.

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

CHAPTER CCXI.

An Act to amend section eleven of an Act entitled an Act to provide for a system of common schools.

[Approved March 21, 1868.]

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

SECTION 1. Section eleven of the above mentioned Act is hereby amended so as to read as follows :

Section 11. The State Controller shall keep a separate and distinct account of the School Fund and of the interest and income thereof, together with such moneys as may be raised by special State tax, State poll tax or otherwise, for school purposes. He shall, on or before the first day of February and on the first day of August of each year, report to the Superintendent of Public Instruction a statement of the securities belonging to the School Fund, of the moneys in the Treasury subject to apportionment and the several sources from which they accrued, which reports shall be included in the biennial report of the State Superintendent. He shall draw his warrant on the State Treasurer in favor of any County Treasurer, whenever such County Treasurer shall present the order drawn by the Superintendent of Public Instruction in favor of such county, duly indorsed by said County Treasurer.

Duties of State Controller.

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

CHAPTER CCXII.

An Act to legalize acknowledgments of deeds of husband and wife taken before and certified by County Clerks.

[Approved March 21, 1868.]

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

SECTION 1. All acknowledgments of deeds and other instruments of writing whereby the real estate of any married woman is conveyed, or may be affected, in which the husband shall have joined, as provided by law, and such acknowledgments of such married women taken before County Clerks and by them certified in the usual legal form, prior to the fifteenth day of May, one thousand eight hundred and sixty-two, shall have the same force and effect, and the records thereof and of the deeds and instruments so acknowledged, if they shall have been admitted to record, shall impart notice to the same extent, as though such acknowledgment had been taken before and certified by an officer authorized by law to take and certify such acknowledg-

Acknowledgments taken prior to May 15, 1862.

ments; *provided* such acknowledgments are in other respects made in conformity with law.

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

CHAPTER CCXIII.

An Act concerning railroad companies in the City and County of San Francisco.

[Approved March 21, 1868.]

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

Space in
streets lim-
ited.

SECTION 1. The Board of Supervisors of the City and County of San Francisco shall have, and is hereby granted, the power and authority to restrict all railroad companies, in laying down their tracks along the streets of said city and county, to a space of not more than ten feet on each side of the centre of such street or streets; and for a violation of such restriction the said Board is hereby granted the power to prescribe and enforce such penalties as they may deem just and proper.

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

CHAPTER CCXIV.

An Act to provide for the incorporation of such institutions of learning, science and art, as may be established by the State.

[Approved March 21, 1868.]

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

Three Trus-
tees may in-
corporate.

SECTION 1. Whenever the Legislature shall provide by enactment for the creation of any State University, College, Academy, or other State institution of learning, science or art, and shall, in and by such enactment, direct and provide for the creation of a corporation for such purpose, any three of the persons named or indicated in and by such enactment as Trustees or Directors of such corporation may unite in a certificate to the effect that they have associated themselves together for the purposes mentioned in and by such enactment, and to form a corporation for such purposes by the name and style designated in and by such enactment. The execution of such certificate shall be acknowledged before, and certified by, the Secretary of State or any Notary Public, and said certificate thereupon filed in the office of the Secretary of State; and thereupon the persons named therein, their associates and successors, shall become a

corporation under the name and style designated in and by such enactment.

SEC. 2. Every such corporation, as such, shall have power :

First—To have succession by its corporate name for the period limited; and where no period is limited, perpetually. Powers of corporation.

Second—To sue and be sued in any Court.

Third—To make and use a common seal, and alter the same at pleasure.

Fourth—To hold, purchase and convey such real and personal estate as the purposes of the corporation shall require, not exceeding the amount limited by law.

Fifth—To make by-laws, not inconsistent with any existing law, for the management of its property and the regulation of its affairs.

SEC. 3. In addition to the powers enumerated in the preceding section, no such corporation shall possess or exercise any corporate powers except such as shall be necessary to the exercise of the powers so enumerated and given, and such further powers as may be enumerated and given in and by the enactment providing for the creation of the institution so incorporated; and any and all provisions of such enactment specially limiting the powers of such corporation shall be binding upon the same. Powers limited.

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

CHAPTER CCXV.

An Act to authorize the Board of Supervisors of Sacramento County to pay Robert H. Anderson and Matt. Burris their expenses in attending a criminal case as witnesses, in Sacramento County.

[Approved March 21, 1868.]

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

SECTION 1. The Board of Supervisors of Sacramento County Authorized. are authorized to audit and allow Robert H. Anderson and Matt. Burris, witnesses in the case of *The People vs. Dan. Woodman*, tried and convicted for grand larceny in said county, in February, eighteen hundred and sixty-six, their necessary expenses in attending said trial, and that such expenses be paid out of the County Treasury of said county.

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

CHAPTER CCXVI.

An Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

[Approved March 21, 1868.]

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

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

Trustees to set apart two public squares. Section 10. The said Trustees, or a majority of them, are hereby empowered and directed, on or before the first day of May, eighteen hundred and sixty-eight, to set apart from the property owned by said city, south of M and east of West Third street, two public squares of the dimensions of six hundred feet by two hundred and seventy feet each; and from the remaining property owned by said city, to select and set apart such lots and parts of lots, and lots covered by water, as the said Trustees may deem proper, for school purposes, fire engine houses, libraries and other public uses, not exceeding in the aggregate twenty original sized lots; and for the purpose aforesaid, the said Trustees are authorized to exchange lots with individuals in such manner as they may see fit; and the said Trustees shall, on or before the first day of July, eighteen hundred and sixty-eight, proceed to sell, at public auction, for gold or silver coin, after giving notice thereof by publication in one daily newspaper in San Francisco, and one newspaper in the County of Solano, for at least thirty days preceding such sale, all remaining property to which the said city has acquired title, either from the Government of the United States or of this State, and to execute conveyances therefor to the purchasers, upon their complying with the terms of sale; *provided*, that any person who has erected a useful and substantial wharf or dock upon any water lots heretofore purchased by him from said city shall have the privilege, within thirty days from the passage of this Act, of further purchasing from said city at private sale, at a fair valuation to be fixed by said Trustees, or receiving in exchange, such other water lots as may be adjoining the lots on which said wharf or dock may be situated, not exceeding three lots of one hundred and twenty-five feet by one hundred and fifty feet each (lots separated only by an alley being considered as adjoining); and the said Trustees shall pay the proceeds of all sales, less their fees, which shall be the same percentage for them all as is allowed by law to the Sheriff on sale of property under execution, to the County Treasurer of said county, who shall be responsible for the same upon his official bond, and who shall apply the same to the extinguishment of the debt of said city, in the same manner as the taxes which may be collected may be applied. The said Trustees shall be entitled to receive for their services the sum of three dollars for each conveyance of one lot, and one dollar for each additional lot conveyed by the

Twenty lots for public uses.

Sell remainder of public property.

Private sale.

Proceeds.

Pay of Trustees.

same instrument, payable in gold coin. The following line is hereby declared to be the permanent water front of said city: Line of water front. Beginning at the intersection of the southerly line of J street with the west line of the city survey, as per a certain map of said city, entitled "Plan of the City of Benicia," showing the water front granted to the said city by an Act of the Legislature, approved May third, eighteen hundred and fifty-five, surveyed and drawn by Em. A. D'Hemicourt, City Surveyor, October, eighteen hundred and fifty-seven; thence easterly on the southerly line of J street, to the westerly line of West Fourteenth street; thence southerly on the westerly line of West Fourteenth street, to the southerly line of I street; thence easterly on the southerly line of said I street, to the westerly line of West Twelfth street; thence southerly on the westerly line of West Twelfth street, to the southerly line of H street; thence easterly on the southerly line of H street, to the westerly line of West Tenth street; thence southerly on the westerly line of West Tenth street, to the southerly line of G street; thence easterly on the southerly line of G street, to the westerly line of West Ninth street; thence southerly on the westerly line of West Ninth street, to the southerly line of F street; thence easterly on the southerly line of F street, to the westerly line of West Seventh street; thence southerly on the westerly line of West Seventh street, to the southerly line of D street; thence easterly on the southerly line of D street, to the westerly line of West Sixth street; thence southerly on the westerly line of West Sixth street, to the southerly line of C street; thence easterly on the southerly line of C street, to the westerly line of West Fifth street; thence southerly on the westerly line of West Fifth street, to the southerly line of B street; thence easterly on the southerly line of B street, to the westerly line of West Fourth street; thence southerly on the west line of West Fourth street, to the southerly line of A street; thence easterly on the southerly line of A street, to the westerly line of West Third street; thence southerly on the westerly line of West Third street, to the southerly line of South street; thence easterly on the southerly line of South street, to the easterly line of West Second street; thence northerly on the easterly line of West Second street, to the southerly line of Union street; thence easterly on the southerly line of Union street, to the east line of First street; thence northerly on the east line of First street, to the southerly line of Front street; thence easterly on the southerly line of Front street, three hundred feet; thence northerly and parallel with First street, to the southerly line of Water street; thence easterly on the southerly line of Water street, seven hundred and sixty feet; thence northerly at right angles with Water street, one hundred and twenty-five feet; thence easterly at right angles with the last described line, three hundred feet; thence northerly at right angles with Water street, to the southerly line of A street; thence easterly on the southerly line of A street, to the easterly line of East Fourth street; thence northerly on the east line of East Fourth street, to the southerly line of B street; thence easterly on the southerly line of B street, to the easterly line of East Fifth street; thence northerly on the easterly line of East Fifth street, one

Line of water front.

hundred and twenty-five feet; thence easterly at right angles with Fifth street, to the easterly line of East Sixth street; thence northerly on the easterly line of East Sixth street, to the southerly line of C street; thence easterly on the southerly line of C street, to the easterly line of East Seventh street; thence northerly on the easterly line of East Seventh street, to the southerly line of D street; thence easterly on the southerly line of D street, three hundred and eighty feet; thence northerly at right angles with D street, to the southerly line of E street; thence easterly on the southerly line of E street, to the easterly line of East Eighth street; thence northerly on the easterly line of East Eighth street, to the southerly line of F street; thence easterly on the southerly line of F street, to the easterly line of East Ninth street; thence northerly on the easterly line of East Ninth street, one hundred and twenty-five feet; thence easterly at right angles with East Ninth street, to a north and south line drawn through a point where the western boundary line of the lands belonging to the United States, and now used for military purposes, strikes ordinary high water mark; thence north with said north and south line, to high water mark. All the lands covered by water or subject to overflow within the said water front, as herein described, and within the corporate limits of said city, are hereby confirmed to said city; and where the said Trustees have heretofore made a conveyance of any lots or parts of lots outside of said water front, they are hereby authorized to compromise with such purchasers, their heirs or assigns, by conveying to them other lots within the water front in lieu thereof. Nothing in this Act shall be so construed as to interfere with or prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, or preclude a judicial examination and adjustment thereof.

Title confirmed.

Adverse claims.

Sec. 2. All Acts and parts of Acts, so far only as they conflict with the provisions of this Act, are hereby repealed.

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

CHAPTER CCXVII.

An Act to authorize the County Auditor of Tulare County to issue bonds for the building and repair of bridges.

[Approved March 21, 1868.]

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

Issue bonds.

SECTION 1. The County Auditor of Tulare County is hereby authorized, upon the order of the Board of Supervisors thereof, to issue the bonds of said county for any amount not exceeding seven thousand dollars. Said bonds shall be signed by the County Auditor and countersigned by the County Treasurer of said county, shall be of the denomination of one hundred dollars, shall bear interest at the rate of ten per cent. per annum,

and shall be payable in gold or silver coin of the United States of America, in not less than five nor more than ten years.

SEC. 2. Said bonds, when so issued, shall only be used by the Board of Supervisors in paying for the construction and repair of bridges in said county.

SEC. 3. Said Board may order said bonds to be issued with Coupons. coupons attached thereto, and the interest made payable thereon semi-annually at the office of the County Treasurer or such other place as they may designate; which coupons shall be duly numbered, and express thereon the amount of interest due each year, when and where payable, and shall be signed by the County Auditor and countersigned by the Treasurer in the same manner as the bonds are required to be signed.

SEC. 4. It shall be the duty of the Board of Supervisors to Record. keep a record of the number, denomination and amount of all bonds issued, showing the date of issue, to whom issued and the number of each bond.

SEC. 5. For the purpose of paying the interest on the bonds Tax for Sinking Fund. authorized to be issued by this Act, and also to create a Sinking Fund for the gradual redemption of the same, it shall be the duty of the Board of Supervisors to cause to be levied and collected a special tax on all real and personal property within the county, which shall not exceed twenty-five cents on each one hundred dollars valuation of such property, to be called the "Special Bridge Fund Tax;" such tax to be assessed and collected in gold or silver coin, as other taxes are assessed and collected; and the amount of taxes so collected shall only be applied to the payment of the interest and principal of the bonds authorized to be issued by this Act, until the same shall be fully paid.

SEC. 6. The Board of Supervisors may levy the tax authorized by this Act for the year eighteen hundred and sixty-eight, at any regular or special meeting after its passage.

SEC. 7. The interest on said bonds may be made payable semi-annually, at such times as the Board of Supervisors may direct.

SEC. 8. Whenever there shall be as much as five hundred Redemption of bonds. dollars in the County Treasury, collected under the provisions of this Act, over and above the interest due on said bonds, it shall be the duty of the County Treasurer to advertise in some newspaper published in said county, once a week for the space of two weeks, stating the amount of surplus in the Sinking Fund and inviting bids at his office on a day named, specifying the hour for proposals to redeem bonds by this Act authorized to be issued. Such bidding shall be in public; and it shall be the duty of the Treasurer to accept such bids and in such amounts as will be most advantageous to the county and redeem the largest amount of bonds; and such surplus shall be applied to the redemption of such bonds for which bids were accepted, and the same taken up and cancelled; *provided*, no bids shall be received at a higher rate than the par value of said bonds.

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

CHAPTER CCXVIII.

An Act to provide for ascertaining the indebtedness of the Counties of Tulare and Los Angeles prior to the organization of Kern, and to provide for the payment of that portion due each from the County of Kern.

[Approved March 21, 1868.]

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

Commission-
ers.

SECTION 1. William L. Kennedy and E. E. Calhoun, on the part of Kern County, and R. K. Nickols and E. Jacob, on the part of Tulare County, are hereby appointed Commissioners to ascertain the indebtedness of Tulare County at the time of the organization of Kern County, and to determine the amount of said indebtedness to be paid by Kern County to the County of Tulare. And John Bright and P. D. Green, on the part of Kern County, and L. J. Rose and Cameron Thoms, on the part of Los Angeles County, are hereby appointed Commissioners to ascertain the indebtedness of Los Angeles County at the time of the organization of Kern County, and to determine the amount of said indebtedness to be paid by Kern County to the County of Los Angeles.

Indebted-
ness.

SEC. 2. For the purpose of determining the amount of indebtedness of Kern County to each of the Counties of Tulare and Los Angeles, the whole value of the taxable property in each of said counties shall be ascertained from the assessment rolls thereof for the year one thousand eight hundred and sixty-five; the value of the taxable property within the territory of Kern County stricken off from Tulare and Los Angeles shall also be determined from said assessment rolls; the amount of indebtedness of each county at the time of the organization of Kern County shall be ascertained from the books of the County Auditor and County Treasurer of each of said counties; and as the proportion in value of the taxable property in that portion of Kern County now within its boundaries and stricken off from Tulare shall be to the whole value on the assessment roll of Tulare for said year, so shall be the proportion of the indebtedness of Tulare to be assumed by Kern County; and as the proportion in value of the taxable property in that portion of Kern stricken off from Los Angeles shall bear to the whole value on the assessment roll of Los Angeles for said year, so shall be the proportion of the indebtedness of Los Angeles to be assumed by Kern County;

Apportion-
ment.

Deductions.

provided, that the value of the county buildings of each of said Counties of Tulare and Los Angeles shall first be deducted from the amount of their indebtedness before determining the amount to be assumed to each by the County of Kern; *provided* further, that the amount of taxes collected by Tulare County for the years one thousand eight hundred and sixty-six and one thousand eight hundred and sixty-seven, within the territory of Kern County lying north of two miles south of the sixth standard, to one half mile north of said sixth standard, shall be deducted from the amount of the indebtedness of Kern to Tulare, when ascertained as above provided; and *provided* further, that

the value of the taxable property on the Assessor's roll for the year eighteen hundred and sixty-five in that portion of Tulare out of which was created the County of Inyo shall not be estimated in making the apportionment of the indebtedness of Tulare to be assumed by Kern County.

SEC. 3. The Commissioners above named for the Counties of Kern and Tulare shall meet at the Town of Visalia, and those named for the Counties of Kern and Los Angeles shall meet at the City of Los Angeles, on or before the first day of July next after the passage of this Act, and enter upon the discharge of their duties; and they may adjourn from time to time, as their convenience may require. Said Commissioners shall have power to compel the attendance of such persons, and the production of such books and papers before them, as they may require in the exercise of the duties imposed by this Act; and it shall be the duty of the Sheriffs of Kern, Tulare and Los Angeles Counties to execute all lawful orders of said Commissioners in their respective counties, and for any service performed said Sheriffs shall be allowed the same fees as are allowed for like service in civil cases; and all witnesses attending before said Commissioners by their order shall be entitled to the same compensation and mileage as are allowed to witnesses in civil cases; *provided*, no witness shall be excused from attendance at the time and place mentioned in said order or subpoena by reason of the failure of the officer making service thereof to tender his fees in advance.

SEC. 4. Should any vacancy occur in either of said Commissioners by death, resignation, or otherwise, the Board of Supervisors of the county in whose representation such vacancy shall occur shall have power to fill his vacancy by appointment. Should the Commissioners before designated be unable to agree in the discharge of the duties imposed by the provisions of this Act, they are hereby required and empowered to appoint a fifth Commissioner, which Commissioner so appointed shall be a member of said Board of Commissioners; and a majority of said Commissioners shall constitute a quorum for the transaction of business, and the acts and doings of a majority of said Commissioners shall be deemed the acts and doings of the whole Board of said Commissioners; and if said Commissioners should fail, neglect or refuse to appoint the fifth Commissioner, as provided in this section, it shall be the duty of the County Judge of Kern County to appoint said fifth Commissioner.

SEC. 5. When said Commissioners shall have determined the amount of said indebtedness of Kern County to the County of Tulare, and in like manner shall have determined the amount due Los Angeles County, they shall certify the same to the Auditor of Kern County, and said Auditor shall immediately inform the Supervisors of said Kern County of the same.

SEC. 6. The Supervisors of Kern County, upon notice as provided in the preceding section, shall, at their next regular, or at a special meeting called for that purpose, cause to be made out bonds, with or without coupons, in their discretion, for the amount of said indebtedness; the said bonds to be in sums of one hundred, two hundred and five hundred dollars, to be styled Kern County bonds, and to be signed by the President of the

Commissioners to meet.

Powers.

Duty of Sheriffs.

Vacancies.

Disagreement.

Indebtedness certified.

Supervisors of Kern County to issue bonds.

Board of Supervisors, Clerk of the Board, and countersigned by the County Treasurer, and to be delivered to the County Treasurer of each of the Counties of Tulare and Los Angeles. Should there be a fractional sum due either county, for which a bond cannot be issued, the County Auditor of Kern County shall draw his warrant on the Treasurer thereof, payable out of the Sinking Fund created by this Act, for the payment of the interest and redemption of said bonds. Said bonds shall be payable in not less than five, nor more than ten years, in gold coin, and bear interest payable semi-annually, at the rate of ten per cent. per annum.

Tax for interest and redemption.

SEC. 7. For the purpose of paying the interest on the bonds so issued, and also to constitute a Sinking Fund for the gradual redemption of the same, it shall be the duty of the Board of Supervisors of said County of Kern to cause to be levied and collected a special tax on all property within the county, which shall not exceed thirty cents on each one hundred dollars valuation thereof; such tax to be assessed and collected in like manner as are assessed and collected State and county taxes for other purposes; and the taxes so collected shall be applied only to the purpose of paying the interest and principal of the bonds and warrants authorized to be issued by this Act, until the same shall be fully paid; *provided*, that the tax for the payment of interest for the year eighteen hundred and sixty-eight may be levied at any regular or special meeting of the Board, to be called for that purpose.

Interest paid

SEC. 8. The interest on said bonds shall be paid at the Treasurer's office of Kern County, on the first Monday of January, A. D. eighteen hundred and sixty-nine, and thereafter semi-annually, on the first Monday of July and the first Monday of January of each year.

Record.

SEC. 9. It shall be the duty of the Clerk of the Board of Supervisors and County Treasurer, each, to keep a correct record of all bonds issued under the provisions of this Act, showing the number, date and amount of each, to whom issued, and for what purpose issued.

Redemption of bonds.

SEC. 10. On the first day of January of each year, when there shall be as much as five hundred dollars in the County Treasury, collected by the provisions of this Act, over and above the interest due on such first of January and July next thereafter, it shall be the duty of the County Treasurer to advertise in some newspaper published in said county, if there be one—if not, then in some newspaper published nearest to said county—once a week for the space of three weeks, stating the amount of surplus in the Sinking Fund, and inviting bids at such Treasurer's office, on a given day, specifying the hour, for proposals to redeem bonds by this Act authorized to be issued. Such bidding shall be in public, and it shall be the duty of the Treasurer to accept such bids, and in such amounts, as will be the most advantageous to the county and redeem the largest amount of bonds; and said surplus shall be applied to the redemption of such bonds for which bids were accepted, and the same taken up and cancelled; but no bid shall be at a higher rate than the par value of principal and interest of said bonds.

SEC. 11. All Acts and parts of Acts conflicting with the pro-

visions of this Act, so far as applicable to the counties herein named, are hereby repealed.

SEC. 12. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXIX.

An Act to protect the wages of labor.

[Approved March 21, 1868.]

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

SECTION 1. That in all assignments of property, whether real or personal, which shall hereafter be made by any persons, or chartered company or corporation, or by any person or persons owning or leasing real or personal property, to trustees or assignees, on account of inability at the time of the assignment to pay his, her or their debts, or in proceedings in insolvency, the wages of the miners, mechanics, salesmen, servants, clerks or laborers employed by such person or persons, or chartered company or corporation, shall be held and deemed preferred claims, and paid by such trustees or assignees before any other creditor or creditors of the assignor; *provided*, that the claims of each miner, mechanic, salesman, servant, clerk, or laborer thus preferred shall not exceed in value one hundred dollars of gold coin of the United States, and the services shall have been rendered or labor performed within forty days next preceding said assignment or the filing of said proceeding in insolvency.

Workmen preferred creditors.

Limit.

SEC. 2. That in all cases of the death of any employer or employers, the wages of each miner, mechanic, salesman, clerk, servant and laborer, for services rendered within the forty days next preceding the death of the employer, not exceeding one hundred dollars of gold coin of the United States, shall rank after the funeral expenses of the last sickness, the charges and expenses of administering upon the estate, and the allowance to the widow and infant children, and be paid pro rata before all other claims against the estate of the deceased person or persons; *provided*, this Act shall in no way affect the homestead or other property exempted by law from forced sale in payment of debts, or any mortgage or lien lawfully obtained on the property of the deceased before his death.

Estates of deceased persons.

SEC. 3. In all cases of executions, attachments, and writs of a similar nature, hereafter to be issued against any person or persons, or chartered company, or corporation, it shall be lawful for such miners, mechanics, salesmen, servants, clerks and laborers, to give notice of their claim or claims, and the amount thereof, duly certified and sworn to by the creditor or creditors making the claim, to the officer executing either of such writs, at any time before the actual sale of property levied on; and such officers shall pay to such miners, mechanics, salesmen, servants, clerks or laborers, out of the proceeds of the sale, the

Workmen to give notice of claim.

amount each is justly and legally entitled to receive for services rendered, within the forty days next preceding the levy of the writ of execution, attachment or other writ, not exceeding one hundred dollars of gold coin of the United States; *provided*, if any or all of the claims so presented and claiming preference under this section shall be disputed by either the debtor or the creditor, the miner, mechanic, salesman, servant, clerk or laborer presenting the same shall commence an action within ten days for the recovery thereof, and shall prosecute his action with due diligence, or be forever barred from any claim of priority of payment thereof; but in case action is rendered necessary by the act, as aforesaid, of either debtor or creditor, and judgment shall be had for said claim, or any part thereof, carrying costs, the costs attending the prosecution of said action, and legally taxable therein, shall likewise be a preferred claim, with the same rank as the original claim; and *provided* further, if the amount of assets, after deducting costs of levy and sale, shall not be adequate to the payment of all of the preferred claims of this class, they shall be paid pro rata out of the fund hereby made applicable thereto; and *provided* further, that nothing in this Act contained shall be construed to affect any homestead claims, mortgage, or lien of any description, created and existing before the claim of such laborer accrued.

If claims dis-
puted.

Costs.

Act not to
apply.

CHAPTER CCXX.

An Act to appropriate money for per diem and mileage of the Legislature.

[Approved March 21, 1868.]

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

SECTION 1. The sum of nineteen thousand dollars is hereby appropriated, out of any money in the General Fund of the State Treasury not otherwise appropriated, for the following purposes, viz: Seven thousand dollars for per diem and mileage of Lieutenant-Governor and Senators, and twelve thousand dollars for per diem and mileage of members of the Assembly, for the seventeenth session of the Legislature.

Appropriation.

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

CHAPTER CCXXI.

An Act supplementary to an Act entitled an Act relative to the duties and compensation of the Clerk of the Supreme Court, approved April second, eighteen hundred and sixty-six.

[Approved March 20, 1868.]

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

SECTION 1. The Clerk of the Supreme Court is hereby authorized to appoint a deputy, who shall receive a salary of eighteen hundred dollars per annum, payable monthly, out of the State Treasury, which shall be in full compensation for all official services performed by him. Appoint deputy.

SEC. 2. The Clerk of the Supreme Court is hereby authorized to charge and collect the sum of five cents per folio for making and certifying each copy of any paper, document or record on file in his office; *provided*, that all fees collected under the provisions of this section shall be paid by him on the last Saturday of each and every month, into the State Treasury; *provided*, that the fees allowed in this section shall not be taxed against the parties to suits for any paper or copies of papers necessary, up to and including the remittitur. Fees for copying. Exception.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCXXII.

An Act to provide for the sale of escheated estates.

[Approved March 20, 1868.]

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

SECTION 1. Lands that have heretofore escheated, or that may hereafter escheat to the State of California, may be sold, and the title of the State conveyed to purchasers, as hereinafter provided. May be sold.

SEC. 2. Whenever it shall appear to the satisfaction of the Governor of the State of California, from petition or otherwise, that it will be advantageous to the interest of the State that the lands of any estate escheated to the State should be sold, he shall cause a notice to be published offering such lands for sale, giving therein as full a description as is practicable of the lands to be sold, their location, the former possessor from whom such lands escheated, and the day, place and terms of such sale. Such notice shall be published once a week for at least three consecutive months, in some newspaper published in the county in which such lands are located, and also in some newspaper of general circulation published in the City of San Francisco. Notice to be given.

Day of sale. SEC. 3. Upon the day, and at the place designated for such sale, between the hours of ten o'clock A. M. and four o'clock P. M., at the County Court-house of the county in which such lands are located, the Governor, or such person as he may designate and appoint to conduct such sale, shall offer for sale to the highest and best bidder, such lands, and in such lots or subdivisions as he shall deem for the best interests of the State. Not less than one third of the whole amount bid upon any one parcel of land sold shall be paid in cash on the day of such sale.

Cash payment.

Certificate of purchase.

SEC. 4. The purchaser at such sale shall receive from the Governor a certificate of sale, reciting generally the fact of such sale; and such certificate shall entitle the holder thereof, at the expiration of sixty days from the date of such certificate, to a quitclaim deed of all the right, title and interest of the State of California in and to such lands at the date of such sale; *provided* that an application for the re-sale of such lands, or some portion thereof, be not made, as provided in the next section, within said sixty days.

May be re-sold.

SEC. 5. At any time within sixty days from the day of such sale, any party may make, and file with the Governor of the State, a written application for the re-sale of said lands, or some portion thereof. Such application shall be accompanied with a deposit of money equal to the whole amount paid at such former sale, and also ten per cent. upon the entire amount of such former bid; and upon such application the former sale shall be vacated, the money paid by such former purchaser returned, and the Governor shall proceed and again advertise and re-sell said lands, in accordance with the provisions of this Act.

Note for balance of purchase money

SEC. 6. Whenever any deed shall be executed by the Governor, in accordance with the provisions of this Act, such purchaser shall execute his note, secured by mortgage upon the lands thus purchased, and bearing legal interest. Such note and mortgage shall be made payable to The People of the State of California, and such mortgage shall be recorded in the mortgage records of the county in which such lands are situated, in the same manner as other mortgage sums are recorded. The indebtedness thus created, and the mortgage securing the same, shall be a subsisting claim and lien in favor of The People of the State of California, for the full period of ten years from and after the date of such mortgage.

Proceeds.

SEC. 7. All moneys received for the sale of any lands under the provisions of this Act shall be paid into the General Fund of the State Treasury.

CHAPTER CCXXIII.

An Act conferring further powers upon the Board of State Harbor Commissioners.

[Approved March 20, 1868.]

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

SECTION 1. The Board of State Harbor Commissioners are hereby authorized and empowered to appoint a competent civil engineer to superintend the construction of the seawall now being erected along the water front of the City of San Francisco, at a salary to be agreed upon by said Commissioners and not to exceed four thousand dollars per annum, payable monthly in the same manner as is now provided by law for the payment of the salaries of the Commissioners and Secretary, and whose appointment shall continue during the pleasure of said Board. Appoint engineer.

SEC. 2. The said Board are further authorized and empowered to pay to William J. Lewis, civil engineer, heretofore appointed and now in the employment of said Board, the amount which may be due him from the date of his appointment (May third, eighteen hundred and sixty-seven) until the passage of this Act, at the same rate per annum as is provided for in section one of this Act; the amount so due to be paid by draft on the Harbor Protection Fund in favor of said William J. Lewis; and the State Controller and State Treasurer are hereby authorized to allow and pay the same. Pay of present engineer

SEC. 3. The said Board are further authorized and empowered, from and after the passage of this Act, to employ an Assistant Secretary, who shall give a bond in the sum of five thousand dollars, with two or more sureties, to be approved by the Board, and whose salary shall not exceed one hundred and twenty-five dollars per month, payable monthly in the same manner as is provided by law for the payment of the Secretary. Appoint Assistant Secretary.

SEC. 4. The said Board are further authorized and empowered to procure and lease, on behalf of the State, suitable office rooms for the use of said Board, together with a good and substantial fire-proof vault for the preservation of the archives of said office, at a rent not exceeding one hundred and fifty dollars per month; and the said Board are hereby allowed the sum of five hundred dollars to furnish the same; and until such office rooms are procured as in this section provided, the said Board are hereby allowed the sum of twenty-five dollars per month as office rent over and above the amount now allowed by law, the said amount of twenty-five dollars per month to be allowed and paid from January third, eighteen hundred and sixty-seven. Office rooms.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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

CHAPTER CCXXIV.

An Act to amend sections three and seven of an Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty, and amended April thirteenth, eighteen hundred and fifty-five.

[Approved March 20, 1868.]

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

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

Section 3. In case the Board of Education or a majority thereof shall be satisfied that the proposed college has property to the amount of twenty thousand dollars, and that the proposed Trustees are capable persons, then the said Board of Education or a majority thereof shall, by an instrument under their hands, declare the college incorporated under the provisions of this Act, by the name specified in the application; and the application, together with the declaration of the Board or a majority thereof, shall be recorded in the office of the Secretary of State.

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

Section 7. The Trustees shall have power :

First—To elect by ballot, annually, one of their number as President of the Board.

Second—Upon the death, removal out of the State or other vacancy in the office of any Trustee, to elect another in his or her place.

Third—To elect additional Trustees; *provided*, the whole number elected shall never exceed twenty-four at any one time.

Fourth—To declare vacant the seat of any Trustee who shall absent himself or herself from eight succeeding meetings of the Board.

Fifth—To receive and hold, by purchase, gift or grant, any real or personal property; *provided*, that the yearly income of the college shall not exceed its necessary yearly expenses ten thousand dollars.

Sixth—To sell, mortgage, lease and otherwise use and dispose of such property in such manner as they shall deem most conducive to the prosperity of the college.

Seventh—To direct and prescribe the course of study and discipline to be observed in the college.

Eighth—To appoint a President of the college, who shall hold his or her office during good behavior.

Ninth—To appoint such professors, tutors and other officers as they shall deem necessary, who, unless employed under a special contract, shall hold their offices during the pleasure of the Trustees.

Tenth—To remove from office the President and every professor, tutor or other officer employed, upon a complaint in writing by any member of the Board of Trustees, stating the misbehavior in office, incapacity, immoral conduct of the person

Board of
Education
to declare
college
incorporated.

Powers of
Trustees.

or persons sought to be removed, and upon due examination and proof of such complaint. Powers of Trustees.

Eleventh—To grant such literary honors as are usually granted by any university, college or seminary of learning in the United States, and in testimony thereof to give suitable diplomas, under their seal and the signatures of such officers of the college as they shall deem expedient.

Twelfth—To fix the salaries of the President, professors and other officers of the college.

Thirteenth—To make all by-laws and ordinances necessary and proper to carry into effect the preceding powers and necessary to advance the interest of the college; *provided*, that no by-laws or ordinances shall conflict with the Constitution or laws of the United States or of this State.

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

CHAPTER CCXXV.

An Act to amend section twenty of an Act concerning the assessing and collecting of revenue in the County of Yuba, approved April second, eighteen hundred and sixty-six.

[Approved March 20, 1868.]

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

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

Section 20. The District Assessor in and for the First Revenue District shall, for all services required of him by law as such Assessor, receive the sum of one thousand dollars per annum, and no more. The District Assessor in and for the Second Revenue District shall, for all services required of him by law as such Assessor, receive the sum of eight hundred dollars per annum, and no more. The District Assessor in and for the Third Revenue District shall, for all services required of him by law as such Assessor, receive the sum of seven hundred dollars per annum, and no more. Such salaries to be audited and allowed by the Board of Supervisors, upon the certificate of the County Auditor that said Assessors have discharged all the duties required of them by law and have made their final settlements in accordance therewith. Such salaries payable semi-annually, out of the General Fund. Salaries of District Assessors.

SEC. 2. All Acts or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

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

CHAPTER CCXXVI.

An Act in relation to the office of Sheriff in the City and County of San Francisco.

[Approved March 20, 1868.]

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

- Deputies. SECTION 1. In addition to the deputies now allowed by law, the Sheriff of the City and County of San Francisco may appoint one deputy, and an assistant bookkeeper, to act as Deputy Sheriff. Said deputy shall receive a salary of one hundred and fifty dollars per month, and the assistant bookkeeper shall receive a salary of one hundred dollars per month.
- Porters. SEC. 2. The Sheriff of said city and county shall have power and authority to appoint and remove two of the porters allowed by law, and now appointed by the Supervisors, to take charge and perform duties about the Court and other rooms of the City Hall of said city and county.
- Treasurer to pay salaries. SEC. 3. The salaries and moneys provided to be paid by this Act shall be paid by the Treasurer of the City and County of San Francisco, out of the Special Fee Fund of said city and county, upon the audit of the City and County Auditor, who is hereby directed to audit the salaries and moneys hereby provided.
- Counsel fees. SEC. 4. The Sheriff of the City and County of San Francisco shall be allowed the sum of twelve hundred dollars per annum to defray his expenses for counsel and attorney's fees.
- SEC. 5. All Acts and parts of Acts, so far as they may be in conflict herewith, are hereby repealed.
- SEC. 6. This Act shall take effect from and after its passage.

CHAPTER CCXXVII.

An Act for the relief of William O' Shea.

[Approved March 23, 1868.]

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

- Claim to be paid. SECTION 1. The Board of Supervisors of the City and County of San Francisco having on the twenty-seventh January, Anno Domini eighteen hundred and sixty-eight, allowed William O'Shea the sum of one thousand dollars for balance due in settlement of claim for cleaning streets in eighteen hundred and sixty-six, and ordered the same paid, the Auditor of said City and County is hereby directed to audit, and the Treasurer thereof to pay said sum to William O'Shea or his assigns.
- SEC. 2. This Act to take effect from and after its passage.

CHAPTER CCXXVIII.

An Act making additional appropriations for stationery, lights and fuel for Legislature and State officers.

[Approved March 21, 1868.]

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

SECTION 1. The sum of fifteen hundred dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for stationery, lights and fuel for the Legislature and State officers for the nineteenth fiscal year, to be expended under the direction of the Secretary of State. Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXXIX.

An Act to provide for the grading of the public alleys and the construction of sewers therein in the City of Sacramento.

[Approved March 21, 1868.]

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

SECTION 1. Whenever the Board of Trustees of the City of Sacramento shall deem it expedient to construct a sewer in any public alley, they may order such sewer to be constructed, after having published a notice of such intention in some daily newspaper printed in said city, for the period of ten days, unless the owners of more than one half in extent of the land and lots bisected by such alley shall have made written objections thereto and delivered the same to the Clerk of said Board of Trustees within the said period of ten days. Public notice.

SEC. 2. If the owners, or their duly authorized agents, of more than one half in extent of the lands and lots in any block of land bisected by any such alley shall petition said Board of Trustees, in writing, to cause a sewer to be constructed through the same, the said Board of Trustees shall order the same to be done; but in such case they may receive and consider remonstrances, for the purpose only of ascertaining whether the petitioners truly comprehend more than one half of said owners, as in this section required. All sewers provided by this Act to be constructed shall be extended in a direct line through such alley and to the centre of the cross street. If owners petition for.

SEC. 3. The total amount of the expenses of constructing any sewer under the provisions of this Act shall be assessed upon and borne with absolute equality by all the lands and lots in each lot bisected by such alley, the expense to be calculated upon the assessed value of each lot, exclusive of improvements, and Assess cost.

Contracts. borne by each block separately at a rate sufficient to cover the total expense of the work upon each block, including the construction of the sewer to the centre of the cross streets. The contract therefor shall in all cases be given to the lowest bidder giving adequate security; and shall be given without security to the owners of lands and lots, or the greater part thereof, who are liable to be assessed therefor, *provided* they offer to take the same at as low a rate as any others offering adequate security.

Act of 1863 applicable. SEC. 4. Sections fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine and sixty of an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, so far as the same are consistent herewith, are hereby extended to and made applicable to the grading and paving of alleys as well as streets.

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

CHAPTER CCXXX.

An Act to enable the City of Oakland to settle its controversies.

[Approved March 21, 1868.]

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

Power given SECTION 1. The Council of the City of Oakland, with the concurrence of the Mayor of said city, is hereby authorized and empowered to compromise, settle and adjust any and all claims, demands, controversies and causes of action in which the said city is interested.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXXXI.

An Act granting leave of absence to W. C. Stratton, State Librarian.

[Approved March 21, 1868.]

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

Leave granted. SECTION 1. W. C. Stratton, State Librarian, is hereby granted permission to be absent, during his present term of office, from the State of California, for the period of six months; *provided*, that no charge, except that of regular salary, shall be hereafter made against the State for travelling expenses, services abroad, or for the services of an additional deputy while absent.

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

CHAPTER CCXXXII.

An Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa.

[Approved March 23, 1868.]

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

SECTION 1. All public and private roads and highways heretofore duly established and now used as such, in the County of Contra Costa, are hereby declared to be public or private roads and highways, as the case may be; and hereafter, whenever any person or persons intend to procure the establishing of a new road, or the alteration or vacation of the location of the whole or any part of a road already established, application therefor shall be made by petition to the Board of Supervisors, as in this Act provided.

Application for vacation or location of new roads.

SEC. 2. Such petition shall be signed by not less than ten residents and property owners and taxpayers of the road district in which such road is situated, or within which such new road is proposed to be established, and shall set forth particularly the commencement and termination of said road, and a general description of the road; and if the petition be for a new road, the petition shall also specify generally the intermediate points through or over which it is proposed to locate said road; and if the petition be for the alteration of any road, the petition shall specify particularly the nature, extent and character of such alteration, and also the particular locality where such alteration is proposed to be made. Such petition shall be filed with the Clerk of the Board of Supervisors of the county, and it shall ask for the appointment of Viewers to run said proposed road, alteration or vacation, and the final establishment and confirmation thereof. Upon filing said petition, notice shall be given by the petitioners thereof, and of their intention to make application to the Board of Supervisors for the establishment of a new road, or the alteration or vacation of a road, as the case may be. Such notice shall specify that a petition has been filed, and also the objects of the petitioners; also a description of the road proposed to be located, altered or vacated, as the case may be, as in this Act provided, and as stated in the petition; also the time when such petition will be presented to the Board of Supervisors, which shall be at a regular meeting of the Board. Such notice shall be posted in three public places in the road district, and in the vicinity where such new road is proposed to be located, or where such alteration is proposed to be made, or upon such road proposed to be vacated; and a copy thereof shall be posted on the Court-house door. Such notices shall be posted at least thirty days prior to the time of hearing of the petition, as in the next section provided; and a copy of such notice shall also be served at least ten days before the time designated in the notice when the petition will be presented to the Board of Supervisors, upon each and every person owning land, being in the possession, claiming to be the owner of any land over and

Shall specify

Notice to be given.

upon which it shall be proposed to locate said new road, or at the place where said alteration shall be proposed to be made, unless such owners or claimants shall have signed the petition for the location or alteration of such road, in which case, as to such persons, no further notice shall be required; *provided*, that if any such owners be unknown to the petitioners, or cannot be found, a copy of such notice shall be published in a weekly newspaper printed and published within the county, for three weeks previous to the time designated in the notice for the hearing. The last publication of such notice shall be made at least five days before the hearing; and *provided* further, that when the owner or claimant of land over which such road shall be proposed to be located is a minor, idiot or insane person, notice given, as in this Act provided, to the legal guardian of such minor, idiot or insane person, shall be sufficient.

Unknown owners.

Hearing of petition.

SEC. 3. On the day designated in the notice, the Board of Supervisors may proceed to a hearing of the petition, or may postpone the hearing to another day, at the same or another regular meeting; and, upon the hearing of such petition, the Board of Supervisors shall first ascertain and determine that notice has been given by posting and serving of notice, as in this Act provided, and shall require proof thereof, by affidavit of the person or persons posting or serving such notices, or of the publication thereof. Said affidavit or affidavits shall be filed with the Clerk; and if it appear to the satisfaction of the Board that notice shall have been duly given and service made, as in this Act provided, the Board shall proceed to consider the said petition, and the proofs and allegations of the petitioners, and also the objections and generally the objects sought to be obtained by the petitioners; and if the Board shall deem the proposed location of a new road, with alterations or vacation of an old road, as the case may be stated in the petition, expedient, advisable or beneficial to the whole or a large portion of the citizens and residents of the county, or of the road district in which said new road is proposed to be located, or in which such alteration or vacation is proposed to be made, or if the petitioners shall execute and file a bond, as in this Act provided, to save the county harmless from costs, the Board shall appoint three competent and disinterested persons—one of whom shall be a practical surveyor—to view and survey such proposed new road, or such proposed alteration of an old road, and shall designate a time at which such Viewers shall report to the Board their action as such Viewers; and the Board of Supervisors shall cause such Viewers to be personally notified of their appointment at least twenty days prior to the time when they shall be required to report, by service upon each one of a copy of the order appointing them. The said Viewers shall appoint a time at which they shall meet for the purpose of surveying and locating such road. They shall be furnished with the original petition for the location or alteration of such road, together with any and all written objections thereto, if any, that are filed, and shall proceed to survey and locate such road in accordance with the petition, as near as practicable; and shall, on or before the day designated by the Board of Supervisors in the order appointing them, make and file with the Clerk of the

Viewers to be appointed

Board of Supervisors their written report on or before the day mentioned in the order appointing them; and they shall make oath, before some officer competent to administer oaths and affirmations, that they have faithfully and impartially, and according to their best judgment and convictions, discharged all the duties devolved upon them under their appointment as Viewers of the road mentioned in their report, and that such report contains a correct survey of the road and plat thereof, according to their best information and belief. Such oath shall be indorsed on the report and subscribed by them. The said Viewers shall view and locate such road or such alteration, as nearly as practicable, in accordance with the route designated in the petition; and in their report they shall state whether, in their opinion, such location or alteration is required for public convenience; and they shall take into consideration public as well as private interests. They shall notify the occupants of lands over and upon which such road shall be located of such location at the time of such survey. The Viewers shall, with their report, file a map of the survey and location of such proposed new road, or of such alteration of an old road, designating on such map, in case of a proposed alteration of an old road, the old road, and also the proposed change; and they shall also designate upon their maps, in the location of a new road, and also in their report, the lands owned and occupied or possessed by any and all persons over and upon which such road shall have been located, and mark upon said map, as near as they can, the boundaries; also, the point where such road crosses such boundary line. The Viewers shall also in their report specify the length of said proposed new road, or the nature or extent of the proposed alteration, and also the general character of ground over which it is proposed said road should be located, and the character and probable cost of any bridges, culverts or embankments required to put such road in good condition for travel, together with an estimate of the amount of damage which the location of said road would occasion to any of the owners of land over and upon which such road shall be located.

SEC. 4. In all cases, upon filing a petition for the location or alteration of a road, the Board of Supervisors may, before appointing Viewers to locate such road, require the petitioners, or some one in their behalf, to enter into bonds with sufficient surety, to be approved by the Board, and in such sums as the Board of Supervisors may determine, which bond shall be conditioned that the petitioners will pay into the County Treasury the amount of all costs and expenses accruing on, or in consequence of such application, in case the road petitioned for shall not be finally located, confirmed and established, or finally made, as prayed for in the petition; and in case such road shall not be finally located and established, or such alteration made by order of the Board of Supervisors, the sureties on the bond mentioned in this section shall become liable for all the costs and expenses which shall have been incurred by the county upon said petition; and upon failure to pay such costs into the County Treasury within three months after such liability shall have accrued, the Board of Supervisors shall cause such bond to

be delivered to the District Attorney of the county, whose duty it shall be to prosecute the same for the recovery of such costs and expenses; and the amount when collected shall be paid into the County Road Fund.

Application
for damages

SEC. 5. Any person or persons owning or claiming land through or upon which it is proposed to locate and establish a public highway, and desiring to claim damages in consequence of such location, shall make application by petition in writing, to the Board of Supervisors, on or before the first day of a regular meeting of the Board next succeeding the appointment of Viewers—it being after the time of filing the report of the Viewers, as in this Act provided—in which petition they shall set forth the particular road, the amount and character of the petitioners' land affected thereby, and generally all other facts having relation to the subject of damages, and showing why the petitioner would be damaged by the location of such road according to the survey and report of the Viewers; *provided*, that the legal guardians of minors, idiots, or insane persons shall be authorized and required to take all measures necessary in the premises for the protection of their wards. All persons who fail to make application for damages within the time, and substantially in the manner specified in this section, shall be deemed to have waived all right to damages and shall be deemed to have dedicated the lands affected by the proposed location or alteration of such road to the public use as a highway, and such failure shall forever be a bar to any action for damages in any of the Courts of this State.

Default.

Meeting of
Supervisors.

SEC. 6. Upon the day fixed by the Board of Supervisors, after the return of said report and the hearing thereof, which the Board may from time to time continue, the Board of Supervisors shall proceed to consider all the matters touching the original petition for the location, alteration or vacation of any road, and all subsequent proceedings had thereon in connection with the report of the Viewers on file, and such evidence as parties interested may introduce touching the same; and if, in their opinion, the public good and convenience require that the proposed location, alteration or vacation should be established, they shall confirm the report thereon in whole or in part, as they may deem advisable, as a public highway—either absolutely, in which case the damages awarded and the costs which have accrued shall be paid out of the Road Fund of the district or districts through which said road is proposed to be located, and the Board of Supervisors shall order warrants drawn accordingly—or they may make the establishment conditional upon the payment by the petitioners of all or any part of the damages awarded or the cost which may have accrued. If, in the opinion of the Board of Supervisors, the proposed location, alteration or vacation is not necessary for the public good or is not of sufficient importance to warrant the action asked for, they may refuse to confirm the report of the Road Viewers and may discontinue proceedings in the premises, and they shall then direct the District Attorney to collect the expenses which may have accrued during the progress of the proceedings had in the premises, upon the bond provided for in section three of this Act. Whenever any public road is established as contemplated in this

May refuse
petition.

Act, it shall be recorded by the Clerk of the Board of Supervisors in a book to be kept for that purpose, which book shall be called the "Road Record" of the county. Upon the final establishment of any road and the payment or securing of the damages finally awarded, the Clerk of the Board of Supervisors shall, within ten days thereafter, notify the Superintendent of Roads of the district or districts within which such road is situated, of the establishment thereof, and to furnish him with a specific description of said road; and it shall be the duty of the said Superintendent of Roads to open such road within thirty days from the reception of such notice, unless, for good cause shown, the Board of Supervisors may extend the time for opening the same. When road established.

SEC. 7. If any person or persons claiming damages on account of the location or alteration of any road under the provisions of this Act, who have complied with section five of this Act, shall be dissatisfied with the award of the Road Viewers and Board of Supervisors, as to the amount of damages sustained, and shall refuse to receive the same, such person or persons shall, within ten days from the time of final hearing, commence an action against the county by name for such damages, in a Court of competent jurisdiction, which action shall be conducted in like manner as other actions in civil cases in the Courts of justice of this State, except as hereinafter provided. The complaint shall be in writing, and the summons, with a copy of the complaint, shall be served upon the Clerk of the Board of Supervisors, and said Clerk shall notify in writing the Chairman of said Board and the District Attorney of the commencement of such action, which shall be sufficient notice to the county; and it shall be the duty of the District Attorney to appear on the part of the county and defend all actions commenced under the provisions of this Act. The plaintiff, at the time of filing his complaint, shall also file a bond in the sum of one hundred dollars, with two or more sureties, who shall be residents and house or free holders of the county and shall justify that they are each worth, over and above their debts and liabilities, in property exempt from execution, double the sum specified in the bond. The conditions of the bond shall be to the effect that the plaintiff will pay all costs awarded to the county, not exceeding the amount of the bond. Persons dissatisfied with award may sue. Bond.

SEC. 8. If the plaintiff in the action shall fail to recover a greater amount of damages than was awarded by the Board of Supervisors, or than the amount tendered, all the costs in the case shall be taxed against him and in favor of the county; and if the costs allowed to the county are not paid within thirty days from the time of the entry of the judgment, it shall be the duty of the District Attorney, upon the order of the Board of Supervisors, to proceed upon such bond to recover the same. Costs.

SEC. 9. When the action provided for in this Act is in a Justice's Court, it shall be before some Justice in the township wherein the county seat is located; and if there be no Justice in said township excepting such as are disqualified to act in the case, then the action shall be transferred to the nearest Justice in an adjoining township, and the county shall have ten days in which to answer from the time the complaint is served. In Justice's Court.

Claims to be determined before road opened.

SEC. 10. No road shall be opened or any alteration thereof made until all claims for damages shall have been passed upon and determined by the Board of Supervisors; *provided*, that if any person over whose lands such road shall pass shall fail to present his claim for damages to the Board of Supervisors, or to file his or her complaint in the proper Court, as prescribed by this Act, within the time prescribed, said person shall be deemed to have dedicated the land over which such road shall pass to public use, and such person shall be forever barred from bringing or maintaining any action or proceeding for damages therefor, and the road shall be opened according to the provisions of this Act.

Neglect of owners.

SEC. 11. In all cases of an application or action for damages under the provisions of this Act, the claimant shall be deemed the plaintiff and the county the defendant.

Pay for services.

SEC. 12. Any person performing any service under the provisions of this Act in reference to the view, location or survey of roads shall receive as compensation the following per diem, each, to wit: Road Surveyor, five dollars; Viewers, three dollars; Assistant Surveyor, two dollars; which sum shall be allowed by the Board of Supervisors and paid by their order, either by the petitioners or by warrants drawn on the District Road Fund of the district in which such service was performed.

Road tax.

SEC. 13. At the session of the Board of Supervisors for levying State and county taxes, or at some regular or special meeting held on or before the first Monday in July, in each year, the Board shall levy upon each able bodied man (except Indians) between the ages of twenty-one and fifty years a road poll tax of two dollars, and upon all taxable property in the county a tax for road purposes of not more than sixty cents upon each one hundred dollars worth of taxable property; which tax shall be levied and collected as other taxes are levied and collected, and shall be paid into the County Treasury and apportioned to the County Road Fund; and the County Assessor shall enter the tax opposite the name of the person assessed, and when liable to pay a road poll tax, the figure two, as required by this Act; and all able bodied men (except Indians) who have resided three months in the State and ten days in the road district shall pay the road poll tax herein provided for, and all moneys received or collected for such taxes or assessments shall constitute the County Road Fund. In order to enable the Board of Supervisors to levy the poll tax heretofore specified and to provide for the collection of the same, the County Assessor shall prepare in his list or assessment roll a separate column headed "Road Poll," in which he shall place opposite the name of any person liable to pay a road poll tax the figure two; and all taxes and assessments, with the exception hereinafter provided, shall be collected by the Tax Collector of the county in the same manner as other State and county taxes are collected, and shall be credited to the Road Fund and be distributed among the several road districts as hereinafter provided.

Assessment roll.

Road districts.

SEC. 14. For road purposes, each township in the county shall be a road district, and such road district shall bear the same number as the township; and in each road district there shall be one Superintendent of Roads, who shall be appointed by the Board

of Supervisors and shall hold his office for one year or during the pleasure of the Board of Supervisors, who shall, before entering upon the discharge of his duties, take and subscribe an oath of office and execute a bond with two or more sufficient sureties, in a sum to be fixed by the Board of Supervisors, for the faithful discharge of the duties of his office, which bond shall be approved by the County Judge; *provided*, that until the Board of Supervisors shall deem it advisable to appoint a Superintendent of Roads for any one of or all of the road districts in the county, each Supervisor of the county shall be *ex officio* Road Superintendent within and for his respective district, and shall discharge all the duties and receive all the compensation allowed by this Act for such service and appertaining to that office.

SEC. 15. It shall be the duty of each Road Superintendent to have the care and general supervision of the public roads within his district, to maintain them in as good repair, and to erect such necessary bridges and culverts, as the means at his command will permit; and he shall also cause suitable guideboards to be erected at the intersection of important roads. He shall oversee and direct the labor expended upon the roads in his district, and see that teams, ploughs, scrapers and other implements, are furnished for the road service. He shall give to each person in his road district who is liable to pay road tax at least three days notice of the time and place at which such person shall appear for the purpose of working on the public roads; such notice shall also specify what teams or utensils such person is expected to bring for the road service; *provided*, that the Road Superintendent shall consult the private interests of taxpayers in reference to teams and implements, so far as he may do so without detriment to the public service; *provided*, that when any bridge or culvert shall be broken or injured so as to be impassable or dangerous, or when any road, from any cause, shall be impassable, or when a new road is required to be opened, the Road Superintendent may call out, without giving the three days notice as aforesaid, a sufficient number of persons living in the vicinity to repair or open such road; and for any service so done shall issue to the party a receipt, as hereinafter provided, for labor on highways. Upon completion of the road service required of any person, to the satisfaction of the Road Superintendent, he shall make out and deliver to such person a receipt for the labor done, at the rate of two dollars per day of not less than eight hours, together with such sums as may be justly due for the use of teams and utensils. The allowance for labor, teams and labor for road work shall not exceed the rates ordinarily paid by private persons for like service, except as may be otherwise expressly provided by this Act; and all such receipts shall be presented to the Board of Supervisors, and by them allowed and ordered paid by warrants drawn on the fund of the road district in which labor was performed. The Road Superintendent may, with the consent of the Board of Supervisors, make contracts for the purchase of lumber or other material for building bridges or culverts, for grading roads, or any other necessary work upon the highways within his district; and the Superintendent may also, with the consent of the Board

Duty of Road Superintendent.

Pay for labor.

Contracts.

of Supervisors, make contracts for keeping in repair any portion of, or all of, any or all the roads in his district, for and during a period of not longer than one year under any one contract; but no such contracts, in any case, shall be made when the amount to be expended will probably exceed twenty-five dollars, without having first given at least fifteen days notice of the proposed letting of such contract, by posting the notice thereof for the period of fifteen days, in three public places in the district, or by publication two successive weeks in some newspaper published in the county; which notice shall set forth the services or the amount of material required, when and where proposals will be received and opened, and where specifications, if any, may be received and examined; also stating what particulars must enter with the proposals, and the character and time of the payments proposed to be made. Upon the day set forth in such notice for opening the proposals, all the proposals filed in reference to the matter of such notice shall be opened by the Road Superintendent of the district within which the proposed improvements are located, and the proposals of the lowest responsible bidder shall be received; *provided*, that the Road Superintendent or Supervisors may refuse all the proposals if he or they deem such action advisable. If any such proposal be received and bid accepted, the Superintendent may require from the contractor a bond for the faithful performance of the contract, in such sum as the Board of Supervisors may direct; and such contractor shall be liable on such bond for neglect or failure to comply with the terms of his contract. All payments for the fulfilment of any contract for the purposes heretofore specified shall be made by warrants drawn on the Road Fund of the district in which the contract was performed. In case of the construction or reparation of a bridge crossing a stream which is the boundary of two districts or two counties, the Road Superintendent and Supervisors of the several districts and counties connected by said bridge shall have and exercise a joint duty and authority over the erection and reparation of said bridge, and the expense thereof shall be equally divided between said districts or counties. It shall be the duty of the Road Superintendent to collect from each person liable therefor, residing within their respective districts, the road poll tax which may be levied by the Board of Supervisors under the provisions of this Act, and issue to the party a receipt therefor, which receipt shall be received by the Tax Collector of the county in payment of the said road poll tax; *provided*, that any person may pay the said road poll tax in labor at the rate of two dollars per day. To enforce the collection of road poll tax as provided in this Act, the Tax Collector shall seize so much of any and every species of personal property whatever, claimed or owned by any person liable to and refusing or neglecting to pay his road poll tax, or property in the possession of or due from any other person and belonging to such person so refusing or neglecting to pay said tax, as will be sufficient to pay such road poll tax and costs—such costs not to exceed two dollars—and shall and may sell the same at any time or place, upon giving a verbal notice one hour previous to such sale; and any person indebted to another liable to pay said road poll tax, but who has neglected

Proposals.

Bridges.

Poll tax.

Paid in labor

Collection.

or refused to pay the same, shall be liable to pay said tax for such other person, after service upon him by the Road Superintendent of a notice in writing, stating the name or names of the person or persons so liable and owing such road poll tax; and such debtor may deduct the amount therefor from such indebtedness. The Road Superintendent, after having deducted the road poll tax for which such property was sold and the cost hereinbefore provided, shall return the surplus of the proceeds to the owner. A delivery of the possession of the property by the Tax Collector to the purchaser at any such sale shall be sufficient title in the purchase without exacting a certificate of purchase thereof; *provided*, that the Board of Supervisors, at a regular meeting, may make an order to the effect that no labor shall be received in payment of road tax in any road district or districts in the county, and may order that the road poll tax shall be collected by the same officers and in the same manner as other taxes are levied and collected; which order shall be entered on the minutes of the Board, and shall be published four weeks in some newspaper published in the county.

Tax in coin

SEC. 16. At the regular meetings of the Board of Supervisors each Road Superintendent shall prepare a statement of the amount of Road Fund paid in labor in his district, and by whom paid, and the amount paid in cash, and by whom paid; the amount paid for utensils and materials, and to whom paid; the amount paid upon contracts, and to whom, and for what paid; and a specific statement of his official acts pertaining to his district. The Superintendent shall include in his report to the Board of Supervisors a statement of the condition of the roads in his district, also an estimate of the probable cost of improvements required and work on the roads, and the number of days or parts of days service performed in the discharge of his official duty; and shall at the end of his term of office account for and deliver to his successor in office all tools and implements of every kind or description belonging to his district, and take a receipt therefor, which receipt shall be filed with the Clerk of the Board of Supervisors; and he shall at the end of the term of his office, or upon vacating his office, account for and pay over to the County Treasurer all moneys remaining in his hands arising from the collection of road poll taxes, which same shall be placed to the credit of the Road Fund of his district; all of which particulars shall be verified by his oath. And he shall be allowed, in full payment for such services, per diem of six dollars for each day's actual service; *provided*, that the whole amount shall not exceed the sum of five hundred dollars per annum, to be paid quarterly, out of the Road Fund of his district, upon the warrant of the County Auditor. Each Superintendent of Roads shall be liable on his official bond for damages sustained by any person or persons by reason of the wilful neglect or refusal of such Superintendent to repair any broken bridge or culvert, or any road which shall become impassable within his district, when notified thereof; and he shall be liable on his official bond for any failure, refusal or neglect to comply with the provisions of this Act.

Superintendent to report.

Compensation.

SEC. 17. In order to carry out the provisions of this Act, it is hereby made the duty of the Assessor of Contra Costa County

Duty of Assessor.

to assess all persons and all property liable to be taxed, as follows:

First—Every person liable to pay a road poll tax shall be assessed in the road district in which such person resides, and the Assessor shall place in a separate column, headed "Road Poll Tax," opposite the names of the party assessed, the figure two.

Second—All property liable to taxation shall be assessed in the road districts in which such property is situated, and the Assessor shall make out the assessment roll (using the form now prescribed by law) as follows: He shall in a separate column carry out the road poll tax chargeable against every person assessed; also, in another column, headed "Road Tax," the amount of all tax chargeable against each taxable inhabitant for road purposes. And the Assessor shall also, in the same column in which the name of the person taxed is written, opposite or under his name, designate the township in which the taxpayer resides, or in which the property taxed may be situated; by which assessment roll it shall be made to appear that all property and persons liable to be taxed in each road district are assessed in such district.

Assessment
roll.

SEC. 18. It shall be the duty of the Auditor, in computing the taxes on the assessment roll, to carry out in a separate money column the amount of the road tax, and with it the road poll tax opposite the amount assessed. He shall also procure suitable and uniform poll tax receipts, which receipts he shall number and sign as such Auditor, and shall deliver, taking a receipt therefor, to each Road Superintendent the number required by such Road Superintendent, which shall be charged to such Road Superintendent in a suitable book kept for such purpose; and each Road Superintendent shall account to the Auditor for such receipts on the last day of such Road Superintendent's official term.

Separate
accounts.

SEC. 19. It shall be the duty of the Tax Collector to keep a separate account of the road tax of each road district by him collected, and in his settlements with the Treasurer he shall make a statement of the moneys belonging to each road district; and the Treasurer shall keep his books in such a manner as to show how much road tax has been received, how much paid out, and how much is on hand in each of the road districts; and the Treasurer shall pay all road moneys out upon warrants drawn upon the District Road Funds by order of the Board of Supervisors, and in no other manner. The Board of Supervisors shall cause to be printed and distributed to the various Road Superintendents proper blank receipts for road tax paid in labor.

Penalties for
obstructing
highway.

SEC. 20. Any person or persons, or body politic or corporate, who shall obstruct any public highway, either by placing any obstruction therein, or by digging and deepening the waters of any stream, or in any other manner, shall be liable to a prosecution before any Justice of the Peace in the county; and it shall be the duty of the Road Superintendent of any district wherein such obstruction exists to prosecute for such offence on behalf of the county; and the person so obstructing shall, on conviction thereof, be punished by a fine of not less than ten, nor more than fifty dollars, to be collected as other fines; and he shall further be liable, at the suit of the Road Superintendent of the

district, in the sum of five dollars for each day that such obstruction is allowed to remain after being notified to remove or remedy the same.

SEC. 21. Any person or persons who shall wilfully injure or destroy any bridge or other portion of a public highway in such manner as shall render the same dangerous or impassable, or who shall cut down or injure any living tree planted or preserved as a shade or ornamental tree, either in or upon the borders of any public road, shall be guilty of malicious mischief, and upon conviction thereof before any Justice of the Peace shall be punished by a fine of not more than one hundred dollars, or imprisonment in the County Jail for not more than thirty [days], or by both fine and imprisonment; and it shall be the duty of the Road Superintendent in any district to prosecute, in behalf of the county, any persons so offending within his road district. All fines collected under the provisions of this Act shall be paid into the County Treasury, and become part of the Road Fund of the district in which said malicious mischief was committed.

Injuring
bridges or
trees.

Fines.

SEC. 22. The Board of Supervisors shall, at their first regular meeting after the passage of this Act, apportion the present debt against the Road Fund of the county; and of the tax in this Act authorized to be levied and collected, and which shall hereafter be collected, twenty cents on each one hundred dollars worth of taxable property assessed shall be by the County Treasurer set apart as a separate fund for the redemption of the present outstanding indebtedness against the Road Fund, to be applied in payment of such indebtedness, and upon the warrants drawn upon such fund, in the order of their registration, and the residue of forty cents on each one hundred dollars shall be applied to indebtedness hereafter to accrue; *provided*, that after the year eighteen hundred and seventy there shall be levied and collected on the taxable property, for road purposes, a sum not exceeding thirty cents on each one hundred dollars worth of taxable property, in place of sixty cents authorized in the thirteenth section of this Act.

Present debt

Redemption.

SEC. 23. Whenever a Superintendent of Roads shall have been appointed by the Board of Supervisors for any or all of the road districts, and such Superintendent shall have been qualified by taking the oath of office and given bonds as in this Act provided, the powers and duties of the Supervisor of such district as Superintendent of Roads shall cease, and all the powers and duties of such Superintendent of Roads shall devolve on the person so appointed.

When Su-
perintendent
qualifies.

SEC. 24. Any person or persons desiring to establish a road for private convenience, and wish it not intended for the benefit of the traveling public generally, may do so by consent of the parties owning the lands affected thereby; but such consent, together with a specific description of the proposed private road, and the conditions in reference to gates, inclosures or other matters agreed upon, shall be filed with the Board of Supervisors or their Clerk; and upon the filing of such consent and specific description, such road shall be recorded in the Road Record of the county, and shall become, to all intents and pur-

Private
roads.

Repairs. poses, a private road for the use of parties interested; *provided*, that the parties for whose benefit such roads are established shall keep them in repair at their own expense, except that they may, by special consent of the Road Superintendent of the district, expend the amount of their poll tax upon such private roads, and for such services they shall receive a certificate from the Road Superintendent, on the same conditions and for the same purposes as provided for labor on public roads. Whenever any person or persons wishing to establish a private road, and from any cause are unable to obtain the consent of the parties owning the lands affected thereby, the same measures shall be taken and the same law shall apply thereto as in the establishment of public roads, except that only one petitioner shall be necessary; and in the assessment of damages the Road Viewers shall contemplate the erection of good and sufficient gates or such other means of protection as the petitioner or petitioners may propose to erect; and the final establishment of such private roads shall be conditioned upon erection and keeping in repair of all such gates or safeguards provided for and the payment of all such costs as may have accrued or such damages as may have been assessed, and every order establishing a private road shall specify the width of such road, which shall not exceed thirty-three feet.

Lands to be taken.

SEC. 25. This Act shall take effect immediately, and all Acts and parts of Acts in conflict with this Act, in their application to Contra Costa County, are hereby repealed.

CHAPTER CCXXXIII.

An Act to provide for the protection of the Harbor of the City and County of San Francisco.

[Approved March 23, 1868.]

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

Unlawful deposits. SECTION 1. It shall be unlawful for any persons to deposit any mud, dirt, stone or other material in the waters of the Bay of San Francisco, within two thousand yards of the city front of said city; *provided*, that this Act shall not conflict with any ordinance that may now or hereafter be in force by the Board of Supervisors of said city in regard to the deposits by night workmen.

Penalty. SEC. 2. Any person or persons violating the provisions of this Act shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the County Jail of said city and county not exceeding thirty days, or by both such fine and imprisonment, to be taken cognizance of by any Court of the City and County of San Francisco of competent jurisdiction, upon information by any person or persons.

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

CHAPTER CCXXXIV.

An Act concerning hogs found running at large in the County of Monterey.

[Approved March 23, 1868.]

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

SECTION 1. Any person or persons, the owner, proprietor or occupant of any premises in the County of Monterey, whether such premises be inclosed or not, may take up any and all hogs found trespassing on his, her or their premises, and safely keep the same at the expense of the owner or owners of such hogs so found trespassing. May be taken up.

SEC. 2. All persons taking up hogs found trespassing upon their lands, or upon lands upon which they are occupants, whether such lands be inclosed or not, shall immediately thereafter post written notices in three public places in said county containing the ear mark, and other marks of such hogs, whereby their owners may identify them as their property. Notice.

SEC. 3. If the owners of such hogs come forward within five days after the time such notices were posted and prove them to be their property, the person taking them up shall deliver them to such owners upon their paying all costs and charges and damages sustained by reason of their trespassing. Released.

SEC. 4. If, however, the owners do not come forward within five days after posting such notices, then the person taking up such hogs shall immediately notify a Constable of the township wherein the trespass has been committed, and said Constable shall proceed to sell at public auction, after giving five days notice of such sale by posting notices of such sale in three public places in said township, all such hogs so taken up; *provided*, however, that the owners may prove their property and take and receive the same by paying all costs, charges and expenses of keeping, and all damages accruing by reason of such trespass, at any time before such sale takes place. Sold.

SEC. 5. If the parties cannot agree as to the amount of costs, charges and expenses, and damages, then each party may choose one disinterested person, and they may choose a third person, and the three persons so chosen shall determine the amount thereof. Should the owners not come forward, then the Constable shall appoint three disinterested persons to determine the amount. Costs.

SEC. 6. The fees of Constables for making sales under the provisions of this Act shall be the same as are allowed by law for sale under execution. Fees.

SEC. 7. If there should be any surplus money arising from such sales after paying all costs, charges and expenses, and damages, the Constable shall pay the same to the owners of such hogs sold, provided they prove they are entitled to it within twenty days after the sale; if not, then he shall pay it to the County Treasurer of said county, taking his receipt for the same. Surplus.

SEC. 8. All money paid to the County Treasurer under the provisions of this Act shall become a part of the County School Fund.

Default in
paying.

SEC. 9. Any Constable refusing or neglecting to pay the owners or the County Treasurer the surplus of money derived from such sale shall be liable for the same on his official bond, and shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars.

SEC. 10. All Acts and parts of Acts inconsistent with the provisions of this Act, so far as regards the County of Monterey, are hereby repealed. This Act shall take effect and be in force from and after its passage.

CHAPTER CCXXXV.

An Act to authorize the Board of Supervisors of Sutter County to enter upon, condemn and take possession of a certain tract of land to be used as a public grave yard.

[Approved March 23, 1868.]

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

Authorized.

SECTION 1. The Board of Supervisors of the County of Sutter are hereby authorized and empowered, at the time specified in section three of this Act, to enter upon, condemn and take possession of the following tract, piece or parcel of land, situated in said Sutter County, and described as follows, to wit: Beginning at a post marked "A" on the west bank of the Yuba City Slough, in the northern line of the county road running southwesterly from the Feather River Bridge, from which a white oak tree marked "A," twenty inches in diameter, bears north, forty-seven and a half degrees west, two hundred and nineteen links distant, and the northwest post of the bridge across said slough bears south, fifty-five and one fourth degrees east, seventy-three links distant; thence, according to the true meridian—the variation of the magnetic needle being fifteen degrees east—north, five and one fourth west, six chains and seventy links, to a post marked "A" in the fence on the south side of Webb's field; thence south, eighty-four and three fourths degrees west, four chains and fifty links, to a post in Webb's field marked "A"; thence south, five and one fourth degrees east, eight chains and thirty-five links, to a post "A," on the side of ditch in the north line of the road from Feather River Bridge; thence north, sixty-five degrees east, four chains and eighty links, to the place of beginning; containing three acres and forty one hundredths of an acre, more or less. Said tract or parcel of land to be kept and used under the exclusive control of said Board as and for a public grave yard, to be called and known as the "Yuba City Burying Ground."

Location.

SEC. 2. At the first regular meeting of said Board after the

passage of this Act, said Board shall appoint three disinterested persons as Commissioners to appraise the value of said land and the price to be paid therefor. Such Commissioners shall, after giving ten days written notice of the time and place of their meeting to the owner or owners of said land, immediately proceed to hear, examine and determine such question of value and price, and to award the amount of the same to the person or persons in their judgment entitled thereto; and the amount so awarded shall at once be paid over to the party or parties so entitled; *provided*, however, that if there be any conflicting claims to the ownership of said tract of land, or to the amount so awarded as the value or price of said land, and said Commissioners cannot determine who are such owners and entitled to such amount awarded as aforesaid, such conflict or inability to determine shall not in any manner operate to prevent the immediate condemnation and appropriation by said Board of said tract of land as hereinbefore provided; but in such case the said amount awarded as aforesaid shall be placed in the County Treasury of Sutter County, subject to the order of the party or parties establishing the right thereto; and thereupon said Board shall proceed as though said awarded amount had been paid to the parties entitled.

Commissioners to appraise value.

Disputed claims.

SEC. 3. After the said Commissioners shall have examined and determined the value of the said land and the amount to be paid to the owner or owners thereof therefor, the same shall be immediately reported to the said Board of Supervisors; and as soon as, and not before, said amount, together with the amount of the cost of ascertaining and determining the same, shall be paid in to the Clerk of said Board, said Board shall proceed to enter upon, condemn and take possession of said tract of land, as provided in section first of this Act, and for the uses and purposes therein mentioned.

Report.

SEC. 4. From and after the entry upon, condemnation and taking possession of the said tract of land as hereinbefore provided, the fee thereto shall vest in the said Board of Supervisors, and the same shall not be liable to be sold on execution or be applied in payment of debts due from any individual proprietor; but the proprietors of lots or plats in said burying ground, and their heirs, shall hold the same exempt therefrom so long as said tract of land shall remain dedicated to the purpose herein specified; and during that time no street, road, avenue or thoroughfare shall be laid [out] through said burying ground or any part thereof.

Title.

SEC. 5. Whenever the said land shall be laid off into lots or plats, as hereinafter provided, and such lots or plats, or any of them, shall be transferred to individual holders, and after there shall have been an interment in a lot or plat so transferred, such lot or plat, from the time of such interment, shall be forever thereafter inalienable, and shall, upon the death of the holder or proprietor thereof, descend to the heirs at law of such holder or proprietor, and to his heirs at law forever.

After interment, plots inalienable.

SEC. 6. Said Board shall have no power to levy a tax to pay for, or to fence in, ornament, or otherwise improve or protect said grave yard; but a fund for such purposes may be raised by voluntary subscription, and when so raised shall be paid in to

How paid for.

the Clerk of said Board, who shall give his receipt therefor and disburse the same under the orders of the said Board of Supervisors.

Improve-
ments.

SEC. 7. Whenever the said Clerk shall have in his possession sufficient funds for the purpose, the said Board shall cause a suitable and substantial inclosure to be placed around said burying ground, and shall have said burying ground surveyed and subdivided into lots or plats of such size as said Board may direct, with such avenues, paths, alleys or walks as said Board may deem proper; and a map of the same shall be filed in the office

Sale of lots.

of the County Recorder of said county. After filing such map the said Board may sell and convey the lots or plats designated upon said map, upon such terms as shall be agreed upon, and subject to such conditions and restrictions, to be inserted in the conveyance, as said Board shall prescribe. Such conveyance shall be executed under the seal and be signed by the President of said Board; *provided*, however, that when a person who has subscribed and paid in to the Clerk of said Board a certain sum towards the "Yuba City Burying Ground Fund," hereinafter mentioned, purchases a lot or plat in said burying ground, such sum shall, if such person so desire, be deducted from the price to be paid by such person for such lot or plat.

Penalties for
desecration.

SEC. 8. Any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, grave stone, building, or other structure placed in said burying ground; or any fence, railing, or other work for the protection or ornament thereof, or of any tomb, monument, grave stone, grave, or other structure, or of any lot or plat within such burying ground; or shall wilfully destroy, cut, break, or injure any tree, shrub or plant within the limits of said burying ground, shall be deemed guilty of a misdemeanor, and on conviction thereof before any Justice of the Peace shall be punished by imprisonment in the County Jail not less than two nor more than six months, or by fine of not less than fifty nor more than five hundred dollars, or by both such imprisonment and fine; and such offender shall also be liable in an action of trespass, to be brought in all such cases in the name of the said Board of Supervisors, to pay all such damages as shall have been occasioned by his unlawful act or acts. One half of the money recovered for such fine, and the whole of the money recovered for such trespass, and for the sale of lots or plats in said burying ground, shall be paid to the Clerk of said Board, to be applied by said Board to the reparation or restoration of the property so destroyed or injured, and to paying the expenses of protecting and keeping up and ornamenting said burying ground.

Disburse-
ment of
receipts.

Reservation.

SEC. 9. Said Board may reserve such portions of said burying ground as they may deem necessary and proper for the interment of such deceased persons as, in their lifetime, did not own any lot in said burying ground; and the Clerk of said Board shall designate the place where, in such reserved portion, such deceased person shall be interred.

Interments
heretofore
made.

SEC. 10. The graves of deceased persons now interred in said burying ground shall be in no wise disturbed by said Board of Supervisors; but the relations or friends of said deceased persons may, upon application to the Clerk of said Board, obtain the

right to disinter the remains of said deceased persons, for the purpose of placing them in a lot or lots owned by such relatives or friends in said burying ground, or for the purpose of interment in some other public or private burying ground.

SEC. 11. The moneys paid to the Clerk of the said Board of Supervisors for the purpose hereinbefore mentioned shall be designated and known, and by him be kept, as the Yuba City Burying Ground Fund; and he shall be responsible therefor in his official bond as County Clerk of said Sutter County. Said Clerk shall not be allowed nor shall he charge any fees or commissions for the performance of the duties imposed on him by this Act.

SEC. 12. This Act shall be in force from and after its passage.

CHAPTER CCXXXVI.

An Act for the relief of J. Scott Ashman, Sheriff of Fresno County.

[Approved March 23, 1868.]

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

SECTION 1. The sum of one hundred and eighty-eight dollars is hereby appropriated, payable to J. Scott Ashman, for moneys overpaid the State of California; and the Controller of State is hereby required to draw his warrant and the Treasurer of State to pay the same out of the General Fund to the said J. Scott Ashman.

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

CHAPTER CCXXXVII.

An Act to prevent hogs from running at large in the County of Contra Costa.

[Approved March 23, 1868.]

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

SECTION 1. It shall be unlawful for any owner or owners of any hog or hogs, shoats or pigs, to permit the same to roam at large upon any public or private road or street, or upon any open common in said County of Contra Costa; and every owner or owners of any hog or hogs, shoats or pigs, in said county, is by this Act required to restrain and keep the same from running at large upon any public or private road or street, or any open common in said county.

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

CHAPTER CCXXXVIII.

An Act to authorize the extension and maintenance of a wharf at Muddy Creek, in the County of Santa Cruz.

[Approved March 23, 1868.]

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

May extend wharf.

SECTION 1. J. P. Davenport, John King, and their assigns, are hereby granted the right and privilege of extending the present wharf now owned and occupied by them at Muddy Creek, southeast corner of El Jano Rancho, about thirteen and a half miles northwesterly from the town of Santa Cruz, in Santa Cruz county, one hundred feet further oceanward, and to collect tolls thereon.

Land granted.

SEC. 2. For the purposes of said wharf there is hereby granted to the said Davenport and King, their associates and assigns, for the term of twenty years, the right to use and occupy a strip of land three hundred feet wide, commencing at high tide at the point aforesaid and extending into the ocean or bay one hundred feet further than the present wharf is now completed, or until a sufficient depth shall be obtained for the accommodation of commerce; *provided*, said wharf shall not in any manner obstruct navigation.

Rates of wharfage.

SEC. 3. The Board of Supervisors of the County of Santa Cruz shall from time to time fix the rates of wharfage to be collected at said wharf; and said Davenport and King, and their assigns, may from time to time charge and collect such wharfage as may be prescribed by the Board of Supervisors of Santa Cruz County. The rates of wharfage which may be prescribed under the provisions of this Act shall be conspicuously posted on said wharf.

Construction

SEC. 4. The said Davenport and King, their associates or assigns, shall commence the construction of said extension within one year, and complete the same within two years from the passage of this Act. Said wharf shall be firmly and substantially built, of such material and of such dimensions as to make it sufficient for the requirements of the commerce of that vicinity, and a failure to comply with any of the terms of this section shall work a forfeiture of the franchise granted by this Act.

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

CHAPTER CCXXXIX.

An Act to amend sections two and three of an Act entitled an Act to provide for the liquidation and payment of the indebtedness of Yuba County, and for other purposes, approved February thirteenth, eighteen hundred and sixty-eight.

[Approved March 23, 1868.]

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

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

Section 2. It shall not be lawful for the Board of Supervisors of said county, or any officer or officers of said county, except as in this Act provided, to make any assessment or assessments, or levy or lay any tax or taxes, to be in any way used or applied to or for the payment or liquidation of any of the funded or bonded indebtedness of the County of Yuba existing or outstanding at the date of the passage of this Act, or of any part thereof; and every such assessment or tax laid or levied, or provisions made for the payment or liquidation of the principal or interest or any part of such funded or bonded indebtedness, contrary to the provisions of this Act, shall be wholly and absolutely null and void. The true intent and meaning of this section is hereby declared to be, that the whole principal sum or sums, with the interest thereon, of the funded or bonded indebtedness of the County of Yuba existing and outstanding at the time of the passage of this Act shall be paid and liquidated in no other way than as hereinafter provided for. The terms "funded or bonded indebtedness," and "funded and bonded indebtedness," as used in this section, and hereafter in this Act, are hereby declared to embrace and include all the funded indebtedness of Yuba County, and all the bonds of said county issued under any and all funding Acts for said Yuba County, and all Acts and laws amendatory thereof and supplementary thereto; and also all indebtedness created by said Yuba County, and all bonds issued under an Act to authorize the Board of Supervisors of the County of Yuba to take and subscribe two hundred thousand dollars to the capital stock of a railroad company, and to provide for the payment of the same, and other matters relating thereto, approved April twenty-eighth, eighteen hundred and fifty-seven.

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

Section 3. It shall be the duty of said Loan Commissioners to cause to be prepared bonds of the County of Yuba, in the total amount not exceeding one hundred and sixty thousand dollars, which shall be in sums of not less than one hundred dollars, nor more than one thousand dollars each, payable in the gold coin of the United States, for the principal and interest, dollar for dollar, and bearing interest at the rate of eight per cent. per annum from the date of their issue, to wit: the first

day of July, Anno Domini eighteen hundred and sixty-eight; which bonds shall be made payable at the office of the Treasurer of the County of Yuba, on the first day of July, eighteen hundred and eighty-eight; and the interest accruing on said bonds shall be due and payable on the first day of January and July of each year, at the office of the Treasurer of said county. Said bonds shall be signed by the Chairman of the Board of Supervisors of said county, the County Auditor and County Treasurer, and shall be countersigned by the County Clerk of said county, who shall cause the seal of the County of Yuba to be affixed to or impressed upon each of said bonds so countersigned by him as such Clerk. There shall be coupons attached to said bonds for each semi-annual interest to accrue thereon, which coupons shall specify the amount of such semi-annual interest, when and where payable in gold coin of the United States aforesaid, which coupons shall be signed by the Chairman of the Board of Supervisors and the County Treasurer of said county.

How prepared.

Acts legalized.

SEC. 3. All acts of the Board of Supervisors in the levying of taxes, and other provisions made, under the Act that this amends, shall be legal and proper.

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

CHAPTER CCXL.

An Act to extend a franchise heretofore granted to John K. Hackett and Charles D. Judah to use and continue a wharf and to charge and collect wharfage.

[Approved March 23, 1868.]

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

Franchise extended.

SECTION 1. The right heretofore granted to John K. Hackett and Charles D. Judah, in and by an Act of the Legislature of the State of California, passed April seventh, eighteen hundred and fifty-four, to use and continue a wharf at the Pulgas Rancho, in the County of San Mateo, for the term of fifteen years, is hereby extended to the present owners of said wharf for the further term of fifteen years, together with a right of way over any lands of the State of California, from the edge of the hard ground to the end of the said wharf, for an approach thereto; and they and their assigns are hereby authorized to charge and collect such wharfage for the discharging and shipment of vessels, goods and merchandise upon, at and from said wharf, as may be reasonable and customary, not to exceed such rates as may be fixed or approved by the Board of Supervisors of the said county.

CHAPTER CCXLI.

An Act to authorize George Hearst and Joseph Clark to build a wharf at San Simeon Bay, in the County of San Luis Obispo.

[Approved March 23, 1868.]

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

SECTION 1. The right to construct and maintain a wharf in that portion of the seacoast of San Luis Obispo County, on the northwesterly side of San Simeon Bay, and at the place known as the Rancho Piedra Blanca, situated on said bay, extending into the sea five hundred feet, is hereby granted to George Hearst and Joseph Clark, and their assigns, for the term of twenty years from date of the passage of this Act.

SEC. 2. The use and occupation of a piece of land at the place named in section one of this Act, commencing at high water mark, five hundred feet in width, and extending five hundred feet into the sea, provided that navigation is not interfered with, is hereby granted to George Hearst and Joseph Clark, and their assigns, for the term of twenty years from the date of the passage of this Act.

SEC. 3. The wharf mentioned in section one of this Act shall be commenced in one year and be completed within two years from the date of the passage of this Act ; and a failure to comply with the requirements of this section shall be considered a forfeiture of all the rights and privileges herein granted.

SEC. 4. The Board of Supervisors of San Luis Obispo County shall fix the rates of wharfage to be collected at said wharf, and the parties herein named and their assigns shall be entitled to collect such wharfage as shall be fixed by said Board of Supervisors.

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

CHAPTER CCXLII.

An Act to provide for levying a special tax to construct a public school-house in Nevada School District, in the County of Nevada.

[Approved March 23, 1868.]

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

SECTION 1. The School Trustees of Nevada School District, in the County of Nevada, are hereby authorized and required, within thirty days after the passage of this Act, to assess and levy a special tax, of one dollar on each one hundred dollars in valuation, upon all property, real and personal, in said school district, for the purpose of purchasing an eligible site within

said district, if such purchase be necessary, and for the erection and construction thereon of a public school-house, and for furnishing the same.

Election.

SEC. 2. A special election for an Assessor and a Collector shall be ordered by the Trustees of said school district, to be held within twenty days after the passage of this Act; which election shall be conducted in the manner provided by law for school district elections; *provided*, that any qualified elector may be chosen to fill both offices; and *provided* further, that for such election it shall not be necessary to make up the poll list of enrolled voters required by the Registry Act.

Assessment roll.

SEC. 3. The corrected State and county assessment roll of Nevada County for the year eighteen hundred and sixty-seven shall determine the value of property within said school district; and the Assessor shall proceed to assess all property and to make up the assessment roll for the purposes mentioned in this Act, by copying from the said State and county assessment roll the description and valuation of all parcels of property, real and personal, situate in said school district mentioned therein; and the assessment roll so made up may be raised and reduced, as to any particular assessment, by the School Trustees of said district, sitting as a Board of Equalization, in such manner as may be just and equitable.

Assessing and collecting.

SEC. 4. The Assessor elected under this Act shall proceed immediately to qualify by subscribing the usual oath of office, and within ten days after his election shall make up the assessment roll hereinbefore provided for, and shall deliver the same as soon as completed, duly certified, to the Board of School Trustees of said district. The said Trustees shall thereupon give five days notice, by publication in a newspaper printed in the City of Nevada, of the times and place when and where they will sit as a Board of Equalization; and within five days thereafter they shall deliver said assessment roll to the Collector, who shall forthwith give like notice that the tax provided for in this Act is due and payable; and the said Collector is hereby authorized and required to grant a deduction of two per cent. upon the amount assessed against any person, upon the payment by such person of the tax so assessed against him within thirty days after the first publication of such notice by said Collector.

Pay of officers.

SEC. 5. The School Trustees of said district shall allow and pay to the Assessor such compensation as may be reasonable, and to the Collector such compensation, not exceeding one per cent. of the amounts collected by him, for all services under this Act; and at the expiration of the thirty days mentioned in the preceding section, the Collector shall make out a correct list of all taxes remaining unpaid on the assessment roll, and shall certify the same to the Board of School Trustees, as delinquent. The Board of School Trustees shall then forthwith cause the same to be collected by some competent attorney in the manner prescribed by and under the provisions of the Act entitled an Act to provide for the collection of delinquent taxes of the City of Nevada, passed February sixth, one thousand eight hundred and sixty-four, as contained in said Act from section six to section eighteen, both inclusive; *provided*, that all actions for the collection of such taxes shall be brought in the name of the

Delinquents.

School Trustees of Nevada School District; and all sales of property thereunder shall be made by the City Marshal of the City of Nevada.

SEC. 6. The Collector elected under this Act shall give a bond ^{Bonds.} in the usual form required by law to the said School Trustees, in the penal sum of two thousand dollars in gold coin, and shall take and subscribe the oath of office before entering on the duties of his office. Once in every week he shall pay over all moneys collected by him to the County Treasurer of Nevada County, taking duplicate receipts, one of which he shall deposit with the Clerk of the Board of School Trustees; and the County Treasurer is hereby authorized and required to receive ^{Proceeds of tax.} and take charge of such moneys, which shall be placed by him to the credit of the Nevada School District, subject to the order of the School Trustees of said district, and which shall be drawn by them, in the manner now provided by law for other school moneys, for the purpose only of purchasing lands for a building site, if the purchase thereof be necessary, and for erecting and constructing a public school-house thereon, and for furnishing the same.

SEC. 7. After the construction and furnishing of such school-house shall have been completed, all moneys collected under the provisions of this Act remaining unexpended shall be transferred by the County Treasurer to the Nevada School District Fund, and may be used as other moneys of said district are used, for the maintenance of the public schools of the district. ^{Surplus.}

SEC. 8. This Act shall take effect immediately.

CHAPTER CCXLIII.

An Act to settle the title to lands in the Town of San Luis Obispo.

[Approved March 23, 1868.]

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

SECTION 1. The public lands within the corporate limits of the Town of San Luis Obispo, County of San Luis Obispo, described as follows, to wit: The west half and the northeast quarter of the southeast quarter, and the southwest quarter, and the southwest quarter of the northwest quarter, of Section number twenty-six; and the southeast quarter of the northeast quarter, and the east half of the southeast quarter, of Section number twenty-seven; and the east half of the northeast quarter of Section number thirty-four; and the west half and the northeast quarter of the north-west quarter of Section number thirty-five, Township number thirty south, Range number twelve east, of Mount Diablo meridian—containing six hundred and forty acres—shall be entered at any time after the passage of this Act, at the proper Land Office of the United States, by the Board of Trustees of said ^{Board of Trustees to enter lands in Land Office.}

town, in trust for the several use and benefit of the occupants of said town, according to their respective interests, in accordance with the provisions of an Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon public lands, approved March second, eighteen hundred and sixty-seven.

Notice to claimants of lots.

SEC. 2. Immediately after the making of said entry and the approval thereof by the proper authority, the Board of Trustees of said town shall cause notice to be given by publication in any newspaper printed and published in said town, if any, and if none, then by posting the same at the places designated by the Board of Supervisors of said county as the places for posting legal notices in said county, under the provisions of an Act of the Legislature of this State, approved April twenty-seventh, eighteen hundred and fifty-seven, relative to the publishing of legal notices in the Counties of San Luis Obispo and Santa Barbara, requiring all occupants or claimants of any town lot or lots, or parcels of land within the limits above described, to file in the office of the Board of Trustees of said town, within one year from the expiration of said notice, a statement of his, her or their claim, describing particularly the lot or lots or parcels of land so claimed or occupied, and setting forth the nature and grounds of the claim set up. Said publication, if made in a newspaper, shall be made by insertion therein once a week for the term of three months; and if by posting, said notices shall be posted for said term, said notices to be renewed at least once per month during said term in case of the same being torn down or removed, and said notices to be printed.

Payment within sixty days.

SEC. 3. Within sixty days after the expiration of the time limited in the notice as aforesaid, proof of such claim and payment of the price fixed by the Board of Trustees on the lot or lots or parcels of land claimed as hereinafter provided must be made, and no claim shall be filed nor any proof shall be permitted to be made after the terms respectively prescribed in this and the preceding section, except upon proof of meritorious claim and good cause shown to the Board of Trustees for the failure to before present such proofs and claim.

Expenses.

SEC. 4. The expenses incurred in entering and surveying the lands as provided in this Act, and the amount required to be paid for said land at the proper Land Office, shall be by the Board of Trustees of said town assessed and apportioned equally upon all the lots or parcels of land in said town; and no claim shall be allowed nor deed executed to any claimant or claimants unless payment be made of the proportion due from such claimant or claimants.

Evidence.

SEC. 5. The evidence required to establish any claim to any lot or lots or parcels of land in said town, under the provisions of this Act, shall be that the claimant thereof is in the peaceable and actual possession of the same.

Trustees to dispose of lots.

SEC. 6. The Board of Trustees shall proceed to dispose of the lots or parcels of land claimed, as provided for in this Act, and for that purpose shall, as soon as practicable, examine each and every claim filed as herein provided, and any papers in support of the same, and hear such proof as the claimant or claimants may submit to establish his or their rights thereto; and if the

same shall be found to comply with the provisions of this Act, and no conflicting claims shall have been filed, the Board of Trustees shall make, execute and deliver to each claimant a deed of the lands claimed by him or her; and *provided* further, that the Board of Trustees may by ordinance determine the size of the town lots to be so conveyed and the amount of land that may be conveyed to any one person.

SEC. 7. In all cases where there shall be a dispute or contest in regard to the title to any lot or lots or parcels of land in said town, the Board of Trustees shall hear the testimony relating thereto, and shall decide thereupon, and shall thereupon make, execute and deliver their deed or deeds to the person or persons to whom they shall award the same; *provided*, however, nothing contained in this Act shall be so construed as to prevent any person or persons aggrieved by the decision of the said Board of Trustees from pursuing his, her or their right to any such lot or lots or parcels of land at law before the proper legal tribunals. Disputes.

SEC. 8. The deeds herein mentioned shall be quit-claim deeds, conveying to such claimant or purchaser all the right, title and interest of said town in and to the lands therein described. They shall be signed and sealed by the President of said Board of Trustees; and such deeds, and the certified copies thereof duly attested as by law required, shall be taken in all the Courts of justice and judicial proceedings as *prima facie* evidence that all the estate, title and interest at any time had, held or owned by said town, in and to the lands described in such deed, has passed thereby to the grantee therein named and to his successors in interest. Title.

SEC. 9. All lots or parcels of land remaining unproved at the expiration of the time specified in section three of this Act shall be deemed, held and taken to be the property of said town, and shall be held as such in trust by the Board of Trustees, and shall be disposed of in such manner as they may prescribe by ordinance duly made and published. Town property.

SEC. 10. Whenever a patent shall issue to said town from the United States, it shall inure to the several benefit of those whose claims have been confirmed and who have received deeds from the said Board of Trustees, to every intent as though the same had been issued directly to them, without any further or additional conveyance; and it is hereby made the duty of the said Board of Trustees to cause said patent, when so issued, to be recorded in the Recorder's office of said county. U. S. patent

SEC. 11. All deeds of conveyances heretofore made, executed and delivered by the several Boards of Trustees of said town, from its organization on February first, eighteen hundred and fifty-eight, to the present time, to any person or persons, of any lands within the territorial limits above described, are hereby legalized, ratified and confirmed, and shall be deemed, held and taken to confer title in the premises therein specified to the person or persons therein mentioned as grantee or grantees, and to his or her heirs and assigns, as fully and effectually as though the same had been executed subsequently to the passage of this Act and in the manner above prescribed. Former conveyances legalized.

SEC. 12. Ordinances numbered severally two and thirteen

Ordinances confirmed.

(2 and 13) of the Board of Trustees of the said town, passed respectively May ninth and October twenty-ninth, Anno Domini eighteen hundred and fifty-nine, relating to the laying out of streets, lanes and public squares, and adopting Hutton's map of said town, are hereby approved, ratified and confirmed; but the Board of Trustees of said town shall have power to alter or modify the said survey in any particular and to order and procure to be made any new or extended or additional survey of the said town.

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

CHAPTER CCXLIV.

An Act to create and organize the University of California.

[Approved March 23, 1868.]

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

University created.

SECTION 1. A State University is hereby created, pursuant to the requirements of Section four, Article nine, of the Constitution of the State of California, and in order to devote to the largest purposes of education the benefaction made to the State of California under and by the provisions of an Act of Congress passed July second, eighteen hundred and sixty-two, entitled an Act donating land to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts. The said University shall be called the University of California, and shall be located upon the grounds heretofore donated to the State of California by the President and Board of Trustees of the College of California. The said University shall be under the charge and control of a Board of Directors, to be known and styled "the Regents of the University of California." The University shall have for its design, to provide instruction and complete education in all the departments of science, literature, art, industrial and professional pursuits, and general education, and also special courses of instruction for the professions of agriculture, the mechanic arts, mining, military science, civil engineering, law, medicine and commerce, and shall consist of various colleges, namely:

Design.

Colleges.

First—Colleges of Arts.

Second—A College of Letters.

Third—Such professional and other colleges as may be added thereto or connected therewith.

Course of instruction.

SEC. 2. Each full course of instruction shall consist of its appropriate studies, and shall continue for at least four years, and the Faculty, instructors and body of students in each course shall constitute a college, to be designated by its appropriate name. For this purpose there shall be organized as soon as the means appropriated therefor shall permit—

First—The following Colleges of Arts: A State College of

Agriculture; a State College of Mechanic Arts; a State College of Mines; a State College of Civil Engineering; and such other Colleges of Arts as the Board of Regents may be able and find it expedient to establish. To be organized.

Second—A State College of Letters.

Third—Colleges of Medicine, Law and other like professional colleges.

SEC. 3. A proper degree of each college shall be conferred Degrees. at the end of the course upon such students as, having completed the same, shall, at the annual examination, be found proficient therein; but each college shall also have a partial course for those who may not desire to pursue a full course therein; and any resident of California, of the age of fourteen years or upwards, of approved moral character, shall have the right to enter himself in the University as a student at large, Students. and receive tuition in any branch or branches of instruction at the time when the same are given in their regular course, on such terms as the Board of Regents may prescribe. The said Board of Regents shall endeavor so to arrange the several courses of instruction that the students of the different colleges and the students at large may be largely brought into social contact and intercourse with each other by attending the same lectures and branches of instruction.

SEC. 4. The College of Agriculture shall be first established; but in selecting the professors and instructors for the said College of Agriculture. College of Agriculture, the Regents shall, so far as in their power, select persons possessing such acquirements in their several vocations as will enable them to discharge the duties of professors in the several Colleges of Mechanic Arts, of Mines and of Civil Engineering, and in such other colleges as may be hereafter established. As soon as practicable a system of moderate manual labor shall be established in connection with the Agricultural College, and upon its agricultural and ornamental grounds, having for its object practical education in agriculture, landscape gardening, the health of the students, and to afford them an opportunity by their earnings of defraying a portion of the expenses of their education. These advantages shall be open in the first instance to students in the College of Agriculture, who shall be entitled to a preference in that behalf.

SEC. 5. The College of Mechanic Arts shall be next established; and in organizing this, or any other college, the same Of Mechanic Arts. regard hereinbefore indicated shall be had for the general acquirements of each professor and instructor, so that he may be able to give general and special instruction in as many classes and courses of instruction as possible; and inasmuch as the original donation, out of which the plan of a State University has had its rise, was made to the State by virtue of the aforesaid Act of Congress entitled an Act donating land to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July second, eighteen hundred and sixty-two, the said Board of Regents shall always bear in mind that the College of Agriculture and the College of Mechanic Arts are an especial object of their care and superintendence, and that they shall be considered and treated as enti-

tled primarily to the use of the funds donated for their establishment and maintenance by the said Act of Congress.

Of Mines,
Civil Engin-
eering, etc.

SEC. 6. The College of Mines and the College of Civil Engineering shall be next established, and such other Colleges of Arts as the Board of Regents may be able to establish with the means in their possession or under their control; and in order to fulfil the requirements of the said Act of Congress, all able-bodied male students of the University, whether pursuing full or partial courses in any college, or as students at large, shall receive instruction and discipline in military tactics in such manner and to such extent as the Regents shall prescribe, the requisite arms for which shall be furnished by the State.

College of
Letters.

SEC. 7. The Board of Regents, having in regard the said donation already made to the State by the President and Board of Trustees of the College of California, and their proposition to surrender all their property to the State for the benefit of the State University, and to become disincorporate and go out of existence as soon as the State shall organize the University, by adding a Classical College to the College of Arts, shall, as soon as they deem it practicable, establish a College of Letters. The College of Letters shall be co-existent with the aforesaid Colleges of Arts, and shall embrace a liberal course of instruction in language, literature and philosophy, together with such courses or parts of courses in the aforesaid Colleges of Arts as the authorities of the University shall prescribe. The degree of Bachelor of Arts, upon due examination, and afterwards the degree of Master of Arts, in usual course, shall be conferred upon the graduates of this college. But the provisions herein and hereinafter contained regarding the order in which the said colleges shall be organized shall not be construed as directing or permitting the organization of any of the specified colleges to be unnecessarily delayed, but only as indicating the order in which said colleges shall be organized, beginning with the College of Agriculture, and adding in succession to the body of instructors in that and the other colleges such other instructors as may be necessary to organize the other colleges successively in the order above indicated. Only the first year's course of instruction shall be provided for in each college at first, the other successive years courses being added in each year as the students advance to the same, until the full course in each college is established; *provided*, however, that the Board of Regents may organize at once the full course of the College of Letters, if in their judgment it is expedient so to do in order to allow the College of California to immediately convey the residue of its property to the State for the benefit of the University, and to become disincorporate and go out of existence, pursuant to its proposition to that effect.

Order of or-
ganization.

Any incor-
porated college
may be affil-
iated with
University.

SEC. 8. The Board of Regents may affiliate with the University, and make an integral part of the same, and incorporate therewith, any incorporated College of Medicine or of Law, or other special course of instruction now existing, or which may hereafter be created, upon such terms as to the respective corporations may be deemed expedient; and such college or colleges so affiliated shall retain the control of their own property, with their own Boards of Trustees, and their own Faculties and

Presidents of the same, respectively, and the students of those colleges, recommended by the respective Faculties thereof, shall receive from the University the degrees of those colleges; *provided*, however, that the President of the University shall be, *ex officio*, a member of the Faculty of each and every college of the University, and President of such Faculty.

SEC. 9. The examinations for degrees shall be annual, and the Board of Regents shall take measures to make such examinations thorough and complete. Students who shall have passed not less than a full year as resident students in any college, academy or school in this State, and, after examination by the respective Faculty of such college, academy or school, are recommended by such Faculty as proficient candidates for any degree in any regular course of the University, shall be entitled to be examined therefor at the annual examination; and, on passing such examination, shall receive such degree for that course, and the diploma of the University therefor, and shall rank and be considered in all respects as graduates of the University. All students of the University who have been resident students thereof for not less than one year, and all graduates of the University in any course, may present themselves for examination in any other course, or courses, at the annual examinations, and on passing such examination shall receive the degree and diploma of that course. Upon such examinations each professor and instructor of that course shall cast one vote upon each application for recommendation to the Board of Regents for a degree, and the votes shall be by ballot. In case the College of California shall surrender its property to the University, and said donation shall be accepted by the Board of Regents, and said College of California shall thereafter become disincorporate in pursuance of its proposition heretofore made to that effect, the graduates and those who shall have received the degrees of that college shall receive the degrees from the University, and be considered in all respects graduates of the same. And the last above expressed provision shall apply to the previous graduates of any incorporated College of Medicine, Law, or other professional college which shall become affiliated with the University, as herein otherwise provided. The Board of Regents shall also confer certificates of proficiency in any branch of study upon such students of the University as, upon examination, shall be found entitled to the same. The style of diplomas and degrees shall be: "University of California, College of Agriculture;" or, with the name of the other respective college; but honorary degrees for the higher degrees, not lower than that of Master of Arts, may be conferred, with the designation of the University alone, upon persons distinguished in literature, science and art.

SEC. 10. Scholarships may be established in the University by the State, associations or individuals, for the purpose of affording tuition in any course of the University, free from the ordinary charges, to any scholar in the public schools of the State who shall distinguish himself in study, according to the recommendation of his teachers, and shall pass the previous examination required for the grade at which he wishes to enter the University, or for the purpose of private benefaction; *pro-*

vided, that the said scholarships shall be approved and accepted by the Board of Regents.

Board of Regents.

SEC. 11. The general government and superintendence of the University shall vest in a Board of Regents, to be denominated the "Regents of the University of California," who shall become incorporated under the general laws of the State of California by that corporate name and style. The said Board shall consist of twenty-two members, all of whom shall be citizens and permanent residents of the State of California, as follows:

Members ex-officio.

First—Of the following ex officio members, namely: His Excellency the Governor; the Lieutenant-Governor, or the person acting as such; the Speaker, for the time being, of the Assembly; the State Superintendent of Public Instruction; the President, for the time being, of the State Agricultural Society; and the President, for the time being, of the Mechanics' Institute of the City and County of San Francisco;

Appointed.

Secondly—Of eight other appointed members, to be nominated by the Governor, by and with the advice and consent of the Senate, who shall hold their office for the term of sixteen years; *provided*, that such members first so appointed shall be classified by lot at the first meeting of the Board of Regents, so that one of the numbers so appointed shall go out of office at the end of every successive two years, and after that the full term to be sixteen years; and the record of such classification shall be transmitted by said Board of Regents to the Secretary of State and filed in his office;

Honorary.

Thirdly—Of eight additional honorary members, to be chosen from the body of the State by the official and appointed members, who shall hold their office for the term of sixteen years; *provided*, that such honorary members first so chosen shall be classified by lot, when so appointed, by the Board of Regents so appointing them, so that one of the members so chosen shall go out of office at the end of each successive two years, and after that the full term to be sixteen years; and the record of such classification shall be transmitted by said Board of Regents to the Secretary of State and filed in his office. Each member of the said Board, whether official, appointed or honorary, shall, if present, be entitled to one vote at all the meetings of said Board. The first official year, from which the terms of office shall be computed to run, shall be the first day of March, in the year eighteen hundred and sixty-eight.

Vacancies.

Vacancies in the office of appointed members of the Board, occurring in the recess of the Legislature, shall be filled for the rest of the term by appointment of the Governor. Vacancies in the office of honorary members occurring from any cause other than expiration of the term by limitation shall be filled for the rest of the term by appointment of the Board of Regents. In case the Senate shall adjourn before the Governor shall have nominated the first appointed members of the Board of Regents under this Act, or before it shall have confirmed his nominations in their behalf, the Governor shall appoint the same by his sole act. No member of the Board of Regents, or of the University, shall be deemed a public officer by virtue of such membership, or required to take any oath of office, but his employment as such shall be held and deemed to be exclusively

a private trust; and no person who at the time holds any executive office or appointment under the State shall be a member of said Board, except the Executive officers above mentioned. The Governor shall be President of the Board of Regents, and in his absence the Board shall appoint a President pro tempore.

SEC. 12. The said Board of Regents, when so incorporated, shall have the custody of the books, records, buildings, and all other property of the University. The lands and other property heretofore donated to the State by the President and Trustees of the College of California, and which are situated in the Township of Oakland, in the County of Alameda, for the purpose of erecting thereon an Agricultural College, and for other purposes mentioned in the deed of conveyance by which the same were so conveyed, shall be and forever remain vested in the State of California; as shall also be so vested in the said State all property which shall be purchased by the funds of the State, or from the proceeds of donations made to the State for the purpose of the University, or of any of the colleges or professorships thereof; and the said Board of Regents shall have no power to alienate or incumber, by mortgage, hypothecation, lien or otherwise, any portion of said property except on terms such as the Legislature shall have previously approved; any act of the said Regents, or of any other person, which shall purport to have that effect shall be wholly null and void. All lands, moneys, bonds, securities or other property which shall be donated, conveyed or transferred to the said Board of Regents by gift, devise, or otherwise, including such property as may hereafter be donated and conveyed by the President and Board of Trustees of the College of California, in trust, or otherwise, for the use of said University, or of any college thereof, or of any professorship, chair or scholarship therein, or for the library, observatory, or any other purpose appropriate thereto, shall be taken, received, held, managed, invested, reinvested, sold, transferred, and in all respects managed, and the proceeds thereof used, bestowed, invested and reinvested, by the said Board of Regents, in their corporate name and capacity, for the purposes and under the terms, provisions and conditions respectively prescribed by the act of gift, devise, or other act in the respective case. In case any incorporated College of Law, Medicine, or the like, shall be brought into the said University by affiliation, as herein otherwise provided, such college so affiliated may retain its own property, then possessed by it or thereafter to be acquired, to be vested in, and held and managed by its own corporation, and the said Board of Regents shall have no right of property in, or power or control over the same, nor shall be liable for any acts or contracts of such affiliated corporation.

Custody of property.

Title.

Regents to have power.

Property of affiliated colleges.

SEC. 13. The Regents and their successors in office, when so incorporated, shall have power, and it shall be their duty, to enact laws for the government of the University, to elect a President of the University and the requisite number of professors, instructors, officers and employés, and to fix their salaries, also the term of office of each, and to determine the moral and educational qualification of applicants for admission to the various courses of instruction. They shall also consider and

Further powers of Regents.

determine whether the interests of the University and of the students, as well as those of the State, and of the great body of scientific men in the State whose purpose is to devote themselves to public instruction, will not be greatly promoted by committing those courses of instruction which are brief and special to professors employed for short terms, and for only a portion of each year in their special departments, and to be termed non-resident professors; and their decision in that regard may be reconsidered by them as often as they deem it expedient. And it is expressly provided that no sectarian, political or partisan test shall ever be allowed or exercised in the appointment of Regents, or in the election of professors, teachers, or other officers of the University, or in the admission of students thereto, or for any purpose whatsoever; nor at any time shall the majority of the Board of Regents be of any one religious sect, or of no religious sect; and persons of every religious denomination, or of no religious denomination, shall be equally eligible to all offices, appointments and scholarships.

Tests prohibited.

Rates of tuition.

SEC. 14. For the time being, an admission fee and rates of tuition, such as the Board of Regents shall deem expedient, may be required of each pupil, except as herein otherwise provided; and as soon as the income of the University shall permit, admission and tuition shall be free to all residents of the State; and it shall be the duty of the Regents, according to population, to so apportion the representation of students, when necessary, that all portions of the State shall enjoy equal privilege therein.

President of University.

SEC. 15. The President of the University shall be President of the several Faculties and the executive head of the institution in all its departments, except as herein otherwise provided. He shall have authority, subject to the Board of Regents, to give general direction to the practical affairs of the several colleges, and, in the recess of the Board of Regents, to remove any employé or subordinate officer not a member of any Faculty, and to supply for the time being any vacancies thus created; and, so long as the interests of the institution require it, he shall be charged with the duties of one of the professorships. A competent person, who is a practical agriculturist by profession, competent to superintend the working of the agricultural farm, and of sufficient scientific acquirements to discharge the duties

Secretary of Board.

of Secretary of the Board of Regents as prescribed in this Act, shall be chosen by said Board as their Secretary, and, in addition to his special duties as such, as prescribed in this Act, he shall perform such other duties as they shall impose. He shall receive for his services such reasonable salary as the Board of

Treasurer.

Regents shall prescribe. The Board of Regents may also appoint a Treasurer of the University, and prescribe the form and sureties of his bond as such, which shall be executed, approved by them and filed with the Secretary, before any such Treasurer shall go into office. The Secretary and Treasurer shall be subject to summary removal by the Board of Regents.

Duties of Secretary.

SEC. 16. The Secretary of the Board of Regents shall reside and keep his office at the seat of the University. It shall be his duty to keep a record of the transactions of the Board of Regents, which shall be open at all times to the inspection of any citizen of this State. He shall also have the custody of all

books, papers, documents, and other property which may be deposited in his office; also keep and file all reports and communications which may be made to the University from time to time by County, State and District Agricultural Societies, Horticultural, Vinicultural, Mechanical and Mining Societies; and of all correspondence from other persons and societies appertaining to the business of education, science, art, husbandry, mechanics and mining; address circulars to societies, and to the best practical farmers, mechanics and miners in this State and elsewhere, with the view of eliciting information upon the latest and best modes of culture of the products, vegetables, trees, etc., adapted to the soil and climate of the State, and also on all subjects connected with field culture, horticulture, stock raising and the dairy; he shall also correspond with established Schools of Mining and Metallurgy in Europe, and obtain such information respecting the improvements of mining machinery adapted to California, and publish from time to time such information, as will be of practical benefit to the mining interests and the working of all ores and metals; receive and distribute such rare and valuable seeds, plants, shrubbery and trees as may be in his power to procure from the General Government and other sources, as may be adapted to our climate and soils, or to purposes of experiment therein. To effect these objects he shall correspond with the Patent Office at Washington, and with the representatives of our National Government abroad, and, if possible, procure valuable contributions to agriculture from these sources. He shall aid, as far as possible, in obtaining contributions to the museums and the library of the said college, and thus aid in the promotion of agriculture, science and literature. He shall keep a correct account of all the executive acts of the President of the University and an accurate account of all moneys received into the Treasury as well as those paid out.

Duties of Secretary.

SEC. 17. The seeds, plants, trees and shrubbery received by the Secretary and not needed by the University shall be, so far as possible, distributed without charge equally throughout the State, and placed in the hands of those farmers and others who will agree to cultivate them properly and return to the Secretary's office a reasonable proportion of the products thereof, with a full statement of the mode of cultivation, and such other information as may be necessary to ascertain their value for general cultivation in the State. Information in regard to agriculture, the mechanic arts, mining and metallurgy may be published by him from time to time in the newspapers of the State as matter of public information, provided it does not involve any expense to the State.

Distribution of seeds, etc.

SEC. 18. The immediate government and discipline of the several colleges shall be intrusted to their respective Faculties, to consist of the President and the resident professors of the same, each of which shall have its own organization, regulate the affairs of its own college, recommending the course of study and the text books to be used, for the approval of the Board of Regents, and, in connection with the President as its executive officer, have the government of its students. All the Faculties and instructors of the University shall be combined into

Government and discipline of colleges.

Academic Senate.

a body which shall be known as the Academic Senate, which shall have stated meetings at regular intervals and be presided over by the President, or a President pro tempore, and which is created for the purpose of conducting the general administration of the University and memorializing the Board of Regents; regulating, in the first instance, the general and special courses of instruction, and to receive and determine all appeals conched in respectful terms from acts of discipline enforced by the Faculty of any college. Its proceedings shall be conducted according to rules of order; and every person engaged in instruction in the University, whether resident professors, non-resident professors, lecturers or instructors, shall have permission to participate in its discussions; but the right of voting shall be confined to the President and the resident and non-resident professors. But the Regents shall have power to supervise the general courses of instruction, and on the recommendation of the several Faculties prescribe the authorities and text books to be used in the several courses and colleges, and also to confer such degrees and grant such diplomas as are usual in Universities, or as they shall deem appropriate; *provided*, no honorary degree of any college or course shall be granted by the Regents, nor shall any degree, certificate or diploma, for any course or branch of instruction, be granted by the Regents, unless upon examination therefor as prescribed in this Act. except the substituted degrees and diplomas provisionally provided for those having received degrees from the College of California, in case the said college becomes extinct and disincorporates, and for the graduates of affiliated professional colleges as herein otherwise provided.

Regents to supervise.

Degrees.

Annual reports.

SEC. 19. At the close of each fiscal year the Regents, through their President, shall make a report in detail to the Governor, exhibiting the progress, condition and wants of each of the colleges embraced in the University, the course of study in each, the number of professors and students, the amount of receipts and disbursements, together with the nature, cost and results of all important investigations and experiments, and such other information as they may deem important; one printed copy of which shall be transmitted, free, by their Secretary, to all colleges endowed under the provisions of the Congressional Act of July second, eighteen hundred and sixty-two, herein before referred to; also one printed copy to the Secretary of the Interior, as provided in said Act.

SEC. 20. For the endowment and support of the University and its buildings and improvements, there are hereby appropriated:

Appropriations for endowment and support.

First—The capital, income, proceeds, securities, avails and interest that have accrued or may hereafter accrue from the sale of the seventy-two sections of land granted to the State for a seminary of learning by an Act of Congress entitled an Act to provide for the survey of the public lands in California, the granting of pre-emption rights therein, and for other purposes, approved March third, eighteen hundred and fifty-three, and from the sale of the ten sections of land granted to the State for public buildings, by said Act of Congress, which shall be forthwith, so far as the same have been received, and hereafter

as fast as the same shall be received by any of the officers of the State, shall be paid over to the said Board of Regents upon their order therefor.

Secondly—The income, revenue and avails which shall be derived or received from the investment of the proceeds of the sale of the lands, or of the scrip therefor, or of any part thereof, granted to this State by an Act of Congress entitled 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, which are hereby appropriated to, and, from time to time, as the same shall be received, shall be paid into the State Treasury, carried to the credit of the said Board of Regents, and paid over to the Treasurer of the University, for the use and behoof of the said University, and expended by said Board as elsewhere prescribed in this Act; and said lands shall be located and sold under the direction of the Board of Regents, and for such price and on such terms only as they shall prescribe.

Thirdly—All such contributions to the endowment, or other funds, as may be derived from appropriations by the State, from the United States, or from public or private bounty. The entire income of said funds shall be placed at the disposition of the Board of Regents for the support of the University, and of the several colleges and schools thereof, as herein otherwise provided, with the exception of such affiliated incorporated colleges as shall preserve their own property and the income thereof, as herein otherwise provided; and *provided*, moreover, that all means derivable from either public or private bounty shall be exclusively devoted to the specific objects for which they shall have been designed by the grantor. The Board of Regents may appoint competent persons to solicit and collect private contributions for the endowment of the University, and pay them for their services in that behalf, out of the funds so obtained by them, such reasonable compensation as the said Board may prescribe.

Fourthly—All such appropriations as may be made for that purpose by the Legislature.

SEC. 21. For the current expenditures of the University, specific sums of money shall be set aside out of the funds at their disposal, by the Board of Regents, which shall be liable to disbursement for that purpose, and shall be subject to the warrants of the President of the Board drawn upon the Treasurer of the University, in pursuance of the orders of the Board of Regents. All moneys received from labor and incidental sources shall be paid into the treasury and expended in the same manner as other moneys. All moneys which may at any time be in the State Treasury, and subject to the use of the said Board of Regents, may be drawn therefrom by the President of the Board, upon the order of said Board, in favor of the Treasurer of the University.

SEC. 22. Meetings of the Board of Regents may be called in such manner as the Regents shall determine, seven of whom shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time. No member of the Board shall receive any compensation for his services as such

Appropriations for endowment and support.

Special endowments.

Receipts and expenditures.

Meetings of Regents.

member, nor be entitled to reimbursement for his traveling or other expenses while employed on the business of the Board.

Regents to
organize col-
leges

SEC. 23. The Regents shall, when they shall be in possession of funds for that purpose, organize and put into operation the first year's course of instruction in as many of the said colleges as possible. If the buildings of the University are not sufficiently completed at that time to be occupied for that purpose, the Regents are authorized to make temporary arrangements for sufficient buildings, the use of apparatus and for other needful purposes, in the City of Oakland, if the same shall be practicable.

Collections
of Geological
Survey.

SEC. 24. The collections by the State Geological Survey shall belong to the University, and the Regents shall, in their plans, have in view the early and secure arrangement of the same for the use of the students of the University, and of giving access to the same to the public at large and to visitors from abroad; and shall in every respect, by acts of courtesy and accommodation, encourage the visits of persons of scientific tastes and acquirements from other portions of the United States and of other countries, to California. The said collections shall be arranged by the resident professors of the University in a separate building, which shall be denominated the "Museum of the University." To this museum shall also be added, as fast as the means of the University shall permit, collections of agricultural implements, and objects illustrative of the mechanic arts, science, architecture and the fine arts. The collection of a library shall be commenced at once, and increased and expanded as fast as the Board of Regents are placed in possession of funds for that purpose. But the Board of Regents may allow duplicates to be taken from said collections of the State Geological Survey and made a part of some other museum under the care of an incorporated Academy of Science, which shall become responsible for the custody and return of the same.

Library.

Buildings.

SEC. 25. The Regents shall devise, and with the funds appropriated for that purpose cause to be constructed, such buildings as shall be needed for the immediate use of the University. The dormitory system shall not be adopted. Such a plan shall be adopted as shall set aside separate buildings for separate uses and yet group all such buildings upon a general plan, so that a larger and central building hereafter erected may bring the whole into harmony as parts of one design. The construction and equipment of said buildings shall be let out, in every instance, to the lowest responsible bidder, who shall previously give adequate security, upon sealed proposals, upon specifications, after advertisement for not less than ten days in at least two daily newspapers published in the City of San Francisco; but they may reject any bid, and advertise anew. They shall also take immediate measures for the permanent improvement and planting of the grounds of the University, and may make such contracts therefor, or for any part of that work, as they may deem advisable.

Plan.

Grounds.

Acts re-
pealed.

SEC. 26. An Act entitled an Act to establish an Agricultural, Mining and Mechanical Arts College, approved March thirty-first, eighteen hundred and sixty-six, and all Acts or parts of

Acts inconsistent with this Act, are hereby repealed, so far as they conflict with the provisions of this Act. But the Board of Directors of the Agricultural, Mining and Mechanic Arts College of this State are authorized and directed to transfer and convey all its property, real and personal, and all its effects, rights and interests of property, to the Regents of the University of California; and said Regents may accept and take possession of said property, and may, if they approve the same, ratify and confirm any contracts, executed or unexecuted, made by said Directors; and for the purpose of carrying out the purposes of this section said Directors are continued in office until the powers herein conferred shall be fully executed.

Property to be transferred.

SEC. 27. This Act shall take effect immediately from and after its passage.

CHAPTER CCXLV.

An Act for the relief of the Treasurer of Sacramento County.

[Became a law by operation of the Constitution, March 24, 1868.]

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

SECTION 1. The State Controller is hereby authorized and required to draw his warrant on the State Treasurer in favor of the Treasurer of Sacramento County for the sum of twenty-nine hundred and thirty dollars and eighty-six cents, on account of money overpaid to the State at the special settlement in December, one thousand eight hundred and sixty-seven, the said amount being on account of taxes for the year one thousand eight hundred and sixty-seven; and the State Treasurer is hereby required to pay the said warrant out of the General Fund.

Money returned.

SEC. 2. This Act shall take effect immediately.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this twenty-fourth day of March, A. D. eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCXLVI.

An Act to authorize the construction of a railroad from San Jose to Santa Clara, in the County of Santa Clara.

[Became a law by operation of the Constitution, March 24, 1868.]

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

SECTION 1. The right is hereby granted to Charles Silent, D. Murphy, D. B. Woodyard and S. A. Bishop, and their associates,

Right granted.

and to them or their or any of their assigns, and they are hereby authorized and empowered, to lay down and maintain a railroad within the County of Santa Clara, over and along the following routes, to wit: Commencing in the Town of Santa Clara at what is known on the present map of said town as the intersection of Lincoln street with Franklin street, and running thence easterly over and along the centre of Franklin street to Alviso street; thence southerly, over and along the centre of Alviso street, to Santa Clara street; thence easterly, over and along the centre of Santa Clara street, to Grant street; thence southerly, over and along the centre of Grant street, to the road, street or highway now known as the Alameda; thence along and through the Alameda for its entire distance, from its intersection with Grant street, in the Town of Santa Clara, to where said Alameda meets or crosses Los Gatos Creek, in the City of San José; thence over and across the bridge now erected over and crossing Los Gatos Creek at said point last mentioned; thence easterly from said bridge last mentioned, in a straight line, to over and across the bridge now erected on and crossing the Guadalupe River; thence easterly from said bridge, across the Guadalupe River, over and along the centre of what is now known as Santa Clara street, in said City of San José, and along the entire length of said street, to where it intersects or crosses the Coyote Creek; *provided*, nevertheless, that the grantees hereinbefore named, their associates or assigns, shall have the right to construct and build across the Los Gatos Creek and across the Guadalupe River, in the City of San José, at, near and adjoining to the bridges across said streams heretofore mentioned, such bridges or other structures as may be necessary to effect a safe and substantial crossing for the cars of said railroad. Said grantees heretofore named, and their associates or their assigns, are hereby empowered to construct and maintain over the entire distance of said route, or over a part thereof, either a single or double track, the space within the rails of each track to be not more than five feet wide and the space between a double track to be not more than six feet, with the proper and necessary turnouts, and the rails of said track are to be of iron and of good substantial make, and to run cars thereon at convenient hours during each and every day for the transportation of passengers; and where the road herein provided for shall intersect any other road, the rails of each road shall be so altered or cut as to permit the cars to cross without obstruction; and nothing in this Act shall be construed so as to prevent any other railroad company hereafter formed from crossing the road herein mentioned at any point along the same.

Location.

Bridges.

Tracks.

Grade and repair of streets.

SEC. 2. The track or tracks of said railroad shall be laid or constructed so as to be flush with the centre of the streets or roads over which the route of said railroad passes, and in such a manner as to offer as little obstruction as possible to the crossing of vehicles; and the grantees herein named and their associates or assigns shall have the right to grade any of said streets or roads over which the route of said railroad passes, and to do such work upon said streets or roads as may be necessary to put and keep said railroad in good condition and repair; and the said grantees or their assigns shall pave, macadamize or plank, as the proper

authorities of said city or county or town may direct, the streets through which the said railroad shall run, along the whole length thereof, for a width extending two feet on each side of said railroad, and shall keep the same constantly in repair.

SEC. 3. The cars of said railroad shall be of a substantial nature, and so constructed as to insure the comfort and convenience of passengers, and said cars shall be drawn by horses or mules, and shall be run at a speed not exceeding twelve miles per hour. The owners of said railroad, upon conviction of a violation of this provision, shall be fined in a sum not exceeding one hundred dollars for each offence. Cars.

SEC. 4. The rates of fare for each passenger upon said railroad for any distance, going or coming, for a single passage, shall not exceed ten cents per passage; and for any violation of the provisions of this section [by] any person or persons, corporation, joint stock company or association demanding or receiving a sum of money greater than is allowed by this Act for passage, as aforesaid, or whose agent or agents, employé or employés, shall demand or receive such sum, shall forfeit to the person overcharged the sum of one hundred dollars, to be recovered in a civil action in any Court of competent jurisdiction. Fare.

SEC. 5. For the purpose of constructing, laying down or repairing the said railroad, either within the corporate limits of the Town of Santa Clara or the City of San José, not more than the length of one block in any one street within the fire limits of said Town of Santa Clara or said City of San José shall be obstructed at any one time, nor for a longer period than twenty consecutive days, excluding Sundays. Construction

SEC. 6. Nothing in this Act shall be so construed as in any manner or way to prevent the proper authorities of the Town of Santa Clara, the City of San José or the County of Santa Clara, from grading, paving, planking, repairing or altering any of the streets or roads hereinbefore specified; but all such work shall be done, if possible, so as not to obstruct the free passage of the cars upon said railroad; and when the same shall not be possible, the said authorities, before the commencement of such work, shall allow to the owners of said railroad time sufficient to enable them to shift the rails or take other means so as to avoid said obstruction during the continuance thereof, which the said grantees herein, their associates or assigns, are hereby empowered to do. Rights reserved.

SEC. 7. The franchise and privileges hereby granted shall continue in force for the period of twenty years, to date from and after the passage of this Act; *provided*, nevertheless, that the grantees herein named, their associates or assigns, shall commence the construction of said railroad within twelve calendar months from the date of the passage of this Act, and that the whole of said railroad, from the intersection of Main street with Franklin street, in the Town of Santa Clara, to the intersection of First street with Santa Clara street, in the City of San José, shall be completed on or before two years from the passage of this Act; *provided* further, that no time during which said grantees, their associates or assigns, shall be prevented, enjoined or restrained from work upon said railroad, in the construction thereof, by order or process from any Court, shall be Duration of franchise.
Conditions.

counted as a part of said twelve months or said two years; *provided*, that in case the said grantees or their assigns shall fail to comply with the provisions of this Act, then all the rights and franchises herein granted shall immediately cease and determine.

SEC. 8. Any person wilfully obstructing or injuring said railroad shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly.

Acts re-
pealed.

SEC. 9. An Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, one thousand eight hundred and sixty-one, and the Acts supplementary thereto and amendatory thereof, are hereby made applicable to this Act and made a part hereof.

Fares.

SEC. 10. The Board of Supervisors of the said County of Santa Clara shall, after the expiration of five years from the time when the cars shall commence to run, and every five years thereafter, have the right, and they are hereby authorized and directed, to regulate the rates of fare on the said railroad and to reduce the same as they may deem just; *provided*, such regulation of fare shall not reduce the net income of the grantees or their assigns below sixteen per centum of the cost of the construction of the road.

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

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This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law, this twenty-fourth day of March, A. D. eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCXLVII.

An Act to improve the Tuolumne and Merced Rivers, for rafting logs and timber.

[Became a law by operation of the Constitution, March 24, 1868.]

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

Authority
given.

SECTION 1. James W. Moore, E. B. Smith, James C. Smith, Henry Wollner, Richard Simpson, Levi Wilson and their associates and assigns, are hereby authorized to remove the snags, sunken trees, rafts, rocks and other obstructions within the banks of the Tuolumne and Merced Rivers at any point or place on both or either of said rivers above the head of navigation, extending up both or either of said rivers as far as may be necessary and practicable to raft and float logs and timber down said rivers or either of them to such place or places as the grantees, their associates and assigns, may select; and said grantees, their associates and assigns, shall be and they are hereby authorized to collect tolls on said rivers or either of them for the term of

twenty years from and after the completion of the work on both or either of the said rivers, which shall be within three years from the passage of this Act.

SEC. 2. It shall be the duty of the said grantées, their associates and assigns, to construct, at or above the head of navigation on both or either of said rivers, such boom or booms as may be necessary and proper to secure the logs and timber rafted and floated down said rivers or either of them. Booms.

SEC. 3. Upon the completion of said work on both or either of said rivers, the grantees, their associates and assigns, shall be and they are hereby authorized to collect tolls on all logs and timber rafted and floated down both or either of said rivers, at a rate not to exceed one dollar for each and every thousand feet of timber contained in all logs and timber rafted and floated down both or either of said rivers. Tolls.

SEC. 4. If any person or persons shall wilfully prevent or obstruct the free rafting and floating of logs and timber down both or either of said rivers, by any means or device whatever, he, she or they shall be liable to the party or parties injured thereby for all damages which such party or parties may sustain by reason of such obstructions; which said damages may be recovered in any Court of competent jurisdiction, with costs of suit, as in other cases. Persons obstructing.

SEC. 5. Nothing in this Act shall be so construed as to prevent any person or persons from diverting the water of said rivers and appropriating the same for mining, manufacturing, agricultural or any useful and beneficial purpose. Rights reserved.

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this twenty-fourth day of March, A. D. eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCXLVIII.

An Act to authorize the County of Yolo to give its bonds to the California Pacific Railroad Company, a corporation organized and working by and under the general railroad laws of this State, and to provide for the payment of said bonds.

[Approved March 24, 1868.]

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

SECTION 1. The Board of Supervisors in and for the County of Yolo are hereby authorized and required to issue the bonds of the County of Yolo as a donation, for the purpose of aiding in the construction of the California Pacific Railroad from Puta Creek to Washington, and from Puta Creek through Woodland to Knight's Landing, in Yolo County. Authorized.

SEC. 2. The bonds that are authorized to be issued under this Act shall not be issued unless upon a proposition to issue said bonds being submitted to the electors of Yolo County, Election to be held.

at a special election to be held for that purpose, on the third Saturday of May, eighteen hundred and sixty-eight, the majority of the electors voting upon said proposition shall be in favor of issuing said bonds; and it is hereby made the duty of the Board of Supervisors of said county to submit to the qualified electors at said election the proposition to issue said bonds. Those voting for said proposition shall have written or printed on their ballots, "County bonds in aid of the California Pacific Railroad Company—Yes," and those voting against said proposition shall have written or printed on their ballots, "County bonds in aid of the California Pacific Railroad Company—No." Said vote shall be canvassed by the Board of Supervisors of said county at their next meeting after the said election, and the result of said voting shall be entered upon the records of the said Board; and if said proposition shall receive a majority of said votes cast in favor thereof, it shall be their duty to issue said bonds; and if a majority of said votes are cast against said proposition it shall not be lawful to issue said bonds.

Ballots.

If majority favor issue.

SEC. 3. If the majority of said votes shall be found in favor of the issue of said bonds, it shall be the duty of the said Board of Supervisors to have prepared county bonds to the amount of one hundred thousand dollars, each of said bonds being for the amount of one thousand dollars, payable twenty years from the date thereof, bearing interest at the rate of seven per cent. per annum, payable annually on the first day of January in each year, the principal and interest payable in gold coin of the United States, at the office of the County Treasurer of said county.

No bonds to issue till road built.

SEC. 4. None of the said bonds shall be issued unless within eighteen months from the said third Saturday of May, eighteen hundred and sixty-eight, the road of the said company shall be completed in good running order from Vallejo, in Solano county, to Washington, in Yolo County, and from Puta Creek, crossing the Willow Slough west of Dr. Merritt's residence on said slough, thence through the Town of Woodland, to Knight's Landing, in Yolo County, with a depot at each of said towns; and said bonds shall bear date of the day of such completion. Coupons for the interest shall be attached to each bond.

Signing and delivery.

SEC. 5. The bonds and their coupons shall be consecutively numbered, and signed by the Chairman of the Board of Supervisors, the County Treasurer and County Auditor; and when so signed, the County Clerk of said county shall countersign said bonds and affix thereto the seal of the County Court of said county, and he shall thereafter deliver the same to the Chairman of the said Board of Supervisors; and the fact of such signing, attestation and sealing shall be entered upon the records of said Board of Supervisors, and the said bonds and coupons shall therefrom be delivered by the said Clerk to the President of the said the California Pacific Railroad Company, taking his receipt therefor containing a description of said bonds in the book of records of the proceedings of the said Board of Supervisors at a regular meeting of the said Board.

SEC. 6. It shall be the duty of the said Board of Supervisors of said county, and they are hereby authorized and empowered,

to levy a yearly tax, to be styled the "Interest Fund Tax," on the assessed property of said county sufficient to pay the yearly interest on said county bonds and five per cent. of the principal thereof, to constitute a "Sinking Fund," the same to be assessed and collected at the same time and in the same manner as the other property taxes [are] assessed and collected; and the Treasurer of said county shall pay, or cause to be paid, out of said Interest Fund, the interest on the said county bonds as it falls due; and the said five per cent. shall be set apart as a Sinking Fund for the redemption of said bonds. Whenever the amount to the credit of the said Interest Fund shall equal or exceed two thousand dollars, the Treasurer shall apply the same to the purchase of said bonds from the lowest bidder (provided the same shall be offered at a price not exceeding the par value thereof), upon advertising for twenty days in some newspaper published in said County of Yolo for bids. But if none of said bonds are offered at par or under, then it shall be the duty of the said Treasurer, with the assent and approval of the said Board, to loan the amount standing to the credit of the said Sinking Fund at interest upon said county bonds, in bonds of this State, or bonds of the United States, payable in gold coin, giving preference in the order named. The said Interest Fund and Sinking Fund shall not be appropriated or applied to any other purposes than those specified in this section.

Tax to be levied.

Redemption of bonds.

Freight charges.

SEC. 7. It shall be unlawful for the said California Pacific Railroad Company to charge more than nine cents in United States gold coin per mile for each ton of grain transported on its road; *provided*, that in no case shall the said company be required to receive less than twenty-five cents for any one lot of freight for any distance.

CHAPTER CCXLIX.

An Act to legalize the acts of the Board of Supervisors of Lake County, California, done at a special meeting of said Board commencing on the eleventh day of March, eighteen hundred and sixty-seven.

[Approved March 24, 1868.]

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

SECTION 1. All acts, proceedings, orders and appointments not inconsistent with the Constitution of the United States or of the State of California, done, made, entered or determined by the Board of Supervisors of the County of Lake, in the State of California, and entered upon their minutes at the special meeting of said Board convened on the eleventh day of March, eighteen hundred and sixty-seven, in said county, are hereby declared to be valid, and of the same force and effect as if made, done, executed and entered at a regular meeting of said Board, and at the proper time fixed by law for the entry of such order

Acts legalized.

Act legal-
ized

or doing of said act and making said appointments; and for that purpose the records and proceedings of said Board of Supervisors at said special meeting, commencing on the eleventh day of March, eighteen hundred and sixty-seven, shall be taken and considered, in all proceedings, either at law or equity, as having been done and entered at the time or times prescribed by law, and shall have the like force and effect as if so entered, established or ordained.

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

CHAPTER CCL.

An Act to fix the time of holding the County Court and Probate Court in the County of Yolo.

[Approved March 24, 1868.]

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

Time and
place.

SECTION 1. The terms of the County Court and the Probate Court in and for the County of Yolo shall be held at the county seat of said county, and shall commence on the first Monday of January, April, July and October, in each year, and shall continue until the business is disposed of.

SEC. 2. All Acts or parts of Acts contrary to or inconsistent with the provisions of this Act are hereby repealed. This Act shall take effect from and after the first day of May, A. D. eighteen hundred and sixty-eight.

CHAPTER CCLI.

An Act to provide for the payment of the interest on certain bonds in the County of San Joaquin.

[Approved March 24, 1868.]

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

Tax may be
levied.

SECTION 1. The Board of Supervisors shall have power to levy a property tax, not to exceed five cents on each one hundred dollars of all taxable property upon which the State tax in said county is levied, for the purpose of paying the interest on the bonds of said county which were issued under the provisions of an Act entitled an Act to authorize the County of San Joaquin to issue bonds for agricultural purposes, approved February fifth, eighteen hundred and sixty-three; said tax to be

levied and collected at the same time and in the same manner as other property taxes are collected.

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

CHAPTER CCLII.

An Act to fix the compensation of Grand and Trial Jurors in criminal cases, in the County of Tulare.

[Approved March 24, 1868.]

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

SECTION 1. In the Courts of record in the County of Tulare, in criminal cases, grand and trial jurors shall receive two dollars each per day for actual service, which shall be audited and paid from the General Fund of the county. Compensation.

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

CHAPTER CCLIII.

An Act concerning the Sheriff's advertising of the City and County of San Francisco.

[Approved March 24, 1868.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco shall include the official advertising of the Sheriff of the City and County of San Francisco in their advertisement for proposals to do the city and county official printing, and shall award the same to the lowest responsible bidder publishing a newspaper of general circulation in said city and county; *provided*, said award shall be made to the lowest responsible bid in the aggregate for the whole of said city and county official printing and Sheriff's advertising; *provided* also, that if any contract now exists for doing said Sheriff's advertising which shall expire before the usual time fixed by the said Board of Supervisors for letting or awarding the city and county official printing, then said Sheriff shall advertise for proposals to do his official advertising from the expiration of such contract to such time as the same shall be awarded, under the provisions of this Act, by the said Board of Supervisors; and he shall award the same for said time to the lowest responsible bidder proposing to advertise the same in a newspaper of general circulation in said city and county. To be included with official printing.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CCLIV.

An Act to confer certain powers upon the Sacramento Gas Company and others.

[Approved March 24, 1868.]

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

May build a
breakwater.

SECTION 1. It shall and may be lawful for the Sacramento Gas Company, and other owners of property fronting on the Sacramento River in what is known as Slater's addition to the City of Sacramento, to construct and maintain a breakwater, or any other work upon the said property, or in front of the same, any distance not exceeding fifty feet west of the west line of such property, according to the official survey thereof, for the purpose of protecting said property from damage by reason of the current of said river; and they may use said work when so constructed as a wharf, for the convenient use and enjoyment of their said property; *provided*, however, that said work shall not interfere with the navigation of the said Sacramento River, and that said parties shall have no right to collect any tolls or wharfage whatsoever for the use of any such wharf or breakwater.

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

CHAPTER CCLV.

An Act to change the name of the Howard Street Religious Society, San Francisco.

[Approved March 24, 1868.]

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

Name
changed.

SECTION 1. The name of the Howard Street Religious Society, San Francisco, a religious association duly incorporated on the twenty-third day of September, one thousand eight hundred and fifty, under and in pursuance of an Act of the Legislature of California entitled an Act concerning corporations, approved April twenty-second, eighteen hundred and fifty, is hereby changed to the Howard Presbyterian Society.

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

CHAPTER CCLVI.

An Act to amend an Act entitled an Act requiring the County Judge of Santa Clara County to keep chambers at the county seat of his county, approved April twenty-first, eighteen hundred and sixty-three.

[Approved March 24, 1868.]

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

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

Section 1. The County Judge of Santa Clara County shall ^{Amended.} keep chambers at the county seat of his county.

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

CHAPTER CCLVII.

An Act amendatory of an Act entitled an Act to define the boundaries and provide for the organization of Lake County, approved May twentieth, eighteen hundred and sixty-one, and amended February twenty-ninth, eighteen hundred and sixty-four.

[Approved March 24, 1868.]

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

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

Section 1. Lake County shall be bounded as follows, to wit: ^{Boundary defined.} Beginning at the southeast corner of Mendocino County; thence easterly, along the summit of the ridge dividing the waters flowing into Russian River and Knight's Valley on the west, and Clear Lake and Loconoma Valley on the east, to the highest peak of Mount St. Helena; thence easterly, along the line heretofore established, to the Buttes Cañon Road; thence easterly, in a right line, to the most northern point of the Los Potos Rancho (commonly known as the Berryessa Rancho); thence easterly, along the northern line of said rancho, to the northeast corner thereof; thence east, to the line between Yolo and Napa Counties; thence northerly, along the summit of the range of mountains dividing the waters of the Sacramento River from those flowing into or through Berryessa and Morgan Valleys on the west, to Cache Creek; thence east, to the summit of the spur of the Coast Range which divides the waters flowing east into Bear Creek and Stony Creek and those flowing west into the north fork of Cache Creek; thence northerly, along the said dividing ridge, following the divide of said waters to the summit of the Coast Range of mountains; thence northerly, along the said summit to the highest point of Hull's Mountain; thence

westerly, in a right line, to the highest point of Mount St. Hedson; thence southerly, following the summit of the mountain which divides the waters flowing west into Russian River and those flowing east into Clear Lake, to the beginning.

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

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

CHAPTER CCLVIII.

An Act to provide for the erection of county buildings in the County of Lake, and other matters in relation thereto.

[Approved March 24, 1868.]

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

Bonds to be issued.

SECTION 1. The County Auditor of the County of Lake is hereby authorized and directed, upon the order of the Board of Supervisors thereof, to issue bonds of said county not exceeding twenty thousand dollars. Said bonds shall be signed by the County Auditor, and countersigned by the County Treasurer of said county, and shall be of the denomination of two hundred and fifty dollars each, payable in gold coin of the United States, and shall bear interest not exceeding twelve per cent. per annum, and shall be made payable, as nearly as may be, in equal instalments, in two, four and six years from the date of their issue, in gold or silver coin of the United States.

For what purpose.

SEC. 2. Said bonds when so issued shall only be used by the Board of Supervisors as a loan, to aid in the construction of a suitable Court-house, Jail, and necessary county offices in and for said county, and for furnishing the same; and may employ a competent architect to draught plans and specifications of said buildings, or any of them, to make estimates of the probable costs and expenses of the said buildings, or any of them. Said Board of Supervisors may erect separate buildings for said Court-house and Jail, or any county offices, as may seem best, and shall have full power and authority to do and perform all acts and things which may be requisite or necessary to carry out the provisions and object of this Act; *provided*, that the contracts for the erection of said buildings, or any of them, shall be let to the lowest responsible bidders, in the manner prescribed by law; and *provided*, that the aggregate costs and expenses of erecting the said buildings and furnishing the same shall not exceed the amount of twenty thousand dollars. The Board of Supervisors may take and receive, in the name of the said county, by deed duly executed and acknowledged, any gift, grant or donation of any lot or lots, or parcel of land situated at the county seat of said county, for the purpose of erecting any county building or buildings thereon.

Contracts.

Cost.

Coupons.

SEC. 3. Said Board shall order said bonds to be issued with

coupons attached thereto, and the interest made payable thereon annually, or semi-annually, in their discretion, at the office of the County Treasurer, or such other place as they may designate; which coupons shall be duly numbered, and there shall be expressed thereon the amount of interest due each year, when and where payable; and they shall be signed by the County Auditor, and countersigned by the County Treasurer, in the same manner as the bonds are required to be signed.

SEC. 4. It shall be the duty of the Board of Supervisors to keep a record of the number, denomination and amount of all bonds issued, showing the date of issue, to whom issued, and the number of each bond. Record.

SEC. 5. In addition to the taxes now authorized by law to be levied in the County of Lake, the Board of Supervisors are hereby authorized to levy, and have collected by the proper officers, such additional tax as they may deem necessary to create a fund to be called the "Public Building Fund," which shall be set apart to meet the requirements of this Act, and for no other purpose. The manner of levying and collecting said tax shall be the same as that provided by law for levying and collecting State and county taxes; *provided*, that for the present year the same may be levied and assessed at a special meeting of the Board of Supervisors of said county, to be held for that purpose. Tax to be levied.

SEC. 6. Whenever the County Treasurer shall pay any coupons or bonds under the provisions of this Act, he shall cancel the same, and preserve the said cancelled coupons and bonds and keep a record thereof, giving the number, date and amount of each, and from whom received; and shall write across said coupons or bonds the words "Cancelled by me," and sign his name, as Treasurer, thereto. Cancelling bonds.

SEC. 7. All the moneys that may remain in the said Public Building Fund after the payment of all the costs and expenses of erecting and furnishing the said public buildings shall be transferred to the General County Fund of the county. Surplus.

SEC. 8. The said Board of Supervisors shall, within ninety days, or as soon thereafter as practicable, after the passage of this Act, convene at a regular or special meeting called for the purpose, levy the said special tax provided for in this Act, advertise for the sale of said county bonds, and as soon as two thousand dollars of said county bonds are taken cause plans and specifications to be made of said public buildings, and as soon thereafter as practicable let the contracts for the erection and completion of said public buildings. Said Board of Supervisors shall be and are hereby empowered and authorized, if they deem necessary, to employ a Commissioner to superintend the construction of the said building or buildings. Said Commissioner shall receive pay for his services not exceeding five dollars per day, to be paid out of the Public Building Fund, to be audited and allowed by the Board of Supervisors. Sale of bonds.
Commissioner.

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

CHAPTER CCLIX.

An Act concerning public roads and highways in the County of Monterey.

[Approved March 24, 1868.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*Divided into
road dis-
tricts.

SECTION 1. The County of Monterey is hereby divided into road districts, which shall be identical with the Supervisorial districts of said county.

Road officers

SEC. 2. The County Supervisors shall be ex officio Road Supervisors in their respective districts.

SEC. 3. The Road Supervisors shall have power to appoint one or more Road Overseers in each of their respective districts, and said appointment shall be in writing.

SEC. 4. Said Road Overseers shall each, before entering upon the discharge of his duties, take the oath [of] office and execute a bond to The People of the State of California, with two sufficient sureties in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office, to be approved by two or more of said Supervisors, which shall be filed in the office of the Clerk of said Board.

Road tax.

SEC. 5. The Board of Supervisors of said county shall have the power annually to levy, in any one or all of the road districts of said county, a road poll tax of not exceeding three dollars on each able-bodied man between the ages of twenty-one and fifty years who shall have resided in said State for sixty days and in said county for thirty days prior to the levy of said tax. Said tax shall be collected by said Road Overseers in their respective districts, whenever notified in writing by the Road Supervisors of such levy, directing them to collect the same.

Neglect to
pay.

SEC. 6. If any person liable to pay said road poll tax shall refuse or neglect to pay the same after having been notified by said Road Overseer that said tax is due, and demand thereof made, said Road Overseer, unless the same be paid within three days after such demand, may seize so much of any and every species of personal property whatever claimed by any person liable to and refusing or neglecting to pay said road poll tax, or property in possession of or due from any other person, belonging to the person so refusing or neglecting to pay said road poll tax, and shall and may sell the same at any public place, in daytime, upon posting a written notice of said sale in some public place one day previous to said sale; and any person indebted to another liable to pay said road poll tax, and who has neglected or refused to pay the same, shall be liable to pay the same after service upon him by the Road Overseer of a notice in writing, stating the name or names of such person or persons so liable and the amount so due; and such debtor may deduct the amount so paid in settlement with the person so neglecting or refusing to pay said tax, and also one dollar for serving said notice, which shall also be paid to said Road Overseer.

SEC. 7. The Road Overseer shall be entitled to collect, on any sale, three dollars, as costs of seizure and sale, and no more; and any surplus, after deducting the said road poll tax and said fee, shall be returned by him to the owner of the property so seized and sold. A delivery of the possession of said property to the purchaser at any such sale shall be a sufficient title thereto. Fees.

SEC. 8. At any meeting of the Board of Supervisors when said road poll tax shall be levied as provided in section five of this Act, the said Board shall designate the number of days labor or work which shall be equivalent to said tax; and the Road Supervisor, or any Road Overseer when so directed by said Road Supervisor, may commute said tax with any person liable to road duty for his own personal labor; and a certificate of having performed said labor, signed by said Road Supervisor or Road Overseer with said authority, shall exempt such person from payment of said road poll tax; *provided*, that a failure to attend and work, after a notice of one day by said Road Overseer, or to obey the directions of said Road Overseer, or to work faithfully, shall be sufficient cause for withholding said certificate, and in such event said road poll tax shall be collected from him or them as hereinbefore provided. Labor to pay tax.

SEC. 9. The Board of Supervisors of said county shall allow to the Road Overseers such compensation as they may deem just, not to exceed five dollars for each day that each Road Overseer shall be actually employed in the discharge of the duties imposed by this Act. Compensation of Road Overseers.

SEC. 10. Each Road Overseer shall hold office during the pleasure of the Supervisor who appointed him. Term.

SEC. 11. It shall be the duty of each Road Overseer, whenever ordered by the Road Supervisor of his district, to expend so much of the money so collected by him, and of labor, if any is so commuted, in working, repairing and opening such roads and highways in his district as may be designated by said Road Supervisor. Duty.

SEC. 12. The Board of Supervisors shall cause blank road poll tax receipts to be printed, of uniform appearance, which shall be numbered consecutively and signed by the Chairman of said Board, who shall thereupon deliver the same to the Clerk of said Board, taking his receipt therefor; said Clerk shall also sign said road poll tax receipts and issue to each Road Overseer such number of said receipts as may be needed by him, taking his receipt therefor. No other receipts for road poll tax shall be given by said Overseer, and the Clerk of said Board shall charge each Road Overseer with all road poll tax receipts issued to him. Receipts.

SEC. 13. Each Road Overseer shall make an annual settlement with the Board of Supervisors on the first Monday in February of each year, at which settlement he shall file with the Clerk of said Board a statement of all moneys expended and paid out by him in repairing and working the roads and highways in his district, and for what and to whom said moneys were paid. He shall take and file also with said Clerk, at said settlement, receipts for all moneys paid out by him for work Annual settlements.

done on said roads. He shall also file at [the] same time a list of the names of such persons, if any, who commuted said tax for labor; he shall attach to said statement his affidavit, to the effect that the items of expenditure and moneys paid out as shown in said statement were actually expended and paid out in the manner and for the purposes, and to the persons therein stated, in repairing, working or opening roads in his district; and if, on such settlement, it shall be ascertained by said Board, by comparing the poll tax receipts so received by him and not at that time returned to the Clerk of said Board with the statement and receipts so filed by said Road Overseer, that there remains any surplus in his hands of moneys so collected, the same shall be by him paid over to the County Treasurer of said county, and thereupon become a part of the general Road Fund of said county. Duplicate receipts for any such moneys shall be given by the County Treasurer to said Road Overseer, one of which shall be filed with the Clerk of said Board of Supervisors and the other with the Auditor of said county.

Surplus.

SEC. 14. So much of all Acts and parts of Acts as are in conflict with any of the provisions of [this] Act are hereby made inapplicable to the County of Monterey.

SEC. 15. This Act shall take effect from and after its passage.

CHAPTER CCLX.

An Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county and to provide for the payment of the same.

[Approved March 24, 1868.]

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

Not exceed-
ing \$20,000.

SECTION 1. The Board of Supervisors of Santa Cruz County are hereby authorized to issue and sell not exceeding twenty thousand dollars of the bonds of said county, payable at the option of said Board at any time within fifteen years from the date of the issuance of said bonds, in gold coin, and to bear interest at the rate of not exceeding ten per cent per annum, payable semi-annually, in gold coin, on the second days in January and July in each year; *provided*, that the interest on any or all of said bonds, for the first year, may be made payable annually.

Description.

SEC. 2. Such bonds shall not be in less than two hundred and fifty nor more than one thousand dollars; shall bear the date of their issuance, and shall be signed by the Chairman of the Board of Supervisors, the County Auditor and the County Treasurer of said county. Coupons for the interest shall be attached to each and signed by the Chairman of the Board of Supervisors and the County Treasurer. Said bonds, when issued as in this Act provided, shall pledge the faith of the County of Santa Cruz absolutely and in all events for the pay-

ment of the principal thereof and interest thereon in gold and silver coin of the United States, dollar for dollar.

SEC. 3. Before the sale of any of said bonds, the said Board of Supervisors shall, at a regular meeting of said Board, cause to be entered upon the records of said Board an order, directing the sale of a specified amount of said bonds and the day and hour of such sale, which shall not be less than twenty days after the date of such order, and shall cause a copy of such order to be published in a newspaper published in said county, for at least twenty days, together with a notice that sealed proposals will be received by the said Board for the purchase of said bonds. On the day and hour named in said order and notice, the said Board shall open all sealed proposals received by them, and shall award the purchase of said bonds to such responsible bidder or bidders as will make the most advantageous bid for the county; *provided*, that said Board may reject all bids; and *provided* further, that no bonds shall be sold for less than one hundred cents on the dollar, in United States gold coin, par value. The said Board may sell said bonds at not less than one hundred and five cents on the dollar, in United States gold coin, par value, at any time, without the notice provided for in this section.

Sale of bonds.

Proposals.

SEC. 4. The amount of the bonds sold, their numbers and dates, shall be entered upon the records of said Board.

Record.

SEC. 5. The proceeds of the sale of said bonds shall be paid into the County Treasury; and out of the same there shall be paid, first, all claims against the county which shall have been heretofore allowed by the said Board of Supervisors for material or services, furnished for and in the erection or repair of county buildings, with interest at the rate of ten per cent. per annum on the amount of such claims from the date of their allowance until paid. The remainder of said proceeds shall be used for the payment of all expenses, salaries and fees which may become due from and chargeable against the said county at any time when any money shall be in the County Treasury arising from such proceeds.

Distribution of proceeds.

SEC. 6. After any of said bonds are sold, and until all bonds are redeemed, it shall be the duty of said Board to levy annually, at the same time and manner that other State and county taxes are levied, a tax of ten cents on each one hundred dollars value of the taxable property in said county; *provided*, that in the year A. D. eighteen hundred and sixty-eight said tax shall be levied at the regular meeting of said Board in the month of May. Such tax, when collected, shall constitute a fund for the payment of the interest on said bonds, and shall be named the Interest Fund of eighteen hundred and sixty-eight; and if any interest shall be due on said bonds and there is no money in said Interest Fund to pay the same, the County Treasurer shall transfer to the said Interest Fund from the General or Current Expense Fund a sufficient sum to pay said interest; and if said funds, singly or together, shall be inadequate to provide for the payment of said interest, then it shall be the duty of said Board to promptly make such arrangements as will save the faith and credit of said county.

Tax to be levied.

To pay interest.

SEC. 7. Said bonds shall be redeemed and cancelled out of

Principal.

the said Interest Fund, in the same manner and subject to the same restrictions as is provided for the redemption of county bonds in sections eight and nine of an Act entitled an Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell all bonds of said county and to provide for the payment of the same, and other matters relating to the revenue of said county, approved March tenth, eighteen hundred and sixty-six.

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

CHAPTER CCLXI.

An Act to provide for the dockets of the former Justices of the Peace of the City and County of San Francisco and issuing process on the same.

[Approved March 24, 1868.]

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

Presiding
Justice to
have juris-
diction.

SECTION 1. The presiding Justice of the Peace in the City and County of San Francisco shall take possession of all the dockets and papers of the former Justices of the Peace in said city and county, or any township in said city and county, and shall be deemed the successor of all former Justices, and shall have and exercise, over all actions and proceedings entered in the dockets of all such former Justices, jurisdiction, and shall have power to issue and enforce all legal process on the same.

Process.

SEC. 2. All papers or process issued by the presiding Justice from said docket shall state the name of the former Justice and the township in which the original proceedings were had, and be signed by the presiding Justice as successor to the former Justice.

Fees.

SEC. 3. The presiding Justice, for performing services on said former dockets, shall be entitled to demand and receive, before issuing any process, from the party applying for the same, the following fees, viz:

For issuing an order of examination, one dollar and fifty cents.

For an execution, fifty cents.

For a certified transcript of judgment, one dollar.

For subpoenas, twenty-five cents each.

All in United States gold or silver coin; which fees shall be, by said presiding Justice, turned over to the City and County Treasurer of said city and county, as other fees are required to be paid to said City and County Treasurer.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCLXII.

An Act relative to the County Treasurer of Lake County.

[Approved March 24, 1868.]

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

SECTION 1. The County Treasurer of Lake County shall receive, in addition to the compensation allowed by law, (shall receive) a salary of five hundred dollars per annum, payable quarterly, out of the General Fund of said county. Salary.

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

CHAPTER CCLXIII.

An Act authorizing Frederick W. Kuelp, Hugo Schenk, John Foster, William Workman, Theodore Riser, A. Langenberger, their associates and assigns, to construct and maintain a wharf in Los Angeles County.

[Approved March 24, 1868.]

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

SECTION 1. Frederick W. Kuelp, Hugo Schenk, John Foster, William Workman, Theodore Riser, A. Langenberger, their associates and assigns, shall have the right to construct and maintain a wharf in the County of Los Angeles on the Bay of Bolea Chiquita, on the tide and overflowed lands of the State, thirteen and one half miles from the Town of Anaheim, and one mile and a half from the former landing of the Anaheim Lighter Company. Franchise granted.

SEC. 2. For the purpose of said wharf there is hereby granted to the parties named in section one, their associates and assigns, the right to use and occupy a strip of land five hundred feet in width, commencing at high water mark and extending into said bay four hundred feet, or until a sufficient depth of water shall be obtained for the accomodation of commerce; *provided*, the free navigation of the bay shall not be obstructed; and the franchise herein granted shall continue for the term of twenty years. Land to be occupied.

SEC. 3. The said Frederick W. Kuelp, Hugo Schenk, John Foster, William Workman, Theodore Riser, A. Langenberger, their associates and assigns, shall build and erect said wharf within two years from the passage of this Act, and shall thereafter keep the same in good repair, and enlarge it as the business and commerce of the county may require; and they shall be allowed to collect such dockage and wharfage thereon as the Board of Supervisors of said county may allow. To be completed.

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

CHAPTER CCLXIV.

An Act granting certain privileges to the Front Street, Mission and Ocean Railroad Company.

[Approved March 24, 1868.]

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

Time ex-
tended.

SECTION 1. The time for laying and completing the Front Street, Mission and Ocean Railroad, and the several railroads which the Front Street, Mission and Ocean Railroad Company is authorized to construct, equip and maintain in the City and County of San Francisco, is hereby extended for the term of two years.

Routes may
be shortened

SEC. 2. The said Front Street, Mission and Ocean Railroad Company are hereby authorized and empowered to relinquish and abandon any part of their several routes at any time within two years without prejudice to their rights, privileges and franchises in the remaining portions of their routes; and such relinquishment and abandonment shall be evidenced by filing a certificate to that effect in the office of the Secretary of State, which said certificate shall be under the hand and seal of the President and Secretary, and the corporate seal of said company; *provided*, no portion of said railroad shall be abandoned on which rails have been laid.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCLXV.

An Act amendatory of and supplementary to an Act entitled an Act to provide for the continuance and election of a Board of Supervisors in and for the County of San Mateo, and to define and limit the powers and duties of said Board in certain cases, approved March twenty-fourth, eighteen hundred and sixty-four.

[Approved March 24, 1868.]

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

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

How consti-
tuted.

SECTION 1. The Board of Supervisors of San Mateo County shall consist of six Supervisors, who shall be elected and chosen one from each township as now provided by law, and hold office for two years and until their successors shall, respectively, be elected and qualified. The Supervisors shall be chosen at the general election in the year eighteen hundred and sixty-five and at the general election every two years thereafter. The Supervisors now in office shall continue in office until their suc-

cessors shall be elected and qualified as aforesaid. All orders and acts made, passed or done by the Board of Supervisors, in order to be binding and of legal effect, shall be concurred in by at least four of the members of said Board.

SEC. 2. All that territory in San Mateo County lying between the boundary line of the Counties of Santa Cruz and San Mateo, as established by an Act of the Legislature entitled an Act to fix and define the boundary line between the counties of San Mateo and Santa Cruz, approved March seventeenth, one thousand eight hundred and sixty-eight, and the boundary line between said counties as it existed prior to the passage of said Act, shall constitute a township of San Mateo County, and be known as "Pescadero Township." Pescadero township.

SEC. 3. The Supervisor now representing said District or Township of Pescadero in the Board of Supervisors of Santa Cruz County shall no longer be a Supervisor of Santa Cruz County, but shall continue to be a Supervisor representing said Pescadero Township in the Board of Supervisors of the County of San Mateo, and shall continue to hold his office until the next general election for county officers; and all other officers of said township who have their residences in said Pescadero Township shall continue to hold their respective offices until their term expires by law. All vacancies in any of the offices of said township shall be filled by appointment of the Board of Supervisors of San Mateo County; and all laws that are exclusively applicable to the County of San Mateo shall be applicable to said township. Transferred to San Mateo County.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCLXVI.

An Act granting certain privileges to the North Beach and Mission Railroad Company.

[Approved March 24, 1868.]

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

SECTION 1. The time for the North Beach and Mission Railroad Company to lay and complete the several railroads which it is authorized to construct, equip and maintain in the City of San Francisco is hereby extended for the period of two years from and after the first day of September, Anno Domini eighteen hundred and sixty-eight. Time extended.

CHAPTER CCLXVII.

An Act to amend an Act entitled an Act to provide for the prevention of conflagrations, and the protection of property saved from fire, in the City and County of San Francisco, approved February fourteenth, eighteen hundred and sixty-six.

[Approved March 24, 1868.]

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

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

Fire Marshal

SECTION 1. It shall be lawful for the association known as the Board of Fire Underwriters, in the City and County of San Francisco, to nominate, and with the approval of the Board of Police Commissioners to appoint, a public officer to be known as the Fire Marshal, who shall hold his office during the pleasure of the said Board of Fire Underwriters. Before entering upon the duties of his office he shall take and subscribe the oath of office before the County Judge and execute a bond to the State of California in the sum of five thousand dollars, conditional for the faithful discharge of his duties, with two sureties to be approved by the County Judge; and his salary shall be fixed from time to time and paid by said Board of Underwriters. Any person aggrieved by any misconduct of said officer or of his deputy, hereinafter provided for, may bring an action in his own name on such official bond to recover any damages sustained by him. Said bond shall be deposited with the County Clerk of said city and county, subject to the order of the County Judge. And in case of the sickness, absence, or inability of the said Fire Marshal, the said Fire Marshal, with the consent of said Board of Underwriters and Police Commissioners, is hereby authorized and empowered to appoint any competent person to act for and in his stead during such sickness, absence or inability; and such person so appointed shall have all the powers and authority conferred by this Act upon said Fire Marshal.

Substitute.

CHAPTER CCLXVIII.

An Act supplementary and amendatory of an Act entitled an Act to provide for the funding of the indebtedness of the County of Mendocino.

[Approved March 24, 1868.]

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

SECTION 1. Whenever there shall be money in the Sinking Fund of the County of Mendocino for the redemption of the bonds of said county, and the Treasurer shall advertise therefor,

Interest on bonds to abate.

as provided in an Act entitled an Act to provide for funding the indebtedness of the County of Mendocino, approved April nineteenth, eighteen hundred and sixty-two, and if there shall be no bids received, the advertisement shall be deemed a tender of the amount in the Sinking Fund to the holders of said bonds; and from and after the time specified in such advertisement for the opening of bids, the said bonds shall cease to bear interest, to the extent of the amount in the Sinking Fund.

SEC. 2. At the time fixed in said advertisement for the opening of bids, in case there are none, the Treasurer shall divide the amount in the Sinking Fund proportionally among the several bonds, and shall ascertain the payment to which each bond is entitled, and shall make an entry and record thereof. Apportionment of Sinking Fund.

SEC. 3. Any bondholder shall be entitled to receive from the Treasurer the amount to which his bond is entitled at any time after said entry, by presenting his bond to the Treasurer, with a credit indorsed thereon of the amount due and payable on said bond from said Sinking Fund. Payment.

SEC. 4. From and after the time of making said entry the interest on each bond shall abate in the proportion as the amount of the payment to which said bond is entitled is to the whole principal of said bond. Proportion.

SEC. 5. At the time of making said entry the Treasurer of said county shall also ascertain the amount to be deducted from each coupon and make an entry and record of the same. Deductions.

SEC. 6. Upon the presentation of said coupons for payment the Treasurer shall deduct the said amount therefrom and pay the balance, as provided by law.

SEC. 7. Any bid for more than par shall be deemed no bid within the meaning of this Act.

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

CHAPTER CCLXIX.

An Act concerning roads and highways in the County of San Bernardino.

[Approved March 24, 1868.]

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

SECTION 1. The Board of Supervisors of the County of San Bernardino are hereby authorized and empowered to levy and cause to be collected an annual tax for the opening, repairing and maintenance of public roads and highways in said county, not to exceed fifteen cents upon each one hundred dollars worth of the taxable property in said county, at their regular meeting for the levy of taxes in the year eighteen hundred and sixty-eight and every year thereafter; *provided*, that in the year eighteen hundred and sixty-eight said Board of Supervisors may Road tax to be levied.

levy the aforesaid tax at any regular or special meeting of said Board. The moneys so collected shall be paid into the County Treasury and set apart as a Road Fund, and shall only be expended by the Board of Supervisors in the laying out, repairing and maintaining public roads and highways in said county. All sums of money so expended shall be first audited and allowed by the Board of Supervisors, upon the certificate of the Roadmaster that the work has been faithfully performed or that the supplies furnished were necessary to be had; and warrants upon the Road Fund shall be drawn by the Auditor forthwith.

Road districts.

SEC. 2. For all purposes of this law, the townships of said county are and shall be road districts within the meaning of the law, and they may be changed, created or more distinctly defined by the Board of Supervisors at any time when they may, in their discretion, see fit to change, create or more distinctly define the same.

Election of Roadmasters

SEC. 3. At each general election the qualified electors of each road district shall elect some citizen of said road district a Roadmaster of said district for the term of two years from and after his election. It shall be the duty of the Clerk of the Board of Supervisors to notify such person of his election, and he shall, within ten days from the receipt of such notice, qualify by filing a bond with the Clerk of the Board of Supervisors, to be approved by the Board, in a penal sum of not exceeding five hundred dollars, conditioned for [the] faithful performance of his duties; *provided*, that the Board shall have full power and authority to fill by appointment any and all vacancies that may occur from death, removal, resignation or disqualification.

Duties.

SEC. 4. It shall be the duty of the Roadmaster to keep in repair and have general supervision of all roads in the district, and to erect such bridges and culverts as the means at his command will permit. He shall oversee and direct the labor expended upon the roads, and see that teams, ploughs, scrapers and other implements are furnished for the road service. He shall receive a compensation of two dollars and fifty cents per diem for each entire day that he is actually employed, payable out of the Road Fund, after being properly audited and allowed by the Board of Supervisors.

Damages.

SEC. 5. In all cases where damages to the lands of private individuals are claimed on account of the opening by the Board of Supervisors of any public road or highway, the parties intending to apply for such damages shall petition the Board of Supervisors, who shall appoint three Viewers to assess the damages done to such property by the opening and construction of said road.

Obstructing roads.

SEC. 6. If any person shall obstruct any public road or highway in the County of San Bernardino, by felling a tree or trees across it, or turning a stream of water across it without properly bridging said stream at his own expense, he shall be adjudged guilty of a misdemeanor and fined not less than ten dollars nor more than fifty dollars, and he shall be further liable to the Roadmaster for damages at the rate of five dollars per diem for each and every day that said obstruction shall remain upon said road or highway after he has been notified to remove or remedy the same. Any person wilfully injuring a bridge built by

the County of San Bernardino under the provisions of this Act, shall be, on conviction, fined not more than one hundred dollars, or in default of payment of said fine shall be imprisoned in the County Jail for not less than thirty days. It is hereby made the duty of the Roadmaster in each district to prosecute all offences of this class on behalf of the county, before the Justice of the Peace in the township where he may reside.

SEC. 7. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall take effect immediately.

CHAPTER CCLXX.

An Act to lower the grade of Sansome street, from Broadway street to Lombard street, in the City and County of San Francisco.

[Approved March 24, 1868.]

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

SECTION 1. The grade of Sansome street, from Broadway street to Lombard street, is hereby so changed and lowered that the crossing of Sansome street and Vallejo street shall be twenty-eight feet above base instead of thirty feet as at present; that the crossing of Sansome street and Greene street shall be twenty-one feet above base instead of thirty feet as at present; that the crossing of Sansome street and Union street shall be fourteen feet above base instead of thirty feet as at present; that the crossing of Sansome street and Filbert street shall be eight [feet] above base instead of twenty-four feet as at present; that the crossing of Sansome street and Greenwich street shall be four feet above base instead of twelve feet as at present.

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

SEC. 3. This Act shall take effect immediately.

CHAPTER CCLXXI.

An Act concerning roads and highways in the County of San Mateo.

[Approved March 25, 1868.]

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

SECTION 1. All roads in the County of San Mateo shall be considered as public highways which have been used and improved as such, or which shall hereafter be used and improved

as such, for the period of five years, or which may be declared such by the Board of Supervisors of said county.

Location or vacation.

SEC. 2. Any person or persons proposing to apply for the location, alteration or vacation of any road or highway in said county shall give notice of such intention by posting notices thereof as follows: one such notice on the door of the Court-house of said county, and one such notice at a public place near the starting point of the proposed road—not less than fifteen days previous to the time of making such application, which application shall only be made at a regular meeting of the Board of Supervisors; and such notice shall state with particularity the starting point, the course and terminus thereof, if a new road; and if an alteration or vacation of an established road, such proposed alteration or vacation shall be set forth in like manner.

Petition.

SEC. 3. Upon the day specified in any notice of the character described in the previous section, the person or persons giving such notice shall complete the proposed application by petition to the Board of Supervisors, which petition shall be signed by at least five citizens of the county residing in the vicinity of such road, and shall set forth the same matter contained in said notice, and shall ask for the appointment of Viewers to view said proposed location, alteration or vacation, and the final confirmation and establishment thereof; and the joining of any person in such petition shall be considered as a waiver of all right to damages arising from the location of such road through any lands owned or claimed by such petitioner and the dedication of them to public use as a highway. Proof shall also be made to the Board of Supervisors, upon the affidavit of some competent person, of the posting of the notices required in the second section of this Act; *provided*, that when the owner or claimant is a minor, idiot or insane person, notifying the legal guardian of such minor, idiot or insane person shall be sufficient, and shall be set forth in the affidavit. The notice as provided in the foregoing sections shall be all that shall be necessary to give the Board of Supervisors complete jurisdiction in the premises.

Proof of notice.

Former Act to apply.

SEC. 4. Sections three and four of an Act entitled an Act to provide for the establishment, maintenance and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, are hereby made applicable to the County of San Mateo.

Appoint-
ment of Road
Viewers.

SEC. 5. Upon the filing by the petitioners, or some of them, of a sufficient bond for the payment of the costs of the location, alteration or vacation of the proposed road, and proof of the notice required in the second section of this Act, together with the affidavits required in the third section of this Act, at the time specified in said notice, the Board of Supervisors shall appoint, as Road Viewers, three disinterested citizens, one of whom shall be a practical surveyor, and shall place in the hands of such Road Viewers the petition for the road which they are to view, together with all applications for damages in the premises; and upon a day named by the Supervisors, within five days thereof, after taking an oath to perform faithfully the duties devolving upon them by law as such Road Viewers, they shall proceed to view the proposed location, alteration or vacation,

and shall decide whether such proposed location, alteration or vacation is required for public convenience; and they shall take into consideration private as well as public interest. If, in the opinion of the Viewers, the prayer of petitioners is reasonable, and the location, alteration or vacation necessary to the public, they shall take to their assistance two chainmen and a marker, who shall be sworn by one of the Road Viewers, who are each hereby authorized to administer all oaths required by this Act, and shall proceed to survey said proposed location or alteration, and shall distinctly mark the commencement, the courses, distance and termination of said route; and the surveyor shall make a plat and field notes of said survey, which shall be filed as a part of the report of said Viewers. At or before the first day of the regular meeting of the Board of Supervisors next succeeding that at which Road Viewers have been appointed, as provided by this Act, or at or before such special meeting of said Board as they may by order appoint for that purpose (but twenty days at least shall intervene between such special meeting at which said Viewers are appointed), they shall file with the Clerk of the Board of Supervisors a report of their proceedings in the premises, in which they shall set forth:

To define route.

Report.

First—Who of them were present.

Second—Whether such location, alteration or vacation is or is not advisable.

Third—The expenses of the Viewers and survey.

Fourth—The amount of damages sustained separately by each applicant for damages, and the township in which the land for which damages have been awarded is situated.

Fifth—The total amount of damages that shall be awarded in each township through which the proposed road passes. The said Viewers, in estimating the damages that any one will receive by reason of the location or alteration of said road, may take into consideration the benefits that such person will receive by reason of said location or alteration, as an offset to said damages.

SEC. 6. Upon the first day of the regular meeting of the Board of Supervisors next succeeding that at which the Road Viewers were appointed, or at a special meeting, as provided in section five of this Act, the Board of Supervisors shall proceed to consider all the matters touching the original petition for the location, alteration or vacation of any road, and all subsequent proceedings had therein, in connection with the report of the Viewers on file, and such evidence as parties interested may introduce touching the same; and if in their opinion the public good and convenience require that the proposed location, alteration or vacation should be established, they shall confirm the report thereon in whole, or in part, as they may deem advisable, and establish said location or alteration, or as much thereof as they may deem advisable, as a public highway; in which case the damages assessed and the costs which have accrued shall be paid out of the Road Fund of the respective townships through which the road passes, each township paying such pro rata of said damages and costs as shall be ascertained and determined by the Board of Supervisors; *provided*, the Board of Supervisors may make the establishment of said road, or alteration, condi-

Supervisors to confirm.

tioned upon the payment by the petitioners of all or any part of the damages assessed, or the costs which may have accrued, or both the damages and costs. If, in the opinion of the Board of Supervisors, the proposed location, alteration or vacation is not necessary for the public good, or is not of sufficient importance to warrant the action asked for, they may refuse to confirm the report of the Viewers, and may discontinue proceedings in the premises; and they shall then direct the District Attorney to collect the expenses which may have accrued during the progress of the proceedings had in the premises, upon the bond hereinbefore provided for in this Act. Whenever the Board of Supervisors shall ascertain and determine the pro rata of damages and costs to be paid by the several townships, as above provided, they shall cause an order to that effect to be entered in the minutes of the Board, and it shall be the duty of the Clerk of the Board to transmit, without delay, a certified copy of said order, or so much thereof as may be applicable to the township to be affected thereby, to the Clerk of the Board of Trustees of the several townships to be affected thereby. The Boards of Trustees of the respective townships affected by said order, at their first meeting after the receipt of said certified order from the Clerk of the Board of Supervisors, shall draw a warrant in favor of the Clerk of the Board of Supervisors, upon the Road Fund of the township, and cause the same to be paid, and the money to be transmittable without delay to the Clerk of the Board of Supervisors, to be by him paid to the parties entitled thereto, provided there is sufficient funds in the Township Treasury applicable thereto; if there are not sufficient funds in the Township Treasury applicable to the payment thereof, then said warrant shall be registered by the Township Treasurer and paid as other warrants are, subject to all laws applicable to the payment of demands against the township. Whenever the Clerk of the Board of Supervisors shall pay to any one the amount of damages which may have been awarded to him under the provisions of this Act, he shall take a receipt from said party, and file the same in the office of Clerk of the Board of Supervisors, and shall make a memorandum of the said payment in the minutes of the Board. No road shall be opened under the provisions of this Act until all damages have been paid to the parties entitled thereto, or have been deposited with the Clerk of the Board of Supervisors, and to be paid by him as aforesaid.

SEC. 7. Whenever any public road is established, as contemplated in this Act, it shall be recorded by the Clerk of the Board of Supervisors in a book to be kept for that purpose, which book shall be called the "Road Record." Upon the final establishment of any road, and the payment or depositing with the Clerk of the Board of Supervisors of the damages and costs finally awarded, the Clerk of the Board of Supervisors shall, within ten days thereafter, notify the several Township Trustees, through which said road passes, of the establishment thereof, and furnish them with a specific description of said road; and it shall be the duty of such Township Trustees to cause such road to be opened within thirty days from the reception of such notice, unless there were at the time of locating such road growing crops upon the ground affected by such road, in which case it shall be

Or reject.

Damages and costs to be paid.

Before road opened.

Record.

Duty of Trustees.

the duty of the Township Trustees through whose township said road passes to cause such road to be opened within thirty days after the harvesting of such crops.

SEC. 8. Any person or persons desiring to establish a road for private use and convenience, and which is not intended for the travelling public generally, may do so by the consent of the parties owning land affected thereby; but such consent, together with a specific description of the proposed private road, and the conditions in reference to gates, inclosures or other matters agreed upon, shall be filed with the Board of Supervisors or their Clerk; and upon the filing of such consent and specific description such road shall be recorded in the Road Record of the county, and shall become, to all intents and purposes, a private road for the use of the parties interested; *provided*, that the parties for whose benefit such roads are established shall keep them in repair at their own expense.

SEC. 9. No private or public road shall be opened, or any alteration thereof made, until all claims for damages shall have been settled and determined; *provided*, that [if] any person over whose land such road shall pass shall fail to present his claims for damages to the Board of Supervisors as prescribed in this Act, within the time prescribed, said person shall be deemed to have dedicated the land over which such road shall pass to public use, and such person shall be forever barred from bringing any action for damages therefor, or from bringing or commencing any suit or proceedings whereby said road might be defeated and vacated.

SEC. 10. The Board of Supervisors shall have power to cause to be printed in pamphlet form such local laws as may be exclusively applicable to San Mateo County, at a cost not to exceed the sum of one hundred and fifty dollars, to be paid out of the General Fund of said county.

SEC. 11. Any person performing any service in this Act in reference to the view, location or survey of roads, shall receive as compensation the following per diem, to wit: Road Surveyor, five dollars; Viewers, three dollars each; Markers and Chainmen, three dollars each; which shall be paid as in this Act provided.

SEC. 12. The Board of Trustees of the several townships of San Mateo County shall have the entire and exclusive management, control and supervision of all the public roads in said county; each township managing, controlling and supervising so much of the public roads as lie within their townships respectively; and all expenses incurred or to be incurred in the construction, repairs or keeping in order the public roads of said county shall be borne and paid by the several townships through which said roads pass—each township paying the expenses incurred in the construction and repairs of so much of said roads as may lie within their townships, respectively.

SEC. 13. The Trustees of the several townships of said county may divide their several townships into not more than two road districts, and shall appoint some suitable Roadmaster for each district, who may be required by the Trustees to give such bond for the faithful discharge of their duties as they may think proper, in the sum not exceeding eight hundred dollars, and

who shall hold their office during the pleasure of the Board of Trustees. Said Roadmasters shall perform such labor and services on the public roads of their respective districts as the Board of Trustees may, from time to time, by an order to be entered upon their minutes, direct; *provided*, that in no case shall the Board of Trustees have power to authorize the expenditure (including the per diem of such Roadmaster) by a Roadmaster, of more than fifty dollars in any one month; and said Trustees shall not have power to authorize the payment, nor shall any officer of any township be authorized to pay, out of any funds belonging to the township, any greater sum or amount for any one month to any one Roadmaster than fifty dollars; and *provided* further, that said Trustees shall fix the per diem that each Roadmaster shall receive, but in no case shall said per diem be greater than three dollars, to be paid out of the Road Fund of the township. All the accounts of the Roadmasters of the several townships of said county shall be passed upon, and allowed or rejected, as now provided by law.

Work to be done by contract.

SEC. 14. The construction and all repairs and improvements necessary to be made upon the public roads and bridges of said county, the cost of which will exceed fifty dollars, shall be made by contract, let to the lowest responsible bidder after notices shall have been posted in at least two public places in the township—one of which notices shall be posted in some public place in the road district where the improvement is to be made—at least ten days before the time for opening the bids on such contract. Said notices shall state the locality of the road or bridge to be constructed, repaired or improved, the time when the several bids will be opened; and the Board of Trustees shall draw up plans and specifications of the character of the improvements or repairs to be made, which shall be left with the Clerk of the Board of Trustees for the inspection of all persons wishing to bid for the contract; and said notices shall specify where said plans and specifications can be seen. The said Board may, in their discretion, reject all bids on said contract or contracts. Said Board of Trustees shall have power, in their discretion, to let out by contract, in the same manner as is provided for the construction, repairs and improvement of public roads, the keeping in repair and good order such of the public roads, or such sections of the public roads, in their respective townships as they may see fit, and for such length of time as said Trustees may see fit, not exceeding one year. All persons entering into such contracts with said Trustees shall enter into a bond, with two good and sufficient sureties, in a sum equal to the contract price of the work to be performed, conditioned for the proper performance of such contract.

Road tax to be levied.

SEC. 15. The Board of Supervisors of San Mateo County shall, at the time of levying the county taxes, also levy for each township, upon the taxable and assessed property therein situated, according to the assessment roll completed and equalized for the fiscal year then current, such taxes as the Trustees of the several townships respectively shall direct, said taxes not to exceed two dollars on the one hundred dollars valuation of taxable property. Said taxes shall be collected by the same officers and in the same manner as State and county taxes, and

shall be paid over to and retained in the hands of the County Treasurer, to be by him paid over to the several Boards of Township Trustees entitled thereto, and for whom said taxes were levied and collected. Said taxes, levied and collected as aforesaid, shall constitute and be known as the "Township Road Fund," and shall be applicable only to the payment of the Roadmasters, Township Trustees, Township Clerk, Township Treasurer, and for the construction, repairs and improvement of public roads and highways and the necessary expenses incidental thereto.

SEC. 16. The Township Trustees shall receive for their services, only while engaged in actual sessions of the Boards, three dollars per day, to be paid by the Township Treasurer, upon the certificate of the Township Clerk, out of the Road Fund of the township. Pay of Trustees.

SEC. 17. Neither the Board of Trustees, nor the Board of Supervisors, nor any officer, officers or authority, shall have power to contract any debt against any township in the County of San Mateo, and no person or property therein shall ever be liable to be assessed, or be subject to taxation in any form, to provide for the payment of any debt hereafter contracted, or of any claims against any township, except such legal and proper expenses thereof as shall accrue after the commencement of the fiscal year for which the tax shall be levied; and no part of the moneys levied and collected by taxation for one fiscal year shall ever be applied towards the payment of any expenses, debt or liability incurred during any preceding fiscal year. It is moreover declared that the fiscal year commences on the first day of July and ends on the thirtieth day of June. Income of county to pay only legal current expenses.

SEC. 18. The Board of Supervisors of San Mateo County shall have power to levy a road tax on all able-bodied men between the ages of twenty-one and fifty years, which tax shall not exceed the sum of four dollars, payable in gold or silver coin. The Board of Supervisors shall cause proper blank road tax receipts to be printed, of uniform appearance, which shall be numbered consecutively and signed by the Chairman thereof. No other receipts for road tax than the above mentioned shall be used in the collection of said road tax. Road poll tax.

SEC. 19. The Chairman of the Board of Supervisors, after having numbered and signed such receipts as shall be required by the several townships, shall deliver the same to the County Auditor, taking his receipt therefor. The Auditor shall sign said road tax receipts and issue to each of the several Boards of Township Trustees such number of said receipts as may be needed by them. The Auditor shall be furnished with a well bound book by the Supervisors of the county, in which he shall keep a just and true account of debit and credit with the Trustees of each township. Receipts.

SEC. 20. The Roadmasters of such road district of each township shall be ex officio collector of said road poll tax in his district, which shall hereafter, in all cases, be payable and collected in cash, and in United States gold and silver coin; and for that service he shall receive such commission on the amount actually Collection.

collected as the Board of Trustees shall have previously fixed, not exceeding fifteen per cent.

Delinquents. SEC. 21. If any person liable to pay a road poll tax under the provisions of this Act shall refuse to pay the same after personal demand made by the Road Tax Collector provided for in this Act, the Road Tax Collector shall seize so much personal property belonging to such delinquent as shall be sufficient to pay the tax and costs, and shall sell the same at public auction to the highest bidder, for cash, after giving one hour's notice by public proclamation of the time and place of sale; and in default of bidders, the sale may be postponed once or more by proclamation, not to exceed five days in all. If the person liable to pay such road poll tax shall be in the employ of any person at the time such demand shall be made as above provided for, and shall neglect or refuse to pay said road poll tax, then the said Collector shall have power, and it shall be his duty, to examine said employer under oath as to the fact whether he is indebted to said employé in any sum, and how much. If said employer shall be indebted to said employé in any sum sufficient to pay said tax, then said Collector shall have power to collect the amount of said tax from said employer by the seizure and sale of personal property belonging to said employer, in the same manner as is provided for the sale of personal property belonging to the person originally liable to pay said tax; and the said employer may deduct from the wages of said employé whatever he may be necessarily compelled to pay for said tax upon settlement with said employé. Whenever any employer shall pay the road poll tax of any employé, the Road Tax Collector shall give to him paying said tax a receipt specifying the tax, the amount, and from whom paid, which receipt shall be sufficient evidence of the facts therein recited. In the event said Collectors have to resort to a sale of personal property to pay said tax, then, in addition to the percentage for collection allowed by the Board of Trustees, they shall be entitled to collect and receive out of the property so sold the additional sum of two dollars, as costs.

Proceeds. SEC. 22. All moneys collected from road poll tax shall belong to the township in which it may be collected, and shall constitute a portion of the Road Fund of said township, and shall be paid over to the Township Treasurer as now provided by law.

Receipts not used. All road tax receipts which shall not have been used by the several Collectors, and which may be in their possession, shall, at the regular meeting of said Trustees, in December, be delivered up to said Board of Trustees; and said Collectors shall be responsible, on their official bond, for the amount for which each tax receipt delivered to them by the Board of Trustees for collection would call for under the law, unless said tax receipt shall be re-delivered to said Board of Trustees.

Obstructing highways. SEC. 23. Any person wilfully obstructing any public or private road, by fencing across the same or changing the same in any manner, without first having proceeded to change the road in the manner hereinbefore set forth, or shall obstruct any public road in any manner, or shall injure any bridge or causeway, or remove any portion thereof, or by damming or digging a creek or river or its banks so as to destroy a ford or crossing, or

dig a ditch and not bridge the same the full width of the road, within twenty-four hours thereafter, by placing good and substantial timbers across the same, not exceeding six feet apart, and planking the same with plank not less than three inches in thickness and twelve feet in length, unless permission shall have been granted by the Roadmaster of the district to build a bridge of a less size (but in no case to be less than fourteen feet in width), shall be guilty of a misdemeanor, and be liable to a prosecution before any Justice of the county upon the complaint of any person, and on conviction thereof shall be fined in any sum not exceeding two hundred dollars, or be imprisoned in the County Jail, or be both fined and imprisoned. After deducting the costs of prosecution the balance of the fine shall be paid into the Treasury of the township where the misdemeanor was committed, and be placed to the credit of the Township Road Fund.

SEC. 24. Sections six, nine, ten, eleven, twelve and thirteen of an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six, are hereby repealed; and all other laws or parts of laws inconsistent or in conflict with the provisions of this Act are hereby repealed. Acts repealed.

SEC. 25. This Act shall take effect and be in force from and after its passage.

CHAPTER CCLXXII.

An Act to create a Contingent Fund for the County of Kern.

[Approved March 25, 1868.]

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

SECTION 1. The Board of Supervisors of Kern County are hereby authorized and directed, in each and every year, to set apart as a separate fund one half the proceeds of all foreign miners' license collected in said county, after deducting that portion dedicated to the School Fund thereof; which shall be known as the "County Contingent Fund," and shall be subject to the order of the Board of Supervisors in payment for necessary books, stationery, fuel, lights, postage and expressage for the use of said county. Foreign miners' licenses.

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

CHAPTER CCLXXIII.

An Act to amend an Act entitled an Act in relation to the Board of Supervisors of the County of Butte, to define their powers and duties, and other matters relating thereto, and to reduce public expenses and taxation in said county, approved April fourth, eighteen hundred and sixty-four.

[Approved March 25, 1868.]

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

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

Claims
against
county.

Section 4. Every person having a lawful claim payable out of the County Treasury of said county, or out of any public funds of said county, shall, within six months after it accrues, present a demand therefor, in writing, signed by him or his agent, and verified by affidavit, stating minutely what the claim is for, by what particular provision of law its payment out of the Treasury is authorized, and specifying each several item with the proper date and amount thereof; *provided*, that the compensation of jurors and witnesses, as far as the same are authorized by law to be paid out of the County Treasury, shall be paid in the same manner as they are now authorized to be paid; *provided* further, that if said demand be for official salaries or any other claims the payment whereof out of said County Treasury is expressly authorized by statute, and the precise amount fixed by law, and the Board of Supervisors having no power to reject or change the same, then they shall be allowed and paid as now authorized by law.

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

CHAPTER CCLXXIV.

An Act to authorize the Tax Collector of the City and County of San Francisco to appoint certain deputies and clerks in lieu of those now allowed by law.

[Approved March 25, 1868.]

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

Assistants
and salaries:

SECTION 1. The Tax Collector of said city and county shall be allowed, in lieu of the deputies and clerks now allowed by law, one Chief Deputy [and] one Cash Deputy, each at a monthly salary of two hundred dollars; three General Deputies, each at a monthly salary of one hundred and fifty dollars; also, extra clerks at salaries at the rate of one hundred and fifty dollars per month each, for the time actually employed; *provided*, said Tax Collector shall not be allowed exceeding twelve thousand

dollars for salaries of all such deputies and clerks during any one fiscal year.

SEC. 2. The Auditor of said city and county is hereby directed ^{Payment.} to audit and the Treasurer to pay, in United States coin, out of the General Fund of said city and county, the several salaries herein provided for, all demands therefor to be first approved and certified as correct by the said Tax Collector.

SEC. 3. The clerks herein provided for shall not have power ^{Power limited.} to receipt for moneys or administer oaths in matters appertaining to said office.

SEC. 4. This Act shall take effect and be in force from and after its passage; and all Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

CHAPTER CCLXXV.

An Act to amend an Act entitled an Act to provide for the maintenance of the indigent sick of Klamath County, approved January eleventh, eighteen hundred and sixty-six.

[Approved March 25, 1868.]

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

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

Section 1. The Board of Supervisors for Klamath County are ^{May levy tax} hereby empowered to levy annually and cause to be collected in said county, at the same time and in the same manner as are other taxes in said county, such special per capita tax as they may deem necessary, not to exceed the sum of three dollars for each male inhabitant of said county between the ages of eighteen and sixty years; and *provided*, that if any person liable to pay said tax, and against whom such tax may be levied, shall neglect or refuse to pay the same on or before the first Monday in August in the year when such tax may be levied, such person so neglecting or refusing shall be liable to pay one dollar in addition to the tax levied, and it shall be the duty of the Collector to collect the same; twenty-five cents of the extra dollar shall be retained by the Collector as fees for collecting, and the remaining seventy-five cents shall be paid into the fund created by this Act.

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

Section 3. The Auditor of said county shall cause to be provided blank receipts for the tax herein provided, which receipts ^{Receipts.} shall be signed by the Treasurer and countersigned by the Auditor; and the Auditor shall deliver the same to the Collector, taking his receipt for the same and making a registry of the same, with the numbers thereof, in a book to be kept by him for that purpose.

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

CHAPTER CCLXXVI.

An Act amendatory of and supplemental to an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

[Approved March 25, 1868.]

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

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

Bonds to be issued.

Section 8. The said Mayor and Common Council shall, from time to time, as the said road may be completed in sections of not less than one mile, issue to said company bonds in the proportion to which the whole amount subscribed shall bear to the total number of miles from Los Angeles City to the Bay of San Pedro. The said Mayor and Council shall by order direct the President of said Council and City Treasurer, who for that purpose, and their successors in office, shall constitute a Board of Commissioners to be styled the Loan Commissioners of said city, as such Loan Commissioners, to issue bonds in sums of five hundred and one thousand dollars, in equal proportions, for such amount of said subscription to said capital stock as said Board of Commissioners may direct. Said bonds shall draw interest at the rate of ten per cent. per annum from the date of their issue, and the principal thereof shall be made payable on a day specified, to be named in said bonds, which shall be fifteen years after the date of their issue, at the office of the Treasurer of said county, or in the City of San Francisco, at the option of such railroad company. The interest accruing on said bonds shall be due and payable semi-annually, so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day to be named, in coupons, at the said Treasurer's office, or in the City of San Francisco, as before provided for the payment of the principal of said bonds. Said bonds shall be signed by the Mayor, President of the Council and City Treasurer, as such officers and ex officio Loan Commissioners; and when so signed shall be presented by the Mayor to the Clerk of said city, who shall countersign the same as such Clerk, in the presence of a quorum of said Board, at a meeting thereof; and it shall be the duty of said Council to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date and amount of such bonds so countersigned by such Clerk. And upon the countersigning of said bonds it shall be the duty of said Council to cause the seal

Interest.

Preparation of bonds.

Delivery.

of said city to be affixed to each bond, and appoint a committee of two of their number to deliver said bonds to said railroad company to whom the same shall be issued; and it shall be the duty of such committee to take a receipt from the Secretary of said railroad company for the bonds so delivered by them, setting forth the numbers, dates and amount of the bonds so delivered, and report the same to the Council; *provided*, that in no event shall any bonds be issued and delivered to said company, except as said road is constructed, and in the proportion which the number of miles thus constructed bears to the whole number of miles from the City of Los Angeles to the Bay of San Pedro.

CHAPTER CCLXXVII.

An Act in relation to the sureties on the official bond of Thomas Norwood, late Treasurer of Tuolumne County.

[Approved March 25, 1868.]

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

SECTION 1. C. Labetouro, Samuel Norwood, Josiah Hall, M. E. Hughes, J. C. Smith, George Morgan, F. Gandin, J. Monahan, B. A. Mardis, J. J. Franklin, G. C. Bush, H. C. Shulz, T. N. Willis, Albert O. Smith, J. E. Edmiston, T. Brodigan, J. M. Gandin, Andrew Rocco, F. Weyer, John Pereira, Allen Oliver, A. M. Mitchell, William Shine, Dennis Fahy, Philip Reed, J. A. Bogle, D. J. Hurley, F. McCarty, J. W. Loring, Jacob Wedl, Daniel Shane, J. Bixel, Peter Oliver, John Shaw, Daniel McLean, John Mundorf, Harris Joseph, J. Snider, S. S. Turner, Henry Schuler, P. A. Campbell, T. B. Woods, John Perano, James Burns, George C. Lucas, Benjamin Lawhead, L. F. Jarvis, John Bauman, David McKee, Compte Xavier, Joseph Ede, O. Cazeaux, P. Shine, Charles S. Johnson, S. M. Miller, M. McMahan, L. Brunet, M. J. Rehm, John Wainwright, Isaac Desber, William Burbridge, W. W. Fletcher, Bernardino Casaretto, Thomas Simmons, C. Dorsey, A. McLean and R. Hessian, sureties upon the official bond of Thomas Norwood, late Treasurer of Tuolumne County, shall each be released from all obligations upon the official bond of said Thomas Norwood, as Treasurer of Tuolumne County, upon the payment, by each of said sureties respectively desiring to be released, to the Treasurer of Tuolumne County, in gold coin of the United States of America, on or before the fifteenth day of May, A. D. eighteen hundred and sixty-eight, his due proportion of eleven thousand eight hundred and forty-one dollars and seventy-two cents, together with all costs that shall have accrued in any suit at law for the recovery of such moneys—that sum being the amount of the alleged defalcation of the said Thomas Norwood as Treasurer of Tuolumne County. Sureties.
May be released.

SEC. 2. Upon the payment of his due proportion of the sum

Upon pay-
ment of pro-
portion of
bond, with
costs.

of money mentioned in section first of this Act, by any surety named therein desiring to be released, in the manner therein provided, such due proportion to be ascertained by the District Attorney of said county, all actions against such surety so paying his due proportion of said sum as surety upon the official bond of said Thomas Norwood shall cease, and the District Attorney of the proper county is hereby directed to discontinue all actions commenced against any of the aforesaid sureties who shall make payment in accordance with the provisions of this Act; *provided*, the release hereby granted to the surety or sureties making payment in accordance with the provisions of this Act shall not be construed as a release to any of the sureties upon the official bond of the said Thomas Norwood who shall fail to make payment in accordance with the provisions of this Act.

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

CHAPTER CCLXXVIII.

An Act to amend an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

[Approved March 25, 1868.]

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

SECTION. 1. Section second of the Act to which this Act is amendatory is hereby amended so as to read as follows:

Board to ex-
amine books,
etc. of Con-
troller and
Treasurer.

Counting
of moneys.

Section 2. It shall be the duty of said Board, as often as it may be deemed proper, to examine the books of the Controller and Treasurer, the accounts and vouchers in their office, and to count the money in the Treasury; and for the purpose of discharging the duties imposed on it by this Act, the said Board is authorized to demand, and the Controller and Treasurer are hereby required to furnish the said Board, without delay, such information as it may demand touching the books, papers, vouchers or matters pertaining to or cognizable in their offices, respectively; *provided*, that the counting of the moneys in the Treasury shall take place at least once a month, without the said Board giving the Treasurer any previous notice of the hour or day of said counting; and *provided* further, that said Board may at any counting place any sum in bags or boxes and weigh each bag or box separately, and mark the same with the weight thereon plainly specified, and place thereon a seal to be kept by them, and may at subsequent countings count or re-weigh each bag or box separately and estimate the contents of such bags or boxes as part of the money counted by them, without making a detailed count of such contents.

CHAPTER CCLXXIX.

An Act to fix the salary of the Superintendent of Common Schools in the Counties of Calaveras and Amador, and to prescribe the manner of paying the same.

[Approved March 25, 1868.]

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

SECTION 1. The Superintendents of Common Schools of the Counties of Calaveras and Amador shall receive for services required of them by law a salary of fifty dollars per month each, to be paid monthly as herein provided. Salary.

SEC. 2. The County Auditor of the respective counties named in section one of this Act shall, on the first Monday in each month, draw his warrant on the County Treasurer in favor of the Superintendent of Common Schools in his county, for the amount of salary due him for the preceding month, which warrant shall be paid by the County Treasurer, on presentation, out of the General Fund of the county. Payment.

SEC. 3. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

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

CHAPTER CCLXXX.

An Act to authorize the Trustees of the City of Petaluma and their successors in office to execute a certain trust.

[Approved March 25, 1868.]

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

SECTION 1. The Trustees of the City of Petaluma, and their successors in office, are hereby authorized and empowered to execute the trust declared, or intended to be declared, in an Act of Congress approved March first, eighteen hundred and sixty-seven, entitled an Act to quiet title to land in the Towns of Santa Clara and Petaluma, in the State of California, in so far as the said Act of Congress applies to the City of Petaluma, and according to the true intent and meaning of said Act. Authorized.

SEC. 2. The said Trustees and their successors in office are hereby further authorized and empowered, in the execution of said trust, to give and grant by deed, duly executed and delivered, to the party or person entitled thereto under the said Act of Congress, and according to the true intent and meaning thereof, and not otherwise; *provided*, however, that the President of the said Trustees, upon being so directed by an order To give deeds.

In case of
contest.

duly entered in the minutes of the proceedings of such Trustees, may execute and deliver such deed; and *provided* further, that in all cases of dispute or contest, the parties or persons disputing or contesting shall settle and determine their respective rights in the Courts of this State; and the said Trustees shall, in no case of dispute or contest, make, execute or deliver a deed to either disputant or contestant until a final determination of the rights of the parties in the Courts as herein provided; the necessary expense of making the deeds and acknowledgment to be in all cases paid by the grantee therein.

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

CHAPTER CCLXXXI.

An Act for the relief of the Common School Fund of Butte County.

[Approved March 25, 1868.]

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

Warrants
belonging to
School Fund.

SECTION 1. The Board of Supervisors of Butte County are hereby authorized to take from the County Treasury all the county warrants belonging to the Common School Fund of said county, and to compute the interest on said warrants, and to enter on their journal the amount of the interest and the amount of the principal, separately.

How dis-
posed of.

SEC. 2. The County Auditor is hereby directed to draw two warrants on the County Treasurer, the one for the principal aforesaid and the other for the interest aforesaid, the first to bear interest at ten per cent. per annum, and the second to bear no interest; and the Chairman of the Board of Supervisors shall present the warrant bearing interest to the Treasurer, who shall indorse on it as follows: "This warrant belongs to the Common School Fund of Butte County;" and shall date and sign said indorsement, and give to said Chairman duplicate receipts for said warrant, one of which shall be filed with the Board of Supervisors, and one with the Auditor; and said Treasurer and his successors in office shall be liable on their official bonds for the safe keeping of said warrant; and said Treasurer shall pay, out of any money in the General Fund not otherwise appropriated, on the first day of July and January of each year, the interest then due on said warrant to the Common School Fund of said county, to be apportioned as other moneys belonging to said fund; and said Treasurer is hereby directed to pay, out of the same funds and in the same manner and at the same time as above specified, the said interest warrant, in two equal payments, to the said Common School Fund, to be apportioned as aforesaid.

Interest
warrant.

SEC. 3. It shall be the duty of the Chairman of the Board of Supervisors to retain possession of said interest warrant until the same is fully paid, and to see that this Act is faithfully ex-

cuted. The Board of Supervisors shall cancel and destroy the original warrants on which the two warrants herein provided for were issued.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCLXXXII.

An Act to authorize the Board of Supervisors of Tulare County to re-district the County of Tulare into Supervisor Districts.

[Approved March 25, 1868.]

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

SECTION 1. The Board of Supervisors of Tulare County are hereby authorized to re-district the County of Tulare into Supervisors' Districts, and to alter the same from time to time, as the public convenience may require. Authorized.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCLXXXIII.

An Act amendatory of and supplemental to an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight.

[Approved March 25, 1868.]

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

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

Section 6. The said Board of Supervisors of Los Angeles County shall, from time to time, as the said railroad may be completed in sections of not less than one mile, issue to the said company bonds in the proportion which the whole amount subscribed shall bear to the total number of miles of the road from Los Angeles to the Bay of San Pedro; and the said Board shall by order direct the Chairman of said Board of Supervisors, the County Treasurer and County Auditor of said county—who for that purpose, and their successors in office, shall constitute a Board of Commissioners to be styled the Loan Commissioners of said county—as such Loan Commissioners, to issue bonds in Bonds to be issued.

sums of five hundred and one thousand dollars, in equal proportions, for such amount of said subscription to said capital stock as said Board of Supervisors may direct. Said bonds shall draw interest at the rate of ten per cent. per annum from the date of their issue, and the principal thereof shall be made payable on a day specified, to be named in said bonds, which shall be fifteen years after the date of their issue, at the office of the Treasurer of said county, or in the City of San Francisco, at the option of such railroad company. The interest accruing on said bonds shall be due and payable semi-annually so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day to be named, in coupons, at the said Treasurer's office, or in the City of San Francisco, as before provided for the payment of the principal of said bonds. Said bonds shall be signed by the Chairman of the Board of Supervisors, the Auditor and Treasurer of said county, as such officers and ex officio Loan Commissioners; and when so signed shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same as such Clerk, in the presence of a quorum of said Board, at a meeting thereof. And it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date and amount of such bonds so countersigned by such Clerk. And upon the countersigning of said bonds, it shall be the duty of said Board of Supervisors to cause the seal of said county to be affixed to each bond, and appoint a committee of two of their number to deliver said bonds to said railroad company to whom the same shall be issued; and it shall be the duty of such committee to take a receipt from the Secretary of said railroad company for the bonds so delivered by them, setting forth the numbers, dates and amount of the bonds so delivered, and report the same to the Board of Supervisors; *provided*, that in no event shall any bonds be issued and delivered to said company, except as said road is constructed, and in the proportion which the number of miles thus completed bears to the whole number of miles from the City of Los Angeles to the Bay of San Pedro.

When and where payable.

Preparation of bonds.

Delivery.

CHAPTER CCLXXXIV.

An Act to authorize the Board of Trustees of the City of Nevada to levy an additional tax for city expenditures.

[Approved March 25, 1868.]

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

For city expenditures.

SECTION 1. The Board of Trustees of the City of Nevada are hereby authorized and empowered to levy, for the years ending in May, eighteen hundred and sixty-nine and eighteen hundred and seventy, fifty cents, in each year, on the one hundred dol-

lars of taxable property of said city, in addition to the tax now authorized by law to be levied and collected in said city, for city expenditures; and the income derived from the levy under the provisions of this Act shall be paid into the General Fund of said city, to be expended in the same manner as other moneys in said fund.

SEC. 2. The tax authorized to be levied in section one of this Act shall be collected at the same time and in the same manner as other taxes for city purposes are authorized by law to be collected. Collection.

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

CHAPTER CCLXXXV.

An Act in relation to the funded indebtedness of Calaveras County, and to provide for the funding of unpaid claims against said county.

[Approved March 25, 1868.]

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

SECTION 1. The Chairman of the Board of Supervisors, the Treasurer, the Auditor and the County Clerk of Calaveras County, and their successors in office, are hereby appointed the Fund Commissioners of said county. Fund Com-
missioners.

SEC. 2. It shall be the duty of the Board of Supervisors of Calaveras County, and they are hereby authorized and required, to cause to be prepared bonds of said county of the denominations of one hundred dollars and five hundred dollars, equal in amount to the bonds of said county now due and unpaid, and that will become due prior to the first day of January, eighteen hundred and seventy-one, added to the unfunded indebtedness that shall have accrued prior to the first day of June, eighteen hundred and sixty-eight, not to exceed in all one hundred and fifteen thousand dollars. Each of said bonds shall express on its face that the said County of Calaveras is indebted to the holder thereof in the sum of one hundred dollars, or five hundred dollars, as the case may be, and that the faith and credit of the county are pledged to the payment of the same. Said bonds shall draw interest at the rate of eight per cent. per annum from the date of their issue, and the principal thereof shall be made payable on a specified day to be named in the bonds, which shall be twenty-five years from the date of their issue, at the office of the Treasurer of said county. The interest on said bonds shall be due and payable annually at said Treasurer's office, on the first day of January of each year, so long as said bonds are outstanding and unpaid; both principal and interest of said bonds to be payable in United States gold coin, dollar for dollar. Said bonds shall be signed by the Chairman of the said Board of Supervisors, by the Auditor and Treasurer of said county, as such officers, and when so signed shall be presented To issue
bonds.

Description.

Interest.

Record. by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same as such Clerk, in the presence of a quorum of such Board, at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date and amount of each bond so countersigned by such Clerk; and upon the countersigning of said bonds it shall be the duty of the Board of Supervisors to cause the seal of said county to be affixed to each bond.

Coupons. SEC. 3. Coupons for the interest shall be attached to each bond, so that the coupons may be removed without mutilation to the bond. Said coupons shall be signed by the said County Treasurer. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupon for the interest then due and paid, and deliver the same to the Clerk of said county, taking his receipt therefor, whose duty it shall be to file the same in his office and make a report thereof at the next meeting of the Board of Supervisors.

Tax to pay Principal and interest. SEC. 4. It shall be the duty of the Board of Supervisors, and they are hereby empowered, authorized and required, annually, at the time of levying State and county taxes, to make an estimate, based upon the assessed value of taxable property in the county of the previous year on which taxes were collected, of the amount required to create an Interest Fund to pay the interest that will become due on the bonds herein provided for during that year; and also, on the same basis, to make an estimate of the amount that will be required to create a Sinking Fund equal to four per cent. of the principal of the bonds authorized to be issued under the provisions of this Act; and thereupon said Board of Supervisors is hereby authorized and required to levy such tax as, upon the basis herein mentioned, shall be found necessary to create the Interest and Sinking Funds herein provided for. If, from any cause, said tax shall fail to be levied to create said Interest and Sinking Funds, or if from any cause the tax levied for any year shall be insufficient to pay the interest and create the Sinking Fund for the year for which it was levied, it shall be the duty of the Board of Supervisors, and they are hereby authorized, empowered and required, on the following year, at the time of levying taxes, to levy an additional tax sufficient to meet the deficiency.

Collection and disbursement. SEC. 5. The taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected shall be paid to the County Treasurer, who shall account for and deliver the same to the Fund Commissioners, to be by them applied:

First—The interest tax, to the payment of the interest falling due on said bonds.

Second—The Sinking Fund, to the redemption of said bonds as herein provided.

Surplus. SEC. 6. If there shall be collected as interest tax, in any one year, a sum greater than is required to pay the annual interest on said bonds issued under the provisions of this Act, the said

Fund Commissioners shall pass over such surplus into the Sinking Fund.

SEC. 7. It shall be the duty of said Fund Commissioners to make arrangements for the payment of the interest on said bonds when the same falls due, at least thirty days before the time of payment; and in the event the said Interest Fund is insufficient, the Treasurer shall draw on the General Fund of the said county for such purpose and deliver the same to said Fund Commissioners; and in the event that those funds prove inadequate, the said Fund Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of the county.

SEC. 8. Whenever at any time there shall be in the said Sinking Fund a sum of money amounting to three thousand dollars or upwards, the said Fund Commissioners shall advertise in a public newspaper published in said county, for a space of three weeks, for sealed proposals for the redemption of said bonds; and ten days from the time of the expiration of such publication the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Sinking Fund then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be more than the par value thereof and accrued interest; and *provided*, should there be no proposals made for less than par value, then the payment of said Sinking Fund on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give three weeks notice of the number of the bonds to be paid, after which time such bonds shall cease to bear interest; and *provided*, whenever there may be sufficient in said Sinking Fund for the extinguishment of the bonds issued under the provisions of this Act, it shall be the duty of the said Commissioners to advertise in like manner for the space of four weeks for the redemption of all outstanding bonds issued under this Act; after which time said bonds shall cease to draw interest. Any moneys remaining in said Sinking Fund after the redemption of said bonds shall be by the said Commissioners paid over to the County Treasurer, to be by him held subject to the order of the Board of Supervisors.

SEC. 9. Whenever any bonds shall have been paid and redeemed by the said Commissioners, they shall mark the same "Cancelled," over their signatures, as Commissioners, and immediately deliver the same to the County Clerk, taking his receipt therefor; and the said Clerk, upon the receipt of such cancelled bonds, shall file the same in his office.

SEC. 10. The County Auditor shall open with said Fund Commissioners an "Interest Tax" account and a "Sinking Fund" account, and shall balance the same quarterly, on the first Monday of January, April, July and October.

SEC. 11. The said Fund Commissioners, and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall, in all things herein required of them, be subject to all the liabilities and penalties to which they are subject in the performance of any other of the duties of

their respective offices; and the Board of Supervisors may, in their discretion, and they are fully authorized so to do, require of each of said Commissioners such bond and security for the performance of their duties herein required of them as they, the said Board of Supervisors, may deem proper; *provided*, however, that the penal sums of such bonds to each of such Commissioners shall not exceed eight thousand dollars. The said Commissioners shall, when so required, execute the said bonds in the same manner as other official bonds are executed, and to be approved by said Board of Supervisors and filed in the office of the County Clerk.

Bonds exchanged.

SEC. 12. Upon the surrender to the Fund Commissioners by the holder thereof of the bonds of Calaveras County, due and unpaid, of the amount of one hundred dollars, or the multiple thereof, said Fund Commissioners shall cause to be issued to the holder of said surrendered bonds an equal amount of the bonds provided to be issued under the provisions of this Act.

Certificate for balance.

SEC. 13. If, in the surrender of bonds due and unpaid, there shall be a remainder over one hundred dollars, the Fund Commissioners shall cause to be issued to the holder of said surrendered bonds a certificate of such balance; and such certificate, when added to other certificates, or to other bonds due and unpaid, equal to one hundred dollars or the multiple thereof, shall, when surrendered, entitle the holder thereof to receive of the bonds herein required to be issued an equal amount to the amount surrendered.

First coupons.

SEC. 14. When bonds are surrendered in exchange for the bonds herein required to be issued, the amount of interest from the date of surrender to the next first day of January shall be expressed in the first coupons of the bonds issued in exchange for the bonds surrendered.

Interest on surrendered bonds.

SEC. 15. Any interest that may be due on an unpaid bond that may be surrendered shall be computed at eight per cent. per annum from the time the last interest was paid to the day of surrender, and this product shall be added to the principal, and the amount of the interest at the rate of eight per cent. per annum added to the principal shall be the amount that shall be estimated as the value of the surrendered bond.

Cancelling.

SEC. 16. The surrendered bonds shall be cancelled by the Fund Commissioners and be filed with the County Clerk; and the Board of Supervisors shall cause accurate records to be kept by the proper officers of the bonds surrendered, of the unpaid interest added to the principal, and of the bonds issued in lieu thereof.

Taxes heretofore authorized.

SEC. 17. The taxes authorized to be levied for the payment of the interest, and for the creation of a Sinking Fund, on bonds not due and unpaid, but which may become due prior to January first, eighteen hundred and seventy-one, are hereby required to be levied, collected and paid as is required in the Act or Acts which authorized the issuance of said bonds; and if from any cause there shall be, in any year prior to eighteen hundred and seventy-one, an insufficient amount in the Interest Fund to pay the interest due for that year on said bonds, it shall be the duty of the Fund Commissioners and the Board of Supervisors to make provision for such interest and provide for the defi-

ciency in the same manner as in this Act is provided for the bonds herein required to be issued. The provisions of this section shall not be construed as extending to said bonds after the same become due.

SEC. 18. Any bonds not now due, but the principal of which may become due prior to January first, eighteen hundred and seventy-one, and for the redemption of which there may not be sufficient money in the Sinking Fund at the time they become due, may, at the time they become due or thereafter, be surrendered in exchange for the bonds herein required to be issued.

Bonds due
prior to
January,
1871.

SEC. 19. The Board of Supervisors of said county is hereby authorized to examine, settle and allow all just demands against said county which may have accrued subsequent to the twenty-first day of April, eighteen hundred and sixty-three, and prior to the first day of June, eighteen hundred and sixty-eight; *provided*, that this Act shall not be so construed as to authorize the said Board of Supervisors to allow any claim or demand against said county which may have been barred by an Act entitled an Act more effectually to limit the time for the presentation and allowance of claims against counties, approved March fifth, eighteen hundred and sixty-four, to become a charge against the General Fund of said county; but all said just claims and demands, when allowed, shall be surrendered and certified as correct by the Board of Supervisors to the Fund Commissioners, who shall cause to be issued in exchange for the same, of the bonds herein provided for.

Legal de-
mands
against
county.

SEC. 20. This Act shall be taken and deemed a public Act, and shall be in force and take effect from and after its passage.

CHAPTER CCLXXXVI.

An Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county and to erect a County Jail.

[Approved March 25, 1868.]

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

SECTION 1. The Board of Supervisors of the County of Santa Clara are hereby authorized and empowered to issue, on behalf of said county, bonds not exceeding in the aggregate the sum of forty thousand dollars, for the purpose of completing the Court-house of said county; such bonds to bear interest at a rate not exceeding eight per cent. per annum, and of the denomination of five hundred dollars each, with coupons for interest attached, and shall be made payable on or before the first day of January, Anno Domini eighteen hundred and eighty-eight, at the office of the Treasurer of said county; and the interest thereon shall be payable by said Treasurer semi-annually at his said office, on the first day of July and January of each and every year, on

Not to ex-
ceed \$40,000.

Description. the presentation of the respective coupons therefor. Every bond so issued shall be signed by the President of the Board of Supervisors and by the County Clerk of said county, and shall be authenticated by the seal of said county, and shall purport that said county owes to the holder thereof the sum of five hundred dollars, in gold coin, payable and bearing interest as aforesaid; and the principal and interest of said bonds shall be payable in gold coin of the United States.

Tax to pay interest. **SEC. 2.** It shall be the duty of the Board of Supervisors of said county, and they are hereby required, to levy annually, at the time and in the manner provided by the general Revenue Laws of this State, such additional tax for general county purposes as may be required to raise a sum of money sufficient to pay the interest, when due, on the bonds issued under and in pursuance of the provisions of this Act, until all of said bonds shall have been paid or redeemed; and the Treasurer of said county is hereby required to set apart out of said General Fund, each and every year until all of said bonds shall be redeemed or paid, an amount of money sufficient to pay the interest which shall accrue thereon, which interest shall be paid by him when due, according to the terms of said bonds. And as soon as all of the bonds heretofore issued by said county under and in pursuance of the provisions of the Act entitled an Act to authorize the issue of bonds by the County of Santa Clara to erect county buildings, and to confirm the purchase of the site selected therefor, approved March first, eighteen hundred and sixty-six, and the Act amendatory of and supplemental to said Act, approved March twenty-sixth, eighteen hundred and sixty-six, shall have been redeemed, said Board of Supervisors shall levy annually thereafter, at the time and in the manner aforesaid, such further and additional county tax for general county purposes as may be required to raise a sum of money sufficient to pay and redeem ten thousand dollars of the bonds issued under the provisions of this Act, on the first day of January of each and every year after the whole of the bonds which have been issued under the Act and the amendatory and supplemental Act hereinbefore referred to shall have been paid; and the Treasurer of said county is hereby required to set apart out of said General Fund, each and every year, after the whole of said bonds issued under the Act and amendatory and supplemental Act hereinbefore mentioned shall have been paid, a sufficient amount of money to redeem ten thousand dollars of the bonds issued under this Act, on the first day of January of each and every year after the first day of January on which the last of the bonds issued under said Act and amendatory and supplemental Act shall have been paid; and the moneys so set apart shall not be used for any purpose other than the payment of said interest and the redemption of said bonds; *provided*, however, that the aggregate amount of tax levied by said Supervisors for general county purposes shall not exceed, in any one year, one hundred cents on each one hundred dollars of the assessed valuation of the property in said county.

Redemption.

Tax limited.

Coupons. **SEC. 3.** There shall be attached to said bonds coupons for interest, which coupons shall be signed by the President of the Board of Supervisors and by the County Clerk; and when any

interest shall be paid upon any of the bonds issued in pursuance of the provisions of this Act, the coupons due and paid shall be delivered to the County Treasurer, who shall write the word "Cancelled" across the face thereof and deliver the same to the County Auditor of said county, taking his receipt therefor; and the said Auditor shall then mark "Paid" on the duplicate register of bonds in his office and on the coupons so delivered to him by said Treasurer; and when any of said bonds shall be redeemed by said Treasurer they shall also be delivered to said Auditor, who shall receipt to the Treasurer for the same, and the same shall be marked "Paid" upon the copies of said register in the office of said Auditor and Treasurer, with a memorandum of the amount paid for the redemption thereof; and when any bonds or coupons shall be paid or redeemed, the said Auditor shall report the same to said Board of Supervisors at their next meeting thereafter.

When bonds redeemed.

SEC. 4. The bonds hereby authorized shall be issued from time to time, as the same may be required to pay for the materials used in and work performed on the said Court-house; and neither the said bonds nor any moneys that may be realized from the sale thereof shall be applied to any other purpose. The Clerk of the Board of Supervisors shall keep a register showing the date and number of every bond issued, the number of each coupon, when each bond and coupon is payable, and to whom issued, and, when any of such bonds shall be sold, the amount realized from the sale thereof, with the name of the purchaser. It shall be the duty of the Clerk to make and certify two copies of said register, one of which shall be delivered to the Auditor and one to the Treasurer of said county, and the same shall be kept by them in their respective offices.

To be issued as required.

Record.

SEC. 5. The bonds, or any part thereof, hereby authorized to be issued, may be sold, under the direction of the said Board of Supervisors, to the person or persons who will pay the highest price therefor; *provided*, that the same shall not be sold for less than par; and the purchasers whose bids shall be accepted shall pay into the County Treasury the amount bid by them, and the Treasurer shall receipt for the same; and such purchasers shall, upon the delivery of such receipt to the Clerk of said Supervisors, be entitled to receive the bonds purchased by them; the said receipts to be copied into the said register and the copies thereof hereby required to be made.

Sale of bonds

SEC. 6. The said County Treasurer shall give public notice, by advertisement in some newspaper printed and published in said County of Santa Clara, for at least two weeks before the first day of January next succeeding the first day of January on which the last of the bonds shall be paid or redeemed which have been issued under the Act and the supplemental and amendatory Act herein referred to, and each and every year thereafter until all of said bonds shall be paid, that he will redeem ten thousand dollars of said bonds on the first day of January next ensuing, and shall invite proposals for the redemption of said amount of bonds. The Treasurer shall open the sealed proposals, at the time and place specified in the notice required to be published as aforesaid, in the presence of the President of the Board of Supervisors, County Clerk or Auditor,

Notice of redemption.

Proposals.

When in-
terest to
cease.

and such other persons as may choose to be present, and shall accept only such bids as shall cancel the greatest amount of said bonds; *provided*, that no bonds shall be redeemed at a greater rate than one hundred cents on the dollar. And in the event that no offer shall be made to redeem said bonds between the date of the first publication of said notice and the day appointed for opening proposals therefor, it shall be the duty of said Treasurer to give at least ten days notice, by advertisement in some newspaper printed in said county, that he is prepared to redeem certain of said bonds, which he shall designate in said notice by the number of the bonds and the date of their issuance, which said designation shall be of the bonds bearing the lowest numbers then remaining unredeemed; and the interest shall cease on such bonds so advertised from and after the expiration of the ten days from the first publication of said notice; and all bonds when paid by the said Treasurer shall be marked by him "Cancelled."

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

CHAPTER CCLXXXVII.

An Act to provide for the erection of a Jail and County Recorder's Office Building in Alameda County.

[Approved March 25, 1868.]

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

Tax to be
levied.

SECTION 1. The Board of Supervisors of Alameda County shall and they are hereby authorized to levy, for the fiscal years eighteen hundred and sixty-eight, eighteen hundred and sixty-nine and eighteen hundred and seventy, a special tax not exceeding in each year fifteen (15) cents on each one hundred dollars of the assessable property of said county, for the purpose of erecting in the Town of San Leandro a secure and substantial stone or brick Jail and County Recorder's Office Building; and all money collected under this Act shall be set apart and held as a "Special Jail and Recorder's Office Building Fund," to be used only as herein provided.

Plans, etc.

SEC. 2. Said Board of Supervisors shall advertise for and receive plans, specifications and estimates for constructing such Jail and Recorder's Office Building, and shall adopt such plans and specifications as may be deemed best for the county, reference being had to the probable expense thereof.

Proposals.

SEC. 3. After adopting the plans and specifications, said Board shall give notice, by posting printed notices in at least three public places in the county and by advertising in some newspaper or newspapers of general circulation, for at least thirty days, that sealed proposals will be received at the office of the County Clerk of said county for the erection of such Jail

and Recorder's Office Building according with the plans and specifications adopted.

SEC. 4. After thirty days notice, at the time and place specified therein, said Board shall open all bids and proposals for the erection of said building according to the plans and specifications, and within such reasonable time as may be fixed by said Board, and the contract shall be awarded to the lowest responsible bidder who will give sufficient security for the prompt and faithful performance of the contract; *provided*, that the Board of Supervisors shall not accept any bid or proposal which, in their judgment, is higher than a fair and just compensation for the performance of the contract. Contract.

SEC. 5. The work shall be done under the supervision of the Board of Supervisors or of a committee of that body, who shall have the right, and whose duty it shall be, to inspect the work during its progress; and at the completion of the same the Board shall formally accept the work before the sureties on the contractor's bond are released. Supervision.

SEC. 6. All payments for notices and advertisements made necessary by this Act, and for constructing and furnishing said building, shall be made by warrants drawn on the Special Jail and Recorder's Office Building Fund, and said warrants shall be paid in the order of their presentation to the County Treasurer; but no payment shall be made out of said fund for salary, allowance or compensation to any officer, or to any person as agent or overseer, architect or superintendent, or for any purpose other than that specified in this Act. Payment.

SEC. 7. Warrants for seventy per cent. of the estimated value of the work done on said building may be drawn as the work progresses, in such manner, in such sums and at such times as the Board may direct—at least thirty per cent. of the whole amount to be paid being reserved until the completion and acceptance of the work, as additional security for the performance of the contract. Thirty per cent. reserved.

SEC. 8. This Act shall cease to be of effect when said Jail and Recorder's Office Building shall be completed, accepted and paid for, and any surplus money then remaining in said Special Fund shall be turned over to the General Fund of the county. Surplus.

SEC. 9. The special tax authorized by this Act shall be collected and paid over at the same time and in the same manner as the State and county taxes, as provided for by law.

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

CHAPTER CCLXXXVIII.

An Act concerning the Independent Order of Bnai Brith (Sons of the Covenant).

[Approved March 25, 1868.]

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

Corporation
Act applica-
ble.

SECTION 1. All the rights, privileges and immunities granted by an Act entitled an Act to amend an Act relating to corporations, passed May eighteenth, eighteen hundred and fifty-three, are hereby extended to and conferred upon the Society or Order known as the Independent Order of Bnai Brith (Sons of the Covenant), after said Society or Order shall have assumed corporate powers.

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

CHAPTER CCLXXXIX.

An Act to amend section seventy-four of an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

[Approved March 25, 1868.]

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

SECTION 1. Section seventy-four of an Act the title of which is recited in the title of this Act is hereby amended so as to read as follows :

Allowance to
fire com-
panies.

Section 74. The Trustees shall allow each engine company fifty, and each hose company and each hook and ladder company thirty-three dollars and thirty-three cents per month, to be used by the company, under the superintendence of the Chief Engineer, in keeping the apparatus and hose in order; and if any company shall fail, neglect or refuse to keep its apparatus or hose in order, the allowance in this section provided shall not be paid; and the Trustees shall also pay to each company the further sum of ten dollars per month for gas for lighting its house, and shall also pay for all necessary repairs upon the apparatus, hose and other property of each company performed under the direction of the Chief Engineer; but no money shall be expended for the salary of any officer of the Department, or for any appropriation to the companies, or for other Fire Department matters, excepting only out of the Fire Department Fund provided in section twenty-six.

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

CHAPTER CCXC.

An Act to create a Jury Fund and fix the compensation of Grand and Trial Jurors in Calaveras County.

[Approved March 25, 1868.]

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

SECTION 1. The Board of Supervisors in and for the County of Calaveras is hereby authorized, and it shall be their duty, to levy for the year eighteen hundred and sixty-eight, and annually thereafter, in addition to the taxes authorized by existing laws, a special tax, for jury purposes, as follows: an ad valorem tax, not to exceed twenty cents on each one hundred dollars value of taxable property in said county; and such tax shall be assessed and collected at the same time and in the same manner as other property tax is assessed and collected under the Revenue Laws of this State. All moneys collected under the provisions of this Act shall be paid into the County Treasury; and it shall be the duty of the County Treasurer to set apart the same in a separate fund, to be known as the "Jury Fund;" and said fund shall be used to pay the fees of grand and trial jurors in the District and County Courts of said county, and for no other purpose.

SEC. 2. From and after the first day of January, eighteen hundred and sixty-nine, the fees of jurors in Calaveras County shall be one dollar and fifty cents per day, together with mileage, at the rate of twenty cents per mile for the distance necessarily travelled by each juror in going from his place of residence to the County Court-house; but no mileage shall be allowed to any juror who may live within two miles of the said Court-house.

SEC. 3. From and after the first day of January, eighteen hundred and sixty-nine, the County Clerk of said county shall issue to each grand and trial juror who has served in the District Court or County Court a certificate containing the number of days such juror has served during the term, the number of miles for which mileage is due as provided in section two of this Act, and the whole amount of such service and mileage, and the amount such juror may have received during the term for acting in any civil cases, which last shall be deducted from the whole amount of service; and the County Auditor, on the presentation of such certificate, shall draw his warrant in favor of the person who rendered the service, for the amount shown to be due in such certificate, and shall specify in the warrant, "For jury service;" and he shall indorse on the back of each certificate the number of the warrant drawn, and file the certificate in his office. On the first Monday of each month, or as soon thereafter as the Board of Supervisors shall meet, the County Auditor shall deliver all the jury certificates in his possession to the Board of Supervisors, who shall compare them with the warrants drawn, and if found correct shall destroy the same. If the Auditor shall draw any warrant on said fund without having the proper jury certificate, he shall be liable on his official bond

for three times the amount of such warrant, at the suit of the county. All warrants drawn for jury service shall be paid by the Treasurer, on presentation, out of the Jury Fund.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they apply to Calaveras County.

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

CHAPTER CCXCI.

An Act to authorize Thomas B. Lewis, E. Thomas and Henry Pichoir, and their associates, to construct and maintain a railroad in the City and County of San Francisco.

[Approved March 25, 1868.]

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

SECTION 1. The right is hereby granted to Thomas B. Lewis, E. Thomas and Henry Pichoir, and their associates and assigns, to lay down and maintain an iron railroad within the City and County of San Francisco, along and upon the following streets, viz: Commencing at Railroad avenue or Bay View turnpike, at or near the terminus of the Potrero and Bay View Railroad; thence along and upon Twenty-seventh avenue, or such other street or avenue as shall be found practicable, across the lands claimed by J. B. Felton, according to the Hudson survey, to the San Bruno road; thence across the San Bruno road to Henry street; thence along and upon Henry street to University street; thence along and upon University street to Wayland street; thence along and upon Wayland street to Block number one hundred and sixty-three, in the University Extension Survey.

Construction

Said road to have a single or double track, at the option of the said grantees, their associates and assigns; the rails to be of the most improved pattern used in the Eastern States, with the proper and necessary switches and turnouts along the entire route; and to run cars thereon, not exceeding twenty-four feet in length, at convenient hours of every day and night, for the transportation of passengers; *provided*, that by the franchise herein granted the corporation shall not have the right to lay tracks or run cars upon streets occupied by any other railroad corporation, except when it shall be necessary to cross the same at right angles.

Paving and
planking.

SEC. 2. The owners of said railroad shall pave, plank or macadamize (as the proper authorities of said City and County of San Francisco shall direct) between the rails and between the tracks of said road, along the whole length thereof, and shall keep the same constantly in repair; *provided*, however, that the grantees shall not be compelled to pave and plank as aforesaid any avenue or street until said avenue or street shall be graded.

SEC. 3. The track of said railroad shall not be more than ^{Track.} five feet wide within the rails, with a space between the double tracks sufficient for the passage of the cars, and flush with the level of the streets, and so as to offer as little obstruction as possible to the crossing of vehicles; and when the road herein provided for shall intersect any other road, the rails of each shall be so altered or cut as to permit the cars to cross without obstruction; and nothing in this Act shall be so construed as to prevent any other railroad company hereafter formed from crossing the road herein mentioned at any point in like manner in the City and County of San Francisco.

SEC. 4. The rates of fare for each passenger upon said rail- ^{Fare.} road shall not exceed six and one quarter cents, each way, from any point on said road.

SEC. 5. The cars upon said railroad shall be of the most ^{Cars and speed.} approved construction for the comfort and convenience of passengers, and shall be provided with sufficient brakes and other means of stopping the same when required. They shall be moved by steam, horses or mules, but under no circumstances to be propelled at a speed exceeding eight miles an hour; and in case of a violation of this provision, the owner or owners of said railroad shall be subject to a fine not exceeding one hundred dollars for each offence; *provided*, the Board of Supervisors shall at any time have the power to prohibit the use of steam upon the said road, by giving a notice to the grantees or their assigns at least ninety days, to that effect.

SEC. 6. Any person wilfully obstructing the said railroad shall be deemed guilty of a misdemeanor and punished accordingly.

SEC. 7. The franchises and privileges hereby granted shall ^{Duration of franchise and construction of road.} continue for the period of twenty-five years, to date from and after the passage of this Act; *provided*, nevertheless, that said parties shall complete within the period of eighteen months next following the passage of this Act a section of said railroad which shall be equal to one fourth of the distance from the point of commencement to the point of termination; and within a period of four months next following, a second section, equal to another fourth of said distance; and within a period of four months next following, a third section, equal to the third fourth of said distance; and within the period of four months thereafter shall complete the remaining section; and the grantees shall, within six months after the passage of this Act, commence the construction of said road, but no time during which they shall be prevented therefrom by legal process shall be counted as a part of said six months; and shall, within three months after the passage of this Act, execute to the City and County of San Francisco a bond, with good and sufficient sureties, to be ^{Bond for completion.} approved by the County Judge of said city and county, conditioned in the sum of thirty thousand dollars, for the completion of the railroad according to the requirements and privileges of this Act, and file the same with the Treasurer of said city and county for the benefit thereof; and upon a failure to comply with the provisions of this section, the franchise and privileges hereby granted shall utterly cease and determine, and the amount

of said bond may be recovered from the obligors therein named in an action brought in the name of the City and County of San Francisco.

City and county may purchase after 15 years.

Appraisal of value.

SEC. 8. The owners of said railroad are required to sell, transfer and convey the same, together with the cars that may be employed thereon, to the City and County of San Francisco, at any time after the expiration of fifteen years from the completion of the same, upon a demand being made to that effect by the said city and county, and upon the payment to said parties by said city and county of the appraised value of the same; said appraisal to be made by five Commissioners, in the manner following: The Board of Supervisors of the City and County of San Francisco shall appoint two Commissioners, and notify the grantees or their assigns of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners and notify the Board thereof. The four Commissioners so appointed shall elect a fifth; but in case of their inability to agree upon such fifth Commissioner, within ten days, he shall be appointed by the County Judge of said city and county. In case of the failure of the grantees or their assigns to appoint Commissioners on their part, as above provided, or in case of their refusal to act, the County Judge shall have the power of appointing them. Said Commissioners shall make their appointment and present their report within thirty days after the completion of the commission, and file the same in the office of the Clerk of the Board of Supervisors. A majority of said Commissioners shall constitute a quorum, and the award of the majority shall be final and binding upon the parties. The amount of the award shall be paid by the Treasurer of the city and county to the grantees or their assigns within sixty days after the filing of said award, and thereupon the title to said railroad and cars shall vest in the city and county.

Public rights reserved.

SEC. 9. Nothing in this Act shall be so construed as in anywise to prevent the proper authorities of the said City and County of San Francisco from sewerage, grading, paving, planking, repairing or altering any of the streets hereinbefore specified; but all such work shall be done, if possible, so as not to obstruct the free passage of the cars upon the said railroad; and when the same shall not be possible, the said authorities, before the commencement of said work, shall allow to the owners of said railroad time sufficient to enable them to shift the rails or take other means so as to avoid said obstruction during the continuance thereof, which they, the said owners, are hereby authorized to do.

License.

SEC. 10. The owners of said railroad shall pay to the City and County of San Francisco the sum of fifty dollars per annum as a license upon each car used by them upon said railroad, which payment shall be made quarterly to the said city and county.

Supervisors may grant further privileges.

SEC. 11. The Board of Supervisors of the City and County of San Francisco, or their legal successors, are hereby authorized and empowered to grant to the said parties named in the first section of this Act, their associates or assigns, such additional rights, privileges and grants as said parties, their associates and assigns, may desire or deem necessary for the full and complete

enjoyment of the franchise and privileges created and granted by this Act.

CHAPTER CCXCII.

An Act to amend sections six and thirteen of an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-three.

[Approved March 25, 1868.]

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

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

Section 6. At the November term of the Board of Supervisors the said Board shall levy upon all able-bodied male persons, except Indians, between the ages of twenty-one and sixty years, a road poll tax of not less than two nor more than four dollars per annum, which tax shall be paid in labor, as hereinafter provided, at the rate of two dollars per day; *provided*, that any person liable to perform road duty may pay the same, when called upon by the Road Overseer, in cash. And said Board of Supervisors shall, at the session of the said Board for the purpose of levying State, county and other taxes, levy a property tax for road purposes upon all taxable property in said counties, of not less than five nor more than twenty cents on each one hundred dollars, which said property tax shall be assessed and collected at the same time and in the same manner, and levy [by] the same officers, as other property taxes; *provided*, that when any person shall perform more labor on the highway in any one year than is required by this Act, the Overseer of the district in which said labor shall be performed shall receipt to such person for the extra amount of labor so performed, and said receipt shall be good and receivable for road dues for any subsequent year.

Road tax to be levied in Trinity County.

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

Section 13. Road Overseers shall receive pay for their services on the roads at the rate of two dollars and fifty cents per day, and for the collecting of the road tax from persons who neglect or refuse to work on the roads, ten per cent. of the amount collected; *provided*, that in the time spent in seizing and selling property for the forcible collection of said tax, the Overseer shall not receive pay per diem; and the Board of Supervisors may draw their orders on the Treasurer in favor of any Overseer who may have a balance due him on settlement, for the amount of such balance, payable out of the fund of the district of which such person is Overseer. Any Overseer neglecting, failing or refusing to perform any of the duties prescribed by this Act, besides being liable to be removed, shall be deemed guilty of a misdemeanor, and on conviction thereof before any Justice of the Peace in the county shall be fined in

Pay of Overseers.

Neglect of duty.

any sum not exceeding two hundred dollars, for which fine his official bond shall be liable, and when collected shall be paid into the County Treasury and placed in the Road Fund of his district; *provided*, that if, through the negligence of any Road Overseer, the road poll tax of any person liable to pay the same shall not be collected, said Overseer's official bond shall be liable for said tax; and it shall be the duty of the Board of Supervisors to collect the same and pay it into the Treasury, and the Treasurer shall place the same with the Road Fund of the district for which said person is Overseer.

SEC. 3. - This Act shall apply to Trinity County only.

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

CHAPTER CCXCIII.

An Act to provide for the protection of certain lands in the County of Sutter from overflow.

[Approved March 25, 1868.]

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

Duty of Supervisors.

SECTION 1. The Board of Supervisors of the County of Sutter are hereby authorized and required to protect lands from overflow in the County of Sutter, upon the conditions and in the manner hereinafter provided.

Boundaries of Levee District No. 1.

SEC. 2. All that certain territory in Sutter County and bounded as follows, viz: Commencing on Feather River, at the northeast corner of Section number ten, Township number fifteen north, Range three east, Mount Diablo meridian; thence west, to the northwest corner of said Section number ten; thence south, to the northeast corner of Section twenty-one; thence west, to the northeast corner of Section twenty; thence south, to southeast corner of said Section twenty; thence west, to northwest corner of Section thirty; thence south, to the northeast corner of Section twelve, of Township fourteen north, Range two east, of said meridian; thence west, to the northwest corner of Section eleven of said township; thence south, to the southwest corner of Section eleven, of Township thirteen, Range two east; thence east, to the northwest corner of Section eighteen, Township thirteen, Range three east, of said meridian; thence south, to the southwest corner of Section nineteen; thence east, to Feather River; thence northerly, up Feather River, to the place of beginning, is hereby set apart and erected into a levee district, to be known as Levee District Number One, to be protected by proper levees, or other works, from overflow.

Election as to levying tax.

SEC. 3. As soon as practicable after the passage of this Act, the Board of Supervisors of said county shall order a special election and submit to the qualified electors of Levee District Number One the question whether a tax shall be raised to construct a levee, embankment or other works to protect said dis-

trict from overflow. Such election shall be called by posting notices in three of the most public places in said district for ten days, and by publication in a newspaper printed in said county. Said notices shall contain the time and place of holding said election, the names of the Inspector and Judges of said election, who shall conduct such election, as near as practicable, in conformity with the general Election Laws, except registration shall not be required. At said election the ballots shall contain the words "Tax—Yes," or "Tax—No;" and also the name of one person as Assessor and Tax Collector. If a majority of the votes cast are "Tax—Yes," then the Board of Supervisors shall so proclaim it and proceed to levy, and levy a tax on all the property of said district, which tax shall not exceed two per cent. on such property. They shall also cause certificates of election to issue to the persons having the highest number of votes for the respective offices. Said officers shall hold their respective offices until the next general election for county officers, when their successors shall be elected. After said general election said Assessor and Tax Collector shall hold their respective offices for two years, and until their successors are elected and qualified. The County Surveyor of the County of Sutter shall be ex officio Engineer of all such levee districts in the county, and shall make such surveys, levels and estimates, superintend all works, and shall give general direction for all their construction, subject to the control of said Board of Supervisors; for which he shall charge and receive five dollars for each and every day so employed; and no portion of a levee or other work shall be received from contractors or others contracting the same, until approved by the Engineer and by the Board, as being in accordance with the terms of the contract. Said engineer may employ such assistance and upon such terms as the Board may authorize.

If majority
vote in favor

Duty of
Engineer of
levee dis-
tricts.

SEC. 4. The Assessor and Tax Collector for levee districts erected by or under this Act shall have, while in the discharge of their duties, all the power and authority given by law to District or County Assessors and Tax Collectors, and shall give such bonds for the faithful performance of their duties as the Board of Supervisors shall require. The Levee Superintendent shall have the supervision and care of all levees or works built under this Act in his district, under the direction of the Board of Supervisors, to whom he shall report at such times as they may require.

Other dis-
trict officers.

SEC. 5. It shall be the duty of said Board of Supervisors, whenever any portion of said county has been erected into a levee district for protection from overflow as herein provided, to cause the Levee District Assessor to at once proceed to assess all the property in said levee district; and in making such assessment, said Assessor shall assess the value of such real estate and personal property, placing the same in distinct and separate columns in the assessment roll prepared by him. Said assessment roll shall be called "Special Levee Assessment Roll of District Number One, Two or Three," as the case may be.

Assessments

SEC. 6. The assessments mentioned in section five shall be completed as soon as practicable; and immediately upon their completion, the Assessor shall deliver the assessment roll to the

Assessment
roll.

County Auditor, who shall forthwith give notice by publication in a newspaper printed in the county that the special assessment roll of Levee District Number One, Two or Three, as the case may be, has been completed and is in his possession, open for examination, and that the Board of Equalization will, upon a day to be named in the notice, which day shall not be less than five nor more than ten days from the publication of the notice, meet to hear and determine complaints in regard to valuation and assessments therein.

Equalization · SEC. 7. Upon the day specified in the notice required by section six, for the meeting, the Board of Equalization shall meet and continue in session from day to day so long as may be necessary, not to exceed ten days, exclusive of Sundays, to hear and determine such objections to the valuations and assessments as may come before them; and the Board may change the valuation as may be just, and may cite any person to appear before them and answer concerning his property. The Clerk of the Board shall be present during its sessions and note all alterations in value, or in the owners thereof; and within ten days after the close of the session he shall have the total values, as finally equalized by the Board, extended into columns and added up, and deliver the same to the District Collector of the particular levee district for which it has been made, who shall give notice that said taxes are due and payable at his office; and if not paid on or before the third Monday of November next succeeding, the same shall become delinquent, and shall be passed over to the District Attorney for collection, under the same rules as apply to delinquent State or county taxes. The taxes levied under and by virtue of this Act for any levee district shall constitute a special fund for that district, and shall be called the "Levee Fund of District Number One, Two or Three," as the case may be; and when collected shall be paid into the County Treasury to the credit of the Levee District Fund of the levee district wherein the tax was levied and collected; and the money shall be drawn out of said fund as hereinafter provided. A special tax for levee purposes shall be levied annually for each levee district erected in said county, not exceeding the rate per cent. named in section three of this Act; and a special assessment for levee purposes, and a special levee assessment roll for each levee district, shall be annually made.

Land to be condemned. SEC. 8. The Board of Supervisors, their agents or employés, may immediately enter upon and take possession of any land that may be necessary for any levee or work of protection within any district, or in the county outside the district, that may be necessary or proper to furnish material for its construction, and may have the same condemned for public use; *provided*, however, that if the same be private and individual property, and the rights and privileges necessary be not granted by the owner or owners thereof, the Board of Supervisors shall petition the County Judge of the County of Sutter to appoint three appraisers to assess the damages arising from the taking of such land or material; and said Judge shall thereupon appoint three disinterested persons, who shall have full power to proceed to such premises and to examine, hear and determine all questions of damages and injuries to such land arising from

Damages.

such taking, and to award the amount of the same to the person or persons entitled thereto; but if it shall appear to said appraisers that the building of such levee or other work of protection will be of more benefit than injury to the property of the party so denying the right of way, then said appraisers shall report the amount of such benefit; and for this purpose, said appraisers shall have power to administer oaths. Said appraisers shall make their report to said Judge, and the same shall be approved or set aside by him, for cause shown; and if set aside, he shall appoint other appraisers, who shall proceed in like manner; and as soon as such awards shall be affirmed by said Judge it shall have the effect of a judgment; and if said final award or judgment be in favor of the party so claiming damages, the Board of Supervisors shall order it to be paid in the same manner as other claims against the particular district; but if it be against said party so claiming damages, the District Attorney is hereby authorized to collect the amount of such award for the benefit of the particular levee district.

Awards.

SEC. 9. When it shall be found necessary to use any levee or embankment, or work of protection which has heretofore been constructed by private enterprise, the said levee, embankment or other work shall be measured, estimated and paid for to the owner or owners, or person or persons who contributed towards building the same, in proportion to the amount of each one's contribution, at the contract price; and the sum so paid shall be deducted from the amount to be paid the contractor.

Works already constructed.

SEC. 10. As soon as said Board of Supervisors have finally adopted a plan for the protection of any levee district, they shall divide it into any convenient number of sections, and shall give notice for a period not less than ten days, by publication in a newspaper printed in the County of Sutter, if there be one, or such newspaper or newspapers published in adjoining counties as the Board may direct, for bids for the construction of each separate section of any levee or other work of protection against overflow, or for the whole work; and that plans and specifications can be seen at the County Clerk's office; and that the Board of Supervisors are prepared to receive sealed proposals for the construction of such work in accordance with the plans and specifications; and that the same will be let to the lowest responsible bidder or bidders, stating the time and place said proposals will be received and opened, which bids, at the time and place appointed, shall be opened in public; and as soon as convenient thereafter the Board shall let said work, either in sections or as a whole, to such bidder or bidders as they shall deem most advantageous, or they may reject any or all bids and re-advertise for proposals. If there should be two or more equal bids for the same section, and one of the bidders be the owner of the land on which said work is to be built, then the preference shall be given to such owner.

Plans and specifications.

Proposals.

SEC. 11. Any person or persons to whom a contract may be awarded shall enter into a bond with good and sufficient sureties, to be approved by said Board of Supervisors, payable to the State of California, for the use of such levee district, for double the amount of the contract price, conditioned for the faithful performance of said contract.

Contracts.

Payment.

SEC. 12. When any specified portion of the work under contract shall have been completed, and such portion has been approved by the engineer and by the Board, as being in accordance with the terms of contract, the Board shall approve the account for such completed portion of work and order the County Auditor to draw his warrant on the County Treasurer, payable out of the fund belonging to the proper levee district, for the amount of the account so approved. Warrants drawn on any Levee District Fund shall be paid out of any money in the County Treasury belonging to such fund, or they shall be received by the Tax Collector in payment of the tax authorized to be levied for the construction of levee or other works of protection of said district.

Work to be completed in four months.

SEC. 13. Any contract entered into for the construction of any work contemplated in this Act shall stipulate for the completion thereof within four months after the making of such contract, and shall provide for the payment thereunder, as provided in section eleven of this Act. The warrants drawn, as in section eleven, from the time of their presentation to the County Treasurer for payment until paid, shall bear interest at the rate of ten per cent. per annum. The County Treasurer shall keep a register of said warrants in the order of their presentation for payment; and if there be no money in his hands belonging to the particular Levee Fund upon which a warrant is drawn, he shall indorse upon the back of such warrant the date of presentation for payment, and thereafter pay the same in the order of its registry, as from time to time any moneys shall be paid over to him, to the credit of the particular Levee Fund on which the same is drawn.

Register of warrants.

Redemption of warrants.

SEC. 14. When there shall be sufficient money in any Levee Fund to redeem warrants drawing interest payable therefrom, the County Treasurer shall give notice in a newspaper printed in said county, if there be one, or by notice posted in some public place, stating therein that he is ready to redeem said warrants; and from the date of such notice said warrants shall cease to draw interest. In such notice the warrants shall not be mentioned in detail, but the Treasurer shall state therein only that warrants drawn on the Levee Fund of such a levee district (giving its number), and presented for payment prior to a certain date (stating the date), are redeemable; *provided*, that when only a part of the warrants presented for payment on the same day are redeemable, the Treasurer shall designate such redeemable warrants in the notice. When a warrant is redeemable, the interest, if any, shall be noted thereon, distinct from the principal. Warrants shall be paid in the order of their registry; and when a warrant is not presented for payment within sixty days from the date of this notice herein required, the money set aside for the payment of such warrant shall be applied to the redemption of unpaid warrants next in order of registry; *provided*, that the Board of Supervisors may, on application and presentation of warrants properly indorsed and advertised, pass an order directing the County Treasurer to redeem and cancel such warrants out of any money in the proper Levee Fund not otherwise appropriated.

SEC. 15. No member of the Board of Supervisors, and no

county officer, or Levee District Assessor and Tax Collector, or Levee Superintendent, shall be concerned or interested, either directly or indirectly, as principal, partner or agent, in any contract to be awarded by the Board under this Act, or in the profits to be derived therefrom; and any such official person being convicted of violating the provisions of this section shall be deemed guilty of felony, and such conviction shall work a forfeiture of his office, and he shall be punished by imprisonment in the State Prison for a period not less than one nor more than four years.

Public off-
cers not to
be interested
in contracts.

SEC. 16. All taxes levied and collected by virtue of this Act shall be paid in gold or silver coin of the United States.

SEC. 17. Said Board shall cause to be recorded by the County Recorder, in a book to be kept exclusively for that purpose, a certified statement of the boundaries of each levee district established by said Board.

SEC. 18. Any person or persons who shall wilfully or maliciously cut, injure or destroy, or attempt to cut, injure or destroy, any levee or other work of protection built under the provisions of this Act, or that may be in charge of said Board of Supervisors, shall be deemed guilty of felony, and upon conviction thereof before any Court of competent jurisdiction shall be fined in any sum not less than fifty dollars nor more than one thousand dollars, or be confined in the State Prison not less than one nor more than five years, or may be both fined and imprisoned, at the discretion of the Court.

Penalty for
injuring
levees.

SEC. 19. When a levee district has been created under the provisions of this Act, it shall be the duty of the Board, annually thereafter, and at the time of levying the annual tax for county purposes, to annually levy a tax, not exceeding the per cent. and in the manner and upon the basis hereinbefore provided, upon the property in such levee district or districts, respectively; and the same shall be collected and paid into the County Treasury, as heretofore provided, to the credit of the Levee Fund of each district from which such tax is collected, respectively, and be paid as hereinbefore provided upon contracts for building, and for work, labor or material done or used in enlarging, strengthening, repairing, protecting, and such other expenses as may be necessarily incurred in keeping up the levee of the district to which each fund belongs, respectively.

Annual tax.

SEC. 20. The Board of Supervisors are hereby authorized and required to remit the taxes on all the property left between Feather River and the levee or embankment in District Number One; and said Board, in their discretion and for good cause shown, shall remit such other tax in said district as may to them seem just and proper.

Taxes re-
mitted.

SEC. 21. Whenever a petition shall be received by said Board of Supervisors from persons in possession of more than one half of the acres of any specified portion of said county, asking to be set apart and erected into a levee district, said Board shall at once erect such territory into a levee district and place it under the provisions of this Act, to be called Levee District Number Two, Three, and so on, as the case may be; *provided*, that it shall

Formation
of districts.

not be required to submit the question of tax to a vote of the people of any district so erected.

Compensation of officials.

SEC. 22. When the services of an engineer shall be needed for locating or measuring of any works to be constructed by virtue of this Act, or for the enlarging, strengthening or repairing of such works, the Board of Supervisors shall employ a suitable person to perform such services, at such prices as may be agreed upon. For other services required by the provisions of this Act, the County Auditor shall receive such amount, quarterly, as the Board shall deem just. Assessors shall not be paid more than four dollars for each day necessarily employed in their duties; as Tax Collector, shall receive two per cent. on all moneys collected and paid over by him; the County Treasurer shall receive one per cent. on all moneys disbursed by him; the District Attorney shall receive one half the usual fees allowed by law for similar services; and election officers for special elections shall serve without fee or reward.

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

CHAPTER CCXCIV.

An Act supplemental to and amendatory of an Act to provide for the construction of a street railroad and tunnel through Russian Hill, in the City and County of San Francisco, approved April twenty-second, eighteen hundred and sixty-three, approved March twenty-second, eighteen hundred and sixty-six.

[Approved March 25, 1868.]

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

Time extended.

SECTION 1. The time that the Folsom Street and Fort Point Railroad and Tunnel Company shall have for laying down and completing the street railroad or roads which it is authorized to construct is hereby extended for the period of one year from and after the time limited in an Act entitled an Act supplemental to an Act to provide for the construction of a street railroad and tunnel through Russian Hill, approved March twenty-second, eighteen hundred and sixty-six.

May abandon any part of routes.

SEC. 2. The said Folsom Street and Fort Point Railroad and Tunnel Company are hereby authorized and empowered to relinquish and abandon any part of their several routes at any time within one year, without prejudice to their rights, privileges and franchises in the remaining portion of their routes; and such relinquishment and abandonment shall be evidenced by filing a certificate to that effect in the office of the Secretary of State, which said certificate shall be made under the hand of the President and Secretary and the corporate seal of said company; *provided*, no portion of said road shall be abandoned upon which rails have been laid, either by said company or their successors or assigns.

SEC. 3. This Act shall take effect and be in force immediately.

CHAPTER CCXCV.

An Act to ratify and confirm a certain assignment made by the Folsom Street and Fort Point Railroad Company to the Front Street, Mission and Ocean Railroad Company.

[Approved March 25, 1868.]

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

SECTION 1. A certain assignment heretofore made by the Folsom Street and Fort Point Railroad Company to the Front Street, Mission and Ocean Railroad Company, of the right of way to construct a street railroad on Broadway, from Battery to Davis streets, in the City and County of San Francisco, is hereby ratified and confirmed, and no forfeiture on the part of the Folsom Street and Fort Point Railroad Company, arising from a failure to construct the remaining portion of the said street railroad within the time prescribed by law, shall extend to that portion of the line of the said railroad so assigned and upon which a street railroad track has already been constructed.

Assignment confirmed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCXCVI.

An Act prescribing certain conditions for the transaction of insurance business in the State of California.

[Approved March 26, 1868.]

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

SECTION 1. The provisions of this Act shall apply to and include, under the general designation of "person" or "persons," all companies, corporations, associations, and the agents thereof, engaged, or who may hereafter engage, in the business of insurance in this State, whether such business be fire, marine, inland, life, accidental, or any other kind of insurance, and whether such companies, corporations and associations be engaged or formed under the laws of this State, or any other State of the United States, or any Territory or District thereof, or any foreign State or country, and whether such agents carry on said business as agents of any company, corporation or association organized or formed under the laws of this State, or of

This act to apply to.

any other State of the United States, or any Territory or District thereof, or of any foreign State or country.

Certificates
to be filed.

SEC. 2. Every corporation and every person, within the meaning of this Act, engaged in the business of insurance in this State at the time of the passage of this Act shall, within ninety days after its passage, and every such corporation and person who may hereafter propose to engage in such business shall, before commencing the same, file in the office of the Insurance Commissioner of this State a certificate, as follows:

California
corporations

First—If incorporated or formed under the laws of this State, a copy of the certificate of incorporation, or of any increase or diminution of the capital stock, certified by the Secretary of State to be a copy of that which is required by law to be filed in his office.

Other cor-
porations.

Second—If organized or formed under the laws of any other State of the United States, or of any Territory or District thereof, or of any foreign State or country, a copy of the certificate of incorporation; if organized or formed under any law requiring a certificate to be filed, duly certified by the officer having the custody of such certificate; or if not so organized or formed, then a copy of the law, charter or deed of settlement under which the organization or formation is made, duly certified by the proper custodian thereof, or proved by affidavit to be a copy; also, a certificate under the hand and seal of the Auditor, Controller, Insurance Superintendent or Commissioner, or other proper officer of such State or county having supervision of insurance business therein, that such corporation or company is fully organized under the laws of such State or country, with the amount of capital stock or assets required by this Act.

If unincor-
porated.

Third—If not incorporated, a certificate setting forth the nature and character of the business, the location of the principal office, the names of the persons and individuals, and of those composing the firm or association engaged in the business, the amount of actual capital employed or to be employed therein, and the names of all officers and persons by whom the business is or may be managed, which certificate shall be verified by the affidavit of the chief officer, Secretary, agent or manager of said company or association; and if there be any written articles of agreement or association, a copy thereof shall accompany such certificate.

If business
carried on
by agents.

SEC. 3. Every insurance company or association not formed under the laws of this State, or not incorporated, carrying on the business of insurance by an agent or agents, shall, with the certificate above mentioned and required to be filed, also file in the office of the Insurance Commissioner a certified or verified power of attorney, or written commission or authority to such agent or agents; and whenever there shall be any change of agents, or in the powers or authority of any agent, or any change in respect to any of the particulars required to be set forth in any certificate as in this Act required, within ninety days thereafter notice thereof in writing shall be given to the Insurance Commissioner by the corporation, company, association or agent affected by such change; and a copy, certified or verified as aforesaid, of any new or further power of attorney,

commission or authority given to any agent shall, before it is acted under, be filed with the Insurance Commissioner; and when, by any law, agreement or other writing, any change shall be made in respect to any of the particulars set forth in the certificate on file, a certified copy of such law, agreement or other writing, verified respectively as certificates are required to be verified, shall be filed at the time of giving notice of such change; *provided*, any person engaged in insurance business in this State at the time of the passage of this Act shall not, during six months thereafter, be disqualified from continuing such business by a failure to file the papers herein specified, if he be prevented therefrom by causes satisfactory to the Insurance Commissioner.

SEC. 4. Any insurance company or corporation now or hereafter incorporated under the laws of this State may increase or reduce the amount of its capital stock by complying with the conditions prescribed for the increase of capital stock by the Act entitled an Act supplementary to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved January twenty-fifth, eighteen hundred and sixty-six; *provided*, that such reduction shall not be below the amount required by this Act, nor in any other manner in violation thereof.

Increase or reduction of capital stock

SEC. 5. Any company, person, firm or individual doing the business of fire, marine or inland insurance in this State shall annually prepare and deposit in the office of the Insurance Commissioner of this State a statement, duly verified, as follows: If it be made by a person or company organized under the laws of this State, by the oaths of the President and Vice President, or of the Vice President and Secretary thereof; if it be made by a foreign insurance company or person, by the oath of the principal executive officer thereof, or by the oath of a duly authorized agent thereof residing in this State; and if it be made by an individual or firm, by the oath of such individual or a member of such firm; which statement shall exhibit the condition and affairs of every such company, person, firm or individual, on the thirty-first day of December then next preceding, and shall be published in a newspaper published daily in the City of San Francisco, for the period of one week; and shall be deposited, if made by a domestic corporation, or by a person, firm or individual residing in this State, on the first day of January of each year, or within thirty days thereafter; and if made by a foreign insurance company or person, or by an agent thereof, on or before the first day of March of each year. Mutual companies formed, existing and doing business under the Act entitled an Act to provide for the incorporation of mutual insurance companies, passed April twenty-sixth, eighteen hundred and fifty-one, may report their approved stock notes as capital paid up; and such notes shall, for all purposes within the meaning of this Act, be deemed capital stock of such companies. The said statement shall exhibit the following facts and items, in the following order:

Annual statements of fire, marine and inland insurance companies.

To be published.

First—Name and location.

Second—Amount of capital stock subscribed.

Third—Amount of capital stock paid up in cash.

Statement to contain.

Statement to
contain.

Fourth—Assets, including :

- 1st. The value of real estate owned by the company, specifying the incumbrances thereon, if any, \$——.
- 2d. Loans on bond or mortgage on real estate, first liens, \$——; loans on mortgage of vessels, \$——.
- 3d. Interest due and unpaid on said mortgages, \$——.
- 4th. Interest accrued but not due on said mortgages, \$——.
- 5th. The company's valuation of said mortgaged premises, \$——.
- 6th. Insurance in other companies on buildings conveyed by said mortgages, held as collateral, \$——.
- 7th. Insurance in this company on buildings conveyed by said mortgages, held as collateral.
- 8th. Amount of cash on hand in company's office, \$——.
- 9th. Cash deposited in (State banks) bank. Total amount, cash items, \$——.
- 10th. Amount of stocks, bonds and all other securities (mortgages excepted) held as security for cash actually loaned by the company (giving par value and market value of same)—par value, \$——; market value, \$——; amount loaned, \$——; total, \$——.
- 11th. Amount of stocks of the State of California, Nevada, Oregon, and of the United States, and all other stocks and bonds absolutely owned by the company (giving par value and market value of same)—par value, \$——; market value, \$——; total amount, \$——.
- 12th. Amount due the company, on which judgment has been obtained, \$——.
- 13th. Amount of premiums due and unpaid.
- 14th. Interest (except on mortgages) accrued, but not due.
- 15th. Amount due for rent, including rent accrued, but not due.
- 16th. All other assets, including stock notes, \$——. Aggregate amount of all assets, \$——.

Fifth—Liabilities. The liabilities of this company are as follows:

- 1st. Losses adjusted, due and unpaid.
- 2d. Losses adjusted but not due.
- 3d. Losses unadjusted.
- 4th. Losses in suspense, waiting further proof.
- 5th. All other claims against the company.
- 6th. Amount required to re-insure all outstanding marine and inland risks, except marine time risks, being the full amount of premiums on such risks not terminated.
- 7th. Amount required to re-insure all outstanding fire risks and marine time risks, at an average of fifty per cent. of the premiums on unexpired risks, \$——.

Sixth—The income of the company for the year just closed, as follows:

- 1st. Net cash premiums received for fire risks, \$——.
- 2d. Net premiums received for marine risks, \$——.
- 3d. Amounts received for interest on bonds and mortgages, \$——.
- 4th. Amounts received for interest from all other loans, \$——.
- 5th. Amount received from all other sources, \$——.

6th. Aggregate amount of income received during the year, \$——. Statement to contain.

Seventh—The expenditures of the company for the year just closed have been as follows:

- 1st. Amount paid for fire losses, \$——.
- 2d. Amount paid for marine losses, \$——.
- 3d. Cash dividends actually paid during the year, \$——.
- 4th. Paid for commissions to others than officers and Directors, \$——.
- 5th. Amount paid during the year for salaries, fees, and all other charges for officers and Directors, ——.
- 6th. Paid for salaries, fees, and all other charges (excluding commissions) of agents, clerks and other employes, \$——.
- 7th. Amount paid for State and local taxes, \$——.
- 8th. Amount paid for national taxes and duties, \$——.
- 9th. Amount of all other payments and expenditures, consisting of agency, advertising, printing, rent and office expenses, \$——.
- 10th. Aggregate amount of expenditures during the year, \$——.

Eighth—Amount of losses during the year, including those reported and disputed, \$——.

Ninth—Risks written during the year. Risks in force December thirty-first, as follows:

- 1st. Net amount of fire risks written during the year, \$——.
- 2d. Net amount of marine risks written during the year, \$——.
- 3d. Amount of fire risks in force December thirty-first, ——, and premiums thereon, \$——.
- 4th. Amount of marine risks in force December thirty-first, ——, and premiums thereon, \$——.

Tenth—Miscellaneous items, as follows:

- 1st. Amount of premiums received during the year, from California, \$——; in Nevada, ——; in Oregon, ——, respectively.
- 2d. Net amount of fire risks in force in California, \$——; in Nevada, ——; in Oregon, ——, respectively.
- 3d. Greatest amount insured in any one risk, exclusive of re-insurance, \$——.

SEC. 6. Every company or corporation now or hereafter formed under the laws of this State, doing the business of life, health, accidental, or any other kind of insurance (except fire, marine or inland), shall annually, on the first day of January, or within thirty days thereafter, prepare and deposit in the office of the Insurance Commissioner a statement, verified by the oath of its President, Vice President, or Secretary, of the condition of the business on the thirty-first day of December then next preceding, and shall cause the same to be published for the term of one week in some daily newspaper published in the City of San Francisco; and all persons or agents doing business on behalf of non-residents or foreign corporations or principals shall deposit such statements, verified as above, or by a duly authorized agent thereof in this State, annually, on or before the first day of March. The said statement shall exhibit the following facts and items, in the following order:

Annual statements of companies other than fire, marine and inland.

- 1st. The number of policies issued during the year.

Statement to
contain.

- 2d. The amount of insurance effected thereby.
 3d. Amount of premiums received during the year.
 4th. Amount of interest, and all other receipts, specifying the items.
 5th. Amount of losses paid during the year.
 6th. Amount of losses unpaid.
 7th. Amount of expense.
 8th. Amount of State and Federal taxes.
 9th. Whole amount of policies in force.
 10th. Amount of liabilities or risks thereon.
 11th. Amount of all other liabilities.
 12th. Amount of capital stock subscribed.
 13th. Amount of capital stock paid up in cash.
 14th. Amount of accumulation, specifying whether received upon life insurance, annuities, or how otherwise.
 15th. Amount of assets, and manner in which they are invested, specifying what amount in real estate, on bond and mortgage, stocks, loans on stocks, premium notes, or other securities.

Penalty for
neglect.

16th. Amount of dividends unpaid.
 Sec. 7. Any corporation, company or association, or persons, within the provisions or meaning of this Act, failing to make and deposit any certificate, or statement, or other paper required by this Act to be filed, shall forfeit and pay to the State of California the sum of five hundred dollars, and an additional penalty of one thousand dollars for each and every month thereafter that such person or persons shall continue to transact any business of insurance in this State, until such certificate, statement or other paper shall be made and filed in the Commissioner's office, and in addition shall be liable to the proceedings, penalties and liabilities provided by the Insurance Laws of this State, which may be recovered by the Insurance Commissioner of this State, by suit in the name of the people of this State, in any Court of competent jurisdiction.

Sec. 8. No corporation, company, association or person now or hereafter transacting fire, marine or inland insurance business under the laws of this State shall make any dividends, except from profits remaining on hand, after retaining unimpaired :

First—The entire subscribed capital.

Second—All the premiums received or receivable on outstanding marine or inland risks, except marine time risks.

Third—A fund equal to one-half of the amount of all premiums on fire risks and marine time risks not terminated at the time of making such dividend.

Fourth—A sum sufficient to pay all losses reported, or in course of settlement, and all liabilities for expenses and taxes.

Sec. 9. No fire, marine or inland insurance company or association organized under the laws of this State, or doing business in this State, with a subscribed capital of less than two hundred thousand dollars, shall hereafter declare any dividends except from profits remaining on hand after reserving :

First—A sum necessary to form, with the subscribed capital stock, the aggregate sum of two hundred thousand dollars.

Second—All the premiums received or receivable on outstanding marine or inland risks, except marine time risks.

Amounts to
be reserved
before
making
dividends.

To be re-
served by
companies
with less
than \$200,
000 capital.

Third—A fund equal to one half the amount of all premiums on fire risks and marine time risks not terminated at the time of making such dividend.

Fourth—A sum sufficient to pay all losses reported or in course of settlement, and all liabilities for expenses and taxes.

SEC. 10. Every stockholder or individual receiving a dividend declared contrary to the provisions of this Act shall be liable to the creditors of such person or company declaring or paying the same, to the amount of the dividend so received, in addition to any other penalties and liabilities made or provided by law.

Illegal dividends.

SEC. 11. Every insurance company organized under the laws of this State may purchase, hold and convey such real estate as may be necessary for the accommodation of its business, not exceeding in value one hundred and fifty thousand dollars; also, such as has been mortgaged or pledged to it as security for loans, or conveyed to it in trust for its benefit, or sold to it in discharge of loans.

Companies may hold real estate.

SEC. 12. Every company, association or individual not incorporated under the laws of this State, and proposing to transact insurance business by agent or agents in this State, shall, before commencing such business, file in the office of the Insurance Commissioner of this State such bonds as have been by law required to be filed in the office of the Controller of State by the provisions of an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two, and it shall not be necessary for such companies, associations or individuals to file such bonds in the Controller's office.

Foreign companies to file bonds.

SEC. 13. No company, corporation or association shall hereafter be formed or organized under the laws of this State, nor shall any individual or person be permitted to transact business as agent of any person or corporation, resident, non-resident, foreign or domestic, in any kind of insurance, except life and live stock, within this State, without a subscribed capital equal at least to one hundred thousand dollars in United States gold coin, twenty-five per cent. whereof shall be paid in previous to the issue of any policy, and the balance by monthly or quarterly instalments within twelve months from the day of filing the certificate of incorporation.

Capital required for new companies.

SEC. 14. No company, corporation, association or agent shall be permitted to transact the business of life or accidental insurance within this State without a paid up capital of at least one hundred thousand dollars, all of which shall be subscribed and paid in the manner prescribed by law for other kinds of insurance, except in the case of exclusively mutual life and accidental insurance companies, and in such cases the assets shall amount to at least the sum of one hundred thousand dollars over and above the liabilities.

Life and accidental insurance companies.

SEC. 15. All statements under this Act and all estimates, percentages and calculations required to be made in this Act, by either the Commissioner, or by the persons engaged in the business of fire, marine and inland insurance, shall be made only in gold coin of the United States.

Gold coin the basis of estimates.

Parts of Acts
repealed.

SEC. 16. The following parts of Acts are hereby repealed, to wit: Sections eleven (11) and twenty-one (21) of the Act entitled an Act relating to fire and marine insurance companies, approved April second, eighteen hundred and sixty six; section fourteen (14) of the Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health and against accidents, approved April second, eighteen hundred and sixty-six; and section four (4) of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two, approved March second, eighteen hundred and sixty-four.

SEC. 17. This Act shall take effect immediately.

CHAPTER CCXCVII.

An Act to amend an Act entitled an Act to create and organize a Fire Department for the Town of Mokelumne Hill, approved April twenty-fourth, eighteen hundred and sixty-two.

[Approved March 26, 1868.]

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

SECTION 1. Section four of said Act is amended to read as follows:

Fire Wardens to examine buildings.

Section 4. The Fire Wardens of the Fire Department of Mokelumne Hill are hereby authorized, and it is hereby made their duty, to examine all buildings where stoves, grates, ranges or fireplaces are used for heating, cooking or other purposes; and if the same be deemed insecure, unsafe or liable to create or impart fire to the building wherein such stove, grate, range or fireplace is used, or to other buildings or property adjoining the same, they shall immediately proceed to notify the owner, occupant or tenant thereof, by a written notice, signed by at least two of said Fire Wardens, that such chimney, range, stove-pipe, or other attachment or fixture where fire is kept, is unsafe or insecure; and if the owner or occupants or tenants of any such building shall fail, neglect or refuse, for the space of three days after the service of such notice, to alter or repair, or cause to be altered or repaired, such chimney, range, stove-pipe or other attachment or fixture, he, she or they shall, upon complaint subscribed and sworn to by any one of the Fire Wardens, be deemed guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace in said township or in the County of Calaveras shall be fined in a sum not exceeding twenty-five dollars nor less than five dollars, together with the costs of prosecution, which said fines shall in all cases be collected by process of execution issued out of the Court wherein the conviction was

obtained; and all such fines so collected shall be paid into the Charitable Fund of the Fire Department.

SEC. 2. Section eight of said Act is hereby amended by adding the following provisions thereto: The President and Secretary of the Board of Delegates of the Fire Department shall, in all business relating thereto, have power to administer oaths and affirmations. Power to administer oaths.

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

CHAPTER CCXCVIII.

An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Supervisors of the County of Solano to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company and to provide for the payment of the same, and other matters relating thereto, approved April sixteenth, eighteen hundred and fifty-nine, and to fund a part of the debt of said County of Solano, and other matters relating to said railroad company.

[Approved March 26, 1868.]

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

SECTION 1. In order to fund the railroad indebtedness of the County of Solano, the Chairman of the Board of Supervisors, the County Treasurer and County Auditor of said county, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Loan Commissioners" of the County of Solano, and shall have and exercise the powers and perform the duties hereinafter provided. Loan Commissioners.

SEC. 2. It shall be the duty of said Loan Commissioners to cause to be prepared bonds, in not less than five hundred dollars each, bearing interest at the rate of seven per cent. per annum from the date of their issue, principal and interest payable in gold coin. Said bonds shall be made payable at the office of said Treasurer on the first day of January, A. D. eighteen hundred and eighty-nine; the interest accruing on said bonds shall be due and payable on the first day of January next after their issue, after which time the interest shall be due and payable at said Treasurer's office on the first day of July and January of each year, until said bonds shall be paid. Said bonds shall be signed by the Chairman of the Board of Supervisors, the County Treasurer and the County Auditor, as such officers and as ex officio Loan Commissioners, and when signed shall be presented by the Chairman of said Board of Supervisors of said county to the County Clerk of said county, who shall countersign the same, as Clerk of said Board of Supervisors, in the presence of a quorum of such Board, at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, To issue bonds.

together with the number, date, amount and place of payment of each bond so countersigned by the said Clerk of said Board of Supervisors; and upon the countersigning of said bonds it shall be the duty of the said Board of Supervisors to cause the seal of said county to be affixed to each bond and deliver the same to the person entitled thereto. Coupons for the interest shall be attached to each bond. Said coupons shall be signed by the Chairman of the Board of Supervisors and the County Treasurer. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, and indorse the same "cancelled," over his signature, and deliver the same to the County Auditor, taking his receipt therefor, whose duty it shall be to file the same in his office.

Coupons.

Matured bonds.

SEC. 3. All persons holding or who may hereafter hold any matured bonds under the provisions of this Act, or of the Act to which this is amendatory and supplemental, shall be entitled to the privilege of funding the same by virtue of this Act, or of receiving original bonds in the manner specified in section two of this Act.

Record.

SEC. 4. It shall be the duty of the Treasurer and Auditor of said county, each, to keep a separate record of all such bonds as may be issued, showing the number, date and amounts of said bonds, and to whom the same were issued, and also a separate record of all bonds that may be surrendered in lieu of those issued, showing their number, date and amount, and from whom received.

Surrendered bonds.

SEC. 5. It shall be the duty of the County Treasurer of said county to indorse, over his official signature, on the back of all bonds surrendered under this Act, the words "Cancelled by funding," with the date thereof, and deliver the same over to the County Auditor, taking his receipt therefor, who shall write across the face thereof with red ink, in letters at least one inch long, the words "Paid by issuance of new bond," together with the date, and sign his name thereto as County Auditor, which signature shall be witnessed by the County Judge and District Attorney of said county, when the same shall be filed in his, the said Auditor's, office.

Inspection.

SEC. 6. The said Loan Commissioners shall, upon funding any outstanding bond against said county, see that the said outstanding bond is surrendered and cancelled as provided in the preceding section.

Interest tax to be levied.

SEC. 7. It shall be the duty of the said Board of Supervisors of said County of Solano, previous to the making out of the duplicate of the general assessment list for said county, in each year, to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on the bonds issued under the provisions of this Act and of the said Act to which this Act is amendatory and supplemental. The said tax shall be levied, assessed and collected in the same manner as the general taxes for county purposes, and when collected shall be paid unto the County Treasurer, who shall account for and deliver the same over to the said Loan Commissioners, to be by them applied to the payment of the interest falling due on said bonds. The said Board of Supervisors shall,

for the year A. D. eighteen hundred and seventy-four, and for every year thereafter, until all the bonds issued hereunder are paid, levy, and collect, in the same manner as the interest tax is levied, assessed and collected, seven (7) per cent. of the whole amount of the bonds issued under this Act or of the Act to which this is amendatory and supplemental, for the purpose of raising a fund for the liquidation of said bonds, which shall be styled a "Loan Fund." Whenever at any time there shall be in said Loan Fund more than three thousand dollars, the said Commissioners shall advertise in a public newspaper published in Solano County, for the space of two weeks, for sealed proposals for the redemption of said bonds; and ten days from the expiration of the time of such publication the said Commissioners shall open the proposals, and shall pay and liquidate, as far as the Loan Fund then on hand shall extend, such bonds presented under such proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and *provided*, should there be no proposals made for less than par value, then the payment of said Loan Fund on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give two weeks notice of the number of the bonds to be so paid, after which time such bonds shall cease to draw interest; and *provided*, that whenever there may be sufficient moneys in such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of the said Commissioners to advertise in like manner, for the space of four weeks, for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw any interest. Any moneys remaining in said Sinking Fund after such redemption shall be paid into the General Fund of the county.

Tax to pay principal.

Redemption

Interest to cease.

SEC. 8. If there shall be collected as such interest tax, in any one year, a sum greater than is required to pay the annual interest on said bonds issued hereunder, then the said Loan Commissioners shall pass over every such surplus into the County General Fund.

Surplus.

SEC. 9. It shall be the duty of said Loan Commissioners to make arrangements for the payment of the interest on all bonds issued under the provisions of this Act, when the same falls due, at least thirty days before the time of payment; and in the event that said Interest Fund is insufficient, the said Treasurer shall draw on the Common or General Fund of the County of Solano for such purposes, and deliver the same to the said Commissioners; and in the event that these funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the good faith and credit of the county.

Commissioners to provide for deficit.

SEC. 10. The County Clerk shall open with the said Commissioners an interest tax account, and shall balance and settle the same quarterly, on the first Monday of April, July, October and January of each year.

Interest tax account.

SEC. 11. The said Commissioners shall, before entering upon their duties, take and subscribe an oath for the faithful perform-

Official oaths and bonds.

ance of their duties, and shall each, in addition to his official bond, give a good and sufficient bond in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duty under this Act, said bond to be approved and subject to renewal from time to time by the Board of Supervisors of said county, and filed in the office of the Clerk thereof.

Rights of
California
Pacific
Railroad
Company.

SEC. 12. The California Pacific Railroad Company, a corporation duly incorporated under the general laws of this State, is hereby declared to be the legal and rightful successor of the San Francisco and Marysville Railroad Company, and entitled to all the rights, privileges, immunities, subscriptions, grades and right of way heretofore conferred upon the said San Francisco and Marysville Railroad Company, subject to all the liabilities of said company.

Assignment
of stock.

SEC. 13. The said Board of Supervisors are hereby authorized and empowered to assign and transfer to said California Pacific Railroad Company all the stock subscribed for by said county in said San Francisco and Marysville Railroad Company, or its successor. Said assignment and transfer shall be made as soon as the said California Pacific Railroad Company shall, by a written instrument under its seal and the signatures of its President and Secretary, release and discharge said Solano County from all liability and damage in connection with said railroad company, as a stockholder or otherwise, except as specified in the following section.

Bonds to be
issued to
company
completing
road.

SEC. 14. The said Board of Supervisors are hereby authorized and empowered to issue and deliver to the proper officers of any railroad company which may within two years from the passage of this Act complete and have in running order a railroad from the Straits of Carquines or Vallejo Bay to the northern boundary line of said Solano County, the same amount of bonds as the said San Francisco and Marysville Railroad Company would have been entitled to had its said road have been fully completed in the year eighteen hundred and sixty-one, less the amount already issued. Said bonds shall be issued at any time within the two years aforesaid, whenever the Surveyor-General of the State or the County Surveyor of Solano County shall certify that said road is completed as required by this section. Said bonds, when issued, shall bear interest from the date of the completion of the road, and shall be issued in the same manner as provided in section two (2) of this Act.

Acts re-
pealed.

SEC. 15. All Acts and parts of Acts, so far as they conflict with the provisions of this Act and an Act to amend an Act entitled an Act to authorize the Board of Supervisors of Solano County to take and subscribe two hundred thousand dollars to the capital stock of the San Francisco and Marysville Railroad Company, to provide for the payment of the same, and other matters relating thereto, approved April sixteenth, A. D. eighteen hundred and fifty-nine, approved January thirty-first, eighteen hundred and sixty-six, be and the same are hereby repealed.

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

CHAPTER CCXCIX.

An Act to cede certain property to the Town of Crescent City.

[Approved March 26, 1868.]

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

SECTION 1. The State of California hereby grants to the Town of Crescent City, in the County of Del Norte, the entire water front of said town, and all of the right, title and interest of the said State in and to all of the lands within the corporate limits of said town which are subject to overflow, and also all the right, title and interest of the said State in and to all of the land covered by water in front of said town out to where the water is eighteen feet deep at low tide. Water front granted to town.

SEC. 2. The said water front and overflowed lands herein granted shall not be subject to execution upon any judgment against said town, but may be sold from time to time by the authorities of said town in such manner as will be most to the interest of said Town of Crescent City. Not subject so execution.

SEC. 3. Said cession is made upon the express condition that the authorities of said Town of Crescent City shall not sell the property ceded without first giving notice of said sale, by publication in some newspaper published in said Del Norte County (if such newspaper there be), and by posting notices in three of the most public places in said Town of Crescent City, for thirty days next preceding such sale, and that said property so ceded shall be sold at public auction to the highest bidder, and in separate lots not exceeding in size one hundred by one hundred and fifty feet. Conditions.

SEC. 4. Any person who has erected useful and substantial buildings upon any property ceded to the Town of Crescent City by this Act, and who believing that he had a good title to such property by virtue of a purchase from the founders of said town, shall have the privilege, within six months from the passage of this Act, of purchasing the lots on which they have built, at private sale, from the proper authorities of said town at a fair valuation without the buildings, such valuation to be determined by the authorities of said town. At private sale.

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

CHAPTER CCC.

An Act creating the office of Insurance Commissioner, and prescribing his duties and powers, and repealing certain Acts requiring foreign insurance companies to deposit stocks as security for transacting business in this State.

[Approved March 26, 1868.]

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

Office
created.

SECTION 1. The office of Insurance Commissioner is hereby created, with the duties and powers herein imposed and prescribed. The Insurance Commissioner shall hold his office for the term, commencing on the first day of April, of one year, and until his successor in office be duly qualified; he shall receive a salary of two hundred and fifty dollars per month, which shall be audited and paid monthly in the same manner as the salary of the Secretary of State is required to be paid.

How nomi-
nated.

SEC. 2. The Presidents, Vice Presidents, or other chief managing officers, of all insurance companies incorporated under the laws of this State, are hereby authorized to meet in joint convention in San Francisco, on the first Monday of March in each year, to select and nominate, by a majority vote, a suitable person to fill the office of Insurance Commissioner. Each corporation so represented in such convention shall be entitled to but one vote; and if on the day named a quorum, consisting of at least two thirds of the persons entitled, be not present, or if no nomination be then made, the convention may be adjourned from time to time until a quorum be had and a nomination effected. The person so nominated, upon a certificate to that effect, signed by the presiding officer and Secretary of said convention, being presented to the Governor, shall be, in case the Governor approves such nomination, commissioned as such Insurance Commissioner. If the Governor shall not approve said nomination, he shall, within ten days after the presentation to him of said certificate, appoint and commission some other suitable person as such Insurance Commissioner. If in any one year the convention fail to make a nomination by a vote of a majority of those present before the first day of April, in such event and for that year the Governor shall have power to appoint and commission some suitable person as Insurance Commissioner; and if a vacancy occur at any time in the office, the same shall be filled by the Governor by appointment for the unexpired term. No officer, employé or agent of any insurance company shall be appointed to said office.

Governor to
appoint.

Oath and
bond of
office.

SEC. 3. Within ten days after receiving his commission, the Insurance Commissioner shall take and subscribe to the oath of office prescribed by the Constitution, and shall execute and deliver to the people of this State a bond in the sum of ten thousand dollars, with two sureties to be approved by the Attorney-General and Controller of State, conditioned for the faithful discharge of the duties of his office, which oath and bond shall be filed in the office of the Secretary of State.

SEC. 4. It shall be the duty of the Insurance Commissioner Duties of Commissioner. to file in his office and to safely keep all books and papers required by law to be filed therein; to examine and inspect the financial condition of all persons now or hereafter engaged or who shall desire to engage in the business of insurance in this State; to issue a certificate of authority to transact insurance business in this State to any persons in a solvent condition, within the true intent and meaning of the Insurance Laws of this State, and who have fully complied therewith; to determine with proper care and discretion upon the sufficiency and validity of all bonds and other securities required by law to be given by persons engaged or to be engaged in insurance business, and to cause the same to be renewed from time to time in case of the insufficiency or invalidity thereof; and generally to do and perform, with justice and impartiality, all such duties as may be imposed upon him by the laws regulating the business of insurance in this State, and enforce the execution of such laws according to the true intent and meaning thereof; to prepare and furnish on demand, to all persons engaged in the insurance business, blank forms for such statements or reports as may by law be required of them; to make, on or before the fifteenth day of March in each year, a report to the Governor of this State, or to the Legislature, if the same be in session, containing a tabular statement and synopsis of the reports which have been filed in his office, and showing generally the condition of the insurance business and interests in this State, and such other matters as in his opinion may be of interest to the public. One thousand copies of such reports shall be printed by the State Printer, of which five hundred shall be subject to the orders of the Commissioner.

SEC. 5. The Insurance Commissioner shall have power to investigate and inquire into the business of insurance transacted in this State; and if any person engaged in the business of insurance shall refuse to give to the Commissioner full and truthful information and response in writing to any inquiry or question made in writing by the Commissioner, relating to the business of insurance as carried on by such person, then such person so refusing, and for each refusal, shall forfeit and pay to the people of this State the sum of five hundred dollars. The collection of such forfeitures, and the payment thereof, may be enforced by the Commissioner; and for that purpose, suits may be instituted in the name of The People of the State of California, in any Court of competent jurisdiction. Penalty for refusing to give information to Commissioner.

SEC. 6. The Insurance Commissioner, whenever from any cause he shall deem it necessary, or whenever he shall be thereto requested by complaint in writing, signed by three persons interested, either as stockholders, policy holders or creditors, and verified by them upon oath that they verily believe such person complained of to be insolvent under the laws of this State, shall visit and make examination of the business and affairs relating to insurance of such person so complained of; and at such times he shall have free access to all the books and papers of such person, and shall thoroughly inspect and examine all his affairs, and make inquiries, such as are necessary to ascertain his condition and ability to fulfil his engagements, and whether he has If complaint made, affairs of companies to be examined.

complied with all the provisions of law applicable to his transactions; and it shall be the duty of such person and his officers and agents to cause his books and papers to be opened for the inspection of the Commissioner, and otherwise to facilitate such examination, as far as it may be in his power so to do; and the Commissioner shall have power to administer oaths and examine under oath, by oral or written questions, all such officers and agents, or any other persons, relative to the business of such person; and if he shall find his books to have been carelessly or improperly kept or posted, he shall have power to employ sworn experts to rewrite, post and balance the same, at the expense of such person; *provided*, such examinations shall be conducted in the county where such person has his principal place of business, and shall be private, unless in the opinion of the Commissioner the safety and interest of the public requires the publication of the result of such investigation, in which case he may publish the same in two of the public newspapers of this State, one of which shall be published in the City of San Francisco.

Result may
be published

When insol-
vent.

SEC. 7. Whenever the liabilities of any person engaged in the insurance business, for losses reported, for expenses, taxes and re-insurance of all outstanding risks, estimated at fifty per cent. of the premiums received on fire risks and marine time risks, and at the entire premiums on all other marine risks, and at such rates for life, accidental and other kinds of insurance as shall be generally accepted by the Actuaries of the States of New York and Massachusetts, would impair his capital stock already paid in to an extent exceeding twenty per cent., such person is hereby declared to be insolvent.

Certificate to
be revoked.

SEC. 8. Whenever it shall be ascertained by the Commissioner that any person engaged in the insurance business in this State is insolvent, within the true intent and meaning of this Act, he shall, and is hereby empowered to, revoke the certificate granted in behalf of such person, and shall send by mail to such person, addressed to him at his principal place of business, or deliver to him personally, notice of such revocation, and shall cause notice of said revocation to be filed in his office, and also to be published in some public newspaper published in the City of San Francisco for at least four weeks; and such person is required, after receiving notice of said revocation, or after the first publication thereof, to discontinue the issuing of any new policies and the renewal of any previously issued; and in such cases the Commissioner shall require the said person, or his manager or agent, to repair its capital within such period as he may designate in such requisition. Any company, corporation or association receiving the aforesaid requisition from the Commissioner shall forthwith call upon its stockholders, by assessments, for such amounts as will make its capital equal to the amount of its paid up capital, exclusive of assets needed to pay all ascertained liabilities for losses reported, for expenses and taxes, and exclusive of the entire premiums received for outstanding risks; and in case any stockholder shall refuse or neglect to pay the amount so called for, it shall be lawful for said company, corporation or association to enforce said assessment by such notice and sale as are provided for by the Act entitled

Capital to be
repaired by
assessments
upon stock-
holders.

an Act concerning assessments upon the stock of corporations, approved March twenty-sixth, eighteen hundred and sixty-six. In case any person, upon the requisition of the Commissioner as aforesaid, shall fail to make up the deficiency of his capital in accordance with the requirements aforesaid, or to comply in all respects with the Insurance Laws of this State, the Commissioner shall communicate the fact to the Attorney-General, whose duty it shall then become to commence an action in the name of the people in this State, in the District Court of the judicial district where the person in question is located, or has his principal office, against such person, and apply for an order requiring him to show cause why his business should not be closed; and the Court shall thereupon proceed to hear the allegations and proofs of the respective parties as in other cases; and in case it shall appear to the satisfaction of the Court that such person is insolvent, as aforesaid, or that the interests of the public so require, the Court shall decree a dissolution of such company, corporation, association or firm, and a winding up of its affairs and a distribution of the effects of such person. But otherwise the Court shall enter a decree annulling the act of the Commissioner in the premises, and authorizing such person to resume business. But the Commissioner shall not be held liable for damages in the attempted performance of his duty herein, if he has acted in good faith. In the event of any additional losses occurring upon new risks taken after the expiration of the period limited by the Commissioner in the requisition, and before the deficiency shall have been filled up, the Directors of any company, corporation or association shall be individually liable to the extent thereof.

If deficiency
not made up.

Stockhold-
ers liable for
losses.

SEC. 9. It shall not be lawful for any company, corporation or association incorporated under the law of this State, or for any agent of any foreign insurance company or association doing business in this State, to transact insurance business without first having procured from the Insurance Commissioner a certificate of authority, as in this Act provided; and all policies issued or renewed, and all insurances taken, before the issuance of such certificate, shall be null and void for all purposes whatsoever.

Unlawful to
transact in-
surance busi-
ness without
certificate.

SEC. 10. Whoever shall neglect or refuse, after demand and notice thereof and without justifiable cause, to appear or testify under oath before the Insurance Commissioner in the discharge of his duty, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding three months.

Refusal to
testify.

SEC. 11. The name under which any corporation shall hereafter propose to be formed or organized under the laws of this State for the transaction of insurance business shall be submitted to the Commissioner before the commencement of such business; and the Commissioner shall have the right to reject any name or title submitted to him when he shall deem the same to be an interference with or to be too similar to one already appropriated, or likely to mislead the public in any respect, and in such case a name not liable to such objection shall be chosen.

Names of
new compa-
nies.

SEC. 12. The Commissioner may employ a Clerk at a com-

Clerk of
Commissioner.

pensation not to exceed one hundred and fifty dollars a month. The Commissioner shall keep his office in the City and County of San Francisco, and it shall remain open for business from nine o'clock A. M. until four o'clock P. M. every day except non-judicial days; he shall procure rooms necessary for his office at a rent not to exceed seventy-five dollars per month, and may provide a suitable safe and furniture therefor; he may also provide stationery, fuel, printing and other conveniences necessary for the transaction of the business of his office, not to exceed in the aggregate, exclusive of printing annual reports, the sum of five hundred dollars per annum. All expenditures authorized in this section shall be audited and paid in the same manner as the salary of the Commissioner.

SEC. 13. There shall be paid to the Commissioner by every person to whom this Act shall apply, the following fees, viz:

Fees.

For filing the certificate of incorporation, or certified copy of certificate hereinafter by this Act required to be filed in said Commissioner's office, the sum of thirty dollars.

For filing the annual statement hereinafter required to be filed, twenty dollars.

For filing any other papers required by this Act to be filed, five dollars.

For furnishing copies of papers filed in his office, twenty cents per folio; and for certifying the same, one dollar.

Salary of
Commissioner.

All fees collected shall be paid into the State Treasury monthly. In case the salary of the Commissioner and the expenses of his office shall exceed the amount collected under this Act, such excess shall be annually assessed by the Commissioner upon all persons to whom this Act shall apply, and they shall severally be liable therefor, pro rata, according to the amount of premiums received or receivable from risks taken in this State, respectively, during the year ending on the thirty-first day of December next preceding the assessment. The Commissioner shall collect fees and assessments, and pay monthly into the State Treasury whatever amounts may be received and collected by him; and in the annual report hereinafter required to be made by him, he shall report by statement, verified by his oath, the various sums so received or collected, and from whom and for what purpose received or collected. Suits may be brought by the Commissioner in the name of the people of this State to enforce such collection. Any person liable for any assessment under this section who shall neglect or refuse to pay the amount of such assessment within ten days after demand thereof, in writing, by the Insurance Commissioner, shall become liable to pay double the amount of such assessment, and any judgment recovered in such case shall be for such double amount and costs.

Record of
fees and as-
sessments.

This Act to
apply.

SEC. 14. The provisions of this Act, under the term or general designation, "person" or "persons," shall apply to, and such term shall be construed to include, all companies, corporations, associations and agents thereof engaged, or who may hereafter engage, in the business of insurance in this State, whether such business be fire, marine, inland, life, accidental, or any other kind of insurance, and whether such companies, corporations or associations be organized or formed under the laws of

this State, or of any other State of the United States, or any Territory or District thereof, or of any foreign State or country, and whether such agents carry on said business as agents of any company, corporation or association organized or formed under the laws of this State or of any other State of the United States, or any Territory or District thereof, or of any foreign State or country.

SEC. 15. The first Commissioner who shall be appointed under this Act shall, immediately upon obtaining a suitable office, apply to and receive from the Controller of State all bonds and securities filed in the Controller's office by all persons now engaged in the transaction of insurance business in this State, and shall file and safely keep the same in his office. And the Controller is hereby authorized and directed to deliver to the custody of the Insurance Commissioners all such bonds and securities, taking his receipt therefor.

Securities
heretofore
filed.

SEC. 16. The Insurance Commissioner shall keep and preserve, in a permanent form, a full record of his proceedings, including a concise statement of the condition of each person visited or examined by him.

Record of
proceedings

SEC. 17. Every Insurance Commissioner shall, upon retiring from office, deliver to his duly qualified successor in office, or, in case there be no successor, to the Secretary of State, the possession of his office, and all furniture, property, papers and archives thereto properly belonging.

Upon re-
tiring from
office.

SEC. 18. All statements and all estimates, percentages, payments and calculations required to be made in this Act, by either the Commissioner or the persons engaged in the business of fire or marine insurance, shall be made only in the gold coin of the United States.

Gold coin
basis.

SEC. 19. The Insurance Commissioner may be removed by the Governor, and another be appointed in his stead, whenever in the opinion of the Governor the public interest may require it.

Governor
may remove
Commis-
sioner.

SEC. 20. All the duties and powers conferred upon the Controller in the several Acts entitled and approved as follows, to wit: An Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two; an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two, approved March second, eighteen hundred and sixty-four; and an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health and against accidents, approved April second, eighteen hundred and sixty-six—are hereby imposed and conferred upon the Insurance Commissioner, and the Controller is hereby relieved from the same; and all the provisions in the said Acts contained, in reference to the Controller's office, are hereby made applicable to the Commissioner's office, and the Controller's office is hereby relieved from the same.

Duties and
powers
transferred
to Commis-
sioner.

SEC. 21. Sections seven and eight of an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April fifteenth, eighteen hundred and sixty-two, as amended by an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance

Acts
repealed.

companies doing business in this State, approved March second, eighteen hundred and sixty-four; and sections five and six of the Act last mentioned, and all Acts and parts of Acts now in force in this State requiring foreign insurance companies to make deposits of stock or other securities, as securities for doing business in this State, are hereby repealed.

SEC 22. This Act shall take effect immediately.

CHAPTER CCCI.

An Act granting William W. Waddell and his assigns the right to maintain a wharf and railroad in Santa Cruz County.

[Became a law by operation of the Constitution, March 26, 1868.]

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

Right
granted.

SECTION 1. There is hereby granted to William W. Waddell and his assigns the right, for twenty-five years, to maintain and use a wood or iron track railroad from said Waddell's saw mill, following down a small stream in a southwesterly direction near its mouth; thence northwesterly along the coast of the Pacific Ocean to a wharf, the terminus of said railroad, at a point easterly of Point New Year, in Santa Cruz County; said road to be used for carrying freight—and that no other railroad shall be constructed within sixty feet (60 feet) on either side thereof.

Use of land.

SEC. 2. For the purposes of said wharf, there is hereby granted to said Waddell and his assigns the right to use and occupy a strip of land five hundred feet in width, commencing at high tide, extending into the bay or ocean until a sufficient depth of water shall be obtained for the accomodation of commerce; *provided*, said wharf shall not in any manner obstruct the navigation of the bay.

Portions of
Railroad
Laws appli-
cable.

SEC. 3. For the purposes named in section one of this Act, the said Waddell and his assigns are hereby granted all the rights and privileges granted to or conferred upon railroad corporations by the first (1), second (2), third (3), and seventh (7) subdivisions of section number seventeen (17), and by sections number twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five, (35), thirty-six (36), thirty-seven (37), thirty-eight (38) and thirty-nine (39) of an Act of the Legislature of the State of California entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, and as amended, since the approval of the same, by said Legislature, and as now in force, and all the provisions of said sections of said Act as the same are now in force, shall be and

are hereby made applicable to the said railroad and the rights, franchises and privileges herein conferred upon the above named parties.

SEC. 4. Whenever it becomes necessary to increase the length of said railroad, that it may be done by application to the Board or Boards of Supervisors of said county or counties through which the said road may run and the wharf be situated, with and by their consent and approval. Railroad may be extended.

SEC. 5. The said Waddell and his assigns may charge and collect such toll or freight and such wharfage as may be annually fixed by the Board of Supervisors of the county or counties through which said road may pass and said wharf be situated; *provided*, that all persons owning or occupying lands in the vicinity of said road shall have the right to transport lumber or other freight over said road and ship the same at said wharf, and shall pay the said Waddell for the same. Toll and wharfage.

SEC. 6. Said Waddell and his assigns, as motive power on said road, may employ steam, animals, or any mechanical power, or any combination of them. Motive power.

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

This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law, this twenty-sixth day of March, A. D. eighteen hundred and sixty-eight.

H. L. NICHOLS,
Secretary of State.

CHAPTER CCCII.

An Act to provide for the re-funding of the funded debt of Siskiyou County, California.

[Approved March 26, 1868.]

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

SECTION 1. The Chairman of the Board of Supervisors and the County Auditor of Siskiyou County shall constitute a Board of Funding Commissioners, who are hereby authorized to re-fund the outstanding funded debt of said county upon the terms and conditions hereinafter provided. Board of Funding Commissioners.

SEC. 2. The Board of Funding Commissioners shall cause to be prepared bonds equal in amount to the principal of the present outstanding bonded indebtedness of the County of Siskiyou falling due on the first of January, A. D. eighteen hundred and sixty-nine. Said bonds shall be of the respective denominations of one hundred and five hundred dollars each; shall bear date of January first, A. D. eighteen hundred and sixty-nine, and shall be made payable on or before the expiration of ten years from the date of their issue. Said bonds shall bear interest at the rate of ten per cent. per annum, payable annually, on the first day of January of each year, at the office of the County Treasurer of said Siskiyou County. Said bonds, Bonds to be prepared.

when issued, shall be numbered consecutively, signed by the Chairman of the Board of Supervisors, countersigned by the County Auditor and impressed with the seal of said county.

Coupons.

SEC. 3. Coupons for the interest falling due each year shall be annexed to each bond. Said coupons shall be signed by the Chairman of the Board of Supervisors and countersigned by the County Auditor of said county. Whenever coupons are presented for payment and paid as provided in this Act, it shall be the duty of the County Treasurer to cancel the same by writing or printing across the face thereof the word "Cancelled," sign his name thereto, and deliver the same to the County Auditor, taking his receipt therefor, whose duty it shall be to file the same in his office.

Record.

SEC. 4. It shall be the duty of the Board of Funding Commissioners to keep a correct record of the number, date and amount of all bonds issued by them under the provisions of this Act, and to re-fund no bonds except the bona fide bonds of the County of Siskiyou falling due January first, eighteen hundred and sixty-nine; and the Auditor shall certify to the Treasurer the date, amount and number of each bond issued under the provisions of this Act, who shall file the same in his office for convenient reference.

Meetings of
Commissioners.

SEC. 5. The Board of Funding Commissioners shall meet at the Auditor's office at the county seat of said county on the first day of January, eighteen hundred and sixty-nine, for the purpose of receiving and cancelling the then outstanding bonds of said county and issuing new bonds therefor, as provided in this Act; and said Board shall continue in session so long as necessary to accomplish that object, not exceeding six days. They shall cause to be published in some newspaper published in said county, once a week for thirteen consecutive weeks next preceding said meeting, a notice stating the time, place and purpose of said meeting; and such publication shall be held to be sufficient notice to all persons holding any of the bonds of Siskiyou County to present the same for re-funding in conformity with the provisions of this Act. All bonds not presented in accordance with the terms of this Act for re-funding shall cease to bear interest from that time until so presented; and no suit shall be maintainable for the recovery thereof against the county for ten years thereafter.

Interest on
bonds due
January 1,
1869.

SEC. 6. The Board of Funding Commissioners shall draw their order on the Interest Fund of said county, or on the General Fund, if there be not sufficient moneys in the Interest Fund to pay the same, for all interest due and payable on the first day of January, eighteen hundred and sixty-nine, on the bonds presented for cancellation and re-funding as herein provided. They shall also cancel all bonds so presented, and cause the same to be filed in the office of the Auditor of the county.

Interest tax
to be levied.

SEC. 7. The Board of Supervisors of the County of Siskiyou shall annually thereafter, for ten years, commencing with the year eighteen hundred and sixty-nine, levy, in addition to the ordinary taxes of said county, a special tax of not to exceed thirty cents on each one hundred dollars valuation of taxable property, to be termed the "Interest Tax," which tax shall be

assessed and collected in the same manner as other State and county taxes are assessed and collected. The fund derived from said tax shall be known as the "Interest Fund," and shall only be applied to the payment of the interest and principal of said bonds, until they shall be fully paid and discharged.

SEC. 8. Should the amount raised by the interest tax in any given year be inadequate to the payment of the interest falling due on the succeeding January, in order to protect the faith of the county, it shall be the duty of the Board of Supervisors to make ample provision for the payment of said interest as it becomes due and payable, and for that purpose may transfer from the General Fund of said county the amount requisite to meet the deficiency, or, in the event of there being no money in the General Fund, may loan the same for a period not exceeding one year, and at a rate of interest not exceeding ten per cent. per annum. In the event of said deficiency being met by loan, it shall be the duty of the Board of Supervisors to authorize and direct the County Auditor to draw his warrant on the General Fund of the county for the amount so loaned, in favor of the party or parties so loaning the amount required to meet said deficiency as aforesaid, expressing therein the rate of interest agreed upon, not exceeding ten per cent. per annum, and made payable on a day certain; and it shall be the duty of the Treasurer to pay the same; and for the payment of which, the Board shall make provision in the amount of taxes levied for that year.

Defectt.

If made up
by loan.

SEC. 9. The Board of Supervisors shall annually cause to be set apart as a Sinking Fund, all moneys of the Interest Fund that may remain, if any, after paying the interest due and payable for the current year, and all moneys of the General Fund, if any, that may remain after paying all the outstanding liabilities of the year. The Treasurer shall keep an account, to be designated the "Sinking Fund Account," in which shall be entered a correct account of all moneys transferred to said fund, the date of the transfer, and the fund from whence transferred.

Sinking
Fund.

SEC. 10. Whenever at any time there shall be in the Sinking Fund a sum equal in amount to one thousand dollars or more, the County Treasurer shall advertise in a newspaper published in the county, once a week for four consecutive weeks, for sealed proposals for the redemption of said bonds; said proposals to be filed with the County Treasurer on or before the hour of nine A. M. of the day stated in the notice for opening the same. At twelve o'clock M., pursuant to notice, the Treasurer, at his office, in the presence of the Auditor and such others as may desire to be present, shall proceed to open said sealed proposals and to accept such bids as propose to surrender bonds at the lowest valuation, not exceeding par value, to the amount then on hand in the Sinking Fund. Should there be no proposals offering to surrender bonds at less than par value, it shall be the duty of the Treasurer to pay said bonds, in the order of their issue, to the amount then on hand in the Sinking Fund; and said bonds, if not surrendered in pursuance of the notice aforesaid, shall thereafter cease to bear interest. At any time

Redemption
of bonds.

when there shall be money enough in the Sinking Fund to pay off and discharge all of the outstanding bonds issued under the provisions of this Act, it shall be the duty of the County Treasurer to publish a notice for thirteen consecutive weeks in some newspaper published in said county, notifying the holders of said bonds then outstanding to present the same for payment; and all bonds not presented for payment in accordance therewith shall cease thereafter to bear interest.

Cancelling. SEC. 11. Whenever any bonds shall have been paid and redeemed, the County Treasurer shall mark the same, and each of the coupons thereto attached, "Cancelled," affixing the date of cancellation, and shall sign his name thereto, and forthwith deliver the same to the County Auditor, taking his receipt therefor, who shall make an entry of such payment and cancellation opposite to the record of the issuance of said bonds, and shall file said cancelled bonds and coupons in his office.

Expenses in preparing bonds. SEC. 12. The Board of Supervisors shall make provision for the payment of the necessary expenses in preparing said bonds and shall audit and allow such sum to the Chairman of the Board of Supervisors and County Auditor, for their services as Funding Commissioners, as shall be reasonable, not exceeding five dollars per day to each of said Commissioners for all time actually and necessarily employed as such, not exceeding six days as aforesaid, and to the Chairman of the Board mileage in coming to the meeting of said Board of Commissioners, not exceeding twenty-five cents per mile for the actual and necessary number of miles so travelled by him.

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

CHAPTER CCCIII.

An Act for the relief of C. C. Townsend.

[Approved March 26, 1868.]

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

Claim to be allowed. SECTION 1. The Board of Supervisors of the County of Nevada are hereby authorized and empowered to audit, allow and order paid the claim of C. C. Townsend, for damages sustained by him in arresting a murderer, in such sum as they may deem just, not exceeding two thousand dollars, payable out of any moneys in the General Fund of said county not otherwise appropriated.

Payment. SEC. 2. The County Auditor of Nevada County is hereby authorized to draw his warrant in favor of said C. C. Townsend, and the County Treasurer of said county is hereby required to pay the same.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCIV.

An Act to fix the compensation of the County Sheriff of the County of San Luis Obispo.

[Approved March 26, 1868.]

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

SECTION 1. From and after the passage of this Act, the Sheriff of San Luis Obispo County shall receive, for all services rendered by him to said county (for which he now receives fees), a salary of fifteen hundred dollars per annum, to be paid quarterly, in United States gold coin, in the same manner as are now paid the salaries of other county officers, from the County Treasury, as fixed by law. Salary in lieu of fees.

CHAPTER CCCV.

An Act to define and settle the limits and boundaries of the County of Marin.

[Approved March 26, 1868.]

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

SECTION 1. The limits and jurisdiction of the County of Marin shall be as follows, viz: Beginning in the Pacific Ocean at a point three miles due west from the mouth of the Estero Americano; thence, in a right line, to the mouth of said estero; thence up the middle of said estero to its head; thence, in a right direct line, to the head of San Antonio Creek, on the line surveyed and established by William Mock, under the direction of the Surveyor-General, in the year eighteen hundred and fifty-six; thence, down the middle of San Antonio Creek, to Petaluma Creek; thence, down the centre of Petaluma Creek to the Bay of San Pablo and into said Bay, to the boundary of Contra Costa County; thence, along said boundary of Contra Costa County in the Bay of San Pablo, to the middle of the Straits of San Pablo; thence, following in a direct line from the middle of said straits, to the Invincible Rock, situated in the Bay of San Francisco, near the entrance of the Straits of San Pablo; thence, in a right line, to Red Rock; thence, running from the northwest point of said Red Rock in a direct southeasterly course, to the extreme southeasterly point of Angel Island; thence, in a direct course southwesterly, to the extreme end of Point Cavallo at low water mark; thence, along the line of low water mark, along the western shore of the bay, to Point Bonita and three miles into the Pacific Ocean. Boundaries defined.

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

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

CHAPTER CCCVI.

An Act to amend an Act to prescribe the duties and to provide for the compensation of the several officers of the County of Butte, approved May third, eighteen hundred and sixty-one.

[Approved March 26, 1868.]

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

SECTION 1. Section one of said Act is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCVII.

An Act to amend section one of an Act entitled an Act in relation to the indigent sick in the County of Humboldt, approved January twenty-ninth, one thousand eight hundred and sixty-eight.

[Approved March 26, 1868.]

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

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

[Section 1.] It shall be the duty of the Board of Supervisors of the County of Humboldt to make provision for the care, keeping and medical attendance on the indigent sick in that county as in this Act provided.

CHAPTER CCCVIII.

An Act to authorize the County Recorder of the City and County of San Francisco to appoint an additional deputy.

[Approved March 26, 1868.]

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

Authorized. SECTION 1. The Recorder of the City and County of San Francisco shall be allowed, in addition to the number of deputies now provided by statute, one additional deputy—said additional deputy to have all the powers appertaining to the deputies now provided for by law. The salary of said deputy shall be one hundred and fifty dollars per month.

Payment. SEC. 2. The Auditor of said city and county is hereby

directed to audit, and the Treasurer of said city and county to pay, out of the Special Fee Fund of said city and county, the salary of said additional deputy.

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

CHAPTER CCCIX.

An Act to fix the terms of the County Court and Probate Court of the County of Monterey.

[Approved March 26, 1868.]

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

SECTION 1. The regular terms of the County Court in and County Court for the County of Monterey shall be held at the county seat of said county on the second Monday of January, April, July and October in each year.

SEC. 2. The regular terms of the Probate Court in and for Probate Court. the County of Monterey shall be held at the county seat of said county on the second Monday of January, March, May, July, September and November in each year.

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

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

CHAPTER CCCX.

An Act to amend an Act entitled an Act to fix the amount of official bonds of county officers in and for the Counties of Klamath and Del Norte.

[Approved March 26, 1868.]

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

SECTION 1. The county officers hereinafter named in the Official bonds counties of Klamath and Del Norte shall give bonds for the faithful discharge of their official duties as prescribed by law, in the following sums, respectively:

The Sheriff, in the sum of five thousand dollars.

The Sheriff as Collector, in the sum of five thousand [dollars].

The Clerk, in the sum of one thousand dollars.

The Clerk as Recorder, in the sum of fifteen hundred dollars.

The Clerk as Auditor, in the sum of two thousand dollars.

The District Attorney, in the sum of two thousand dollars.

The County Surveyor, in the sum of fifteen hundred dollars.

The Assessor, in the sum of two thousand dollars.

Official bonds The Treasurer, in a sum not less than fifteen thousand dollars. The Public Administrator, in a sum to be fixed by the Board of Supervisors, not less than two thousand dollars; and in no case shall the bond of the Public Administrator be less than the value of estates under his care and control, and the Board of Supervisors are empowered and required to increase said bond when necessity may occur.

SEC. 2. All laws and parts of laws, in so far as they conflict with the provisions of this Act, are hereby repealed.

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

CHAPTER CCCXI.

An Act to confer additional powers on the Board of Supervisors of Mendocino County.

[Approved March 26, 1868.]

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

May grant a franchise. SECTION 1. The Board of Supervisors of Mendocino County are hereby authorized to grant to John Gschwind and his associates (if any), and their assigns, or to any other person or persons, a charter giving the right to construct and maintain a public toll-road from Booneville, in Anderson Valley, in said county, to the point where the old Anderson Valley trail intersects the State road to Ukiah Valley.

Other privileges. SEC. 2. The said Board of Supervisors are authorized to allow the party or parties to whom said charter may be given to take any portion or all of the road laid out and partially constructed between the termini mentioned in section one of this Act, and to finish and collect tolls thereon.

Term. SEC. 3. The charter authorized to be granted by this Act [shall] confer the privileges herein granted for any term not more than fifteen years from the date of said charter.

Tolls. SEC. 4. The Supervisors shall have the right to regulate the tolls authorized to be collected upon said road, from time to time, as they deem proper.

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

CHAPTER CCCXII.

An Act to provide for funding the debt of the Road Fund of Tulare County.

[Approved March 26, 1868.]

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

SECTION 1. All moneys accruing to the Treasury of Tulare County on and after the first day of July, A. D. one thousand eight hundred and sixty-eight, on account of the Road Fund thereof, shall be and the same are hereby appropriated to the payment of expenses incurred on and after that date properly chargeable to that fund. Road Fund, after July 1, 1868.

Sec. 2. The Board of Supervisors of Tulare County are hereby authorized to fund all outstanding indebtedness of the Road Fund of the County of Tulare which accrued prior to the first day of July, A. D. one thousand eight hundred and sixty-eight, by issuing bonds in payment thereof, payable in United States gold coin in not less than five nor more than ten years, bearing interest payable semi-annually, which shall not exceed the rate of ten per cent per annum, to be issued in accordance with the provisions of this Act. Previous indebtedness.

Sec. 3. On or before the first day of July next, the Board of Supervisors of said county shall cause bonds to be made out for the amount of said indebtedness—the said bonds to be in sums of fifty, one hundred and five hundred dollars, at the option of the Board. Every holder of county warrants or scrip, and all persons owning or representing, as agent or attorney, any claim or debt against the Road Fund of said county which has been or may be audited and allowed on or before the first day of July, A. D. one thousand eight hundred and sixty-eight, by the proper authority, may present the same to the Board of Supervisors of said county at any time within six months from the passage of this Act, in order that the same may be cancelled and that bonds to the amount of said warrants or other indebtedness, with the interest due thereon, may be issued in lieu thereof by the Board of Supervisors to the holder, his agent or attorney. It shall be the duty of said Board of Supervisors to issue, as herein contemplated, bonds for the amount of all said warrants, scrip and other proper evidences of indebtedness properly audited and allowed against said Road Fund on or before the first day of July, A. D. one thousand eight hundred and sixty-eight, or which accrued prior to that date; said bonds to be styled "Tulare County Road Fund Bonds," and to be signed by the President of the Board of Supervisors, the Clerk thereof, and countersigned by the County Treasurer. It shall be the duty of said Board to cause all such warrants, scrip or other evidences of debt, for which bonds shall be issued as herein provided, to be cancelled immediately after issuing bonds therefor. Bonds to be issued. Warrants cancelled.

SEC. 4. For the purpose of paying the interest on the bonds so authorized to be issued, and also to create a Sinking Fund for the gradual redemption of the same, it shall be the duty of the Tax to be levied.

Board of Supervisors of said county to levy, and they are hereby authorized to levy and cause to be collected, a special tax on all property, real, personal and mixed, within the county, which shall not exceed twenty-five cents on each one hundred dollars valuation of such real, personal and mixed property; such tax to be assessed and collected in like manner as are assessed and collected other taxes for county purposes; *provided*, that for the year one thousand eight hundred and sixty-eight said tax may be levied at any regular or special meeting of said Board of Supervisors.

Proceeds. SEC. 5. All taxes collected under the provisions of this Act shall be applied only to the purpose of paying the interest and principal of the bonds authorized to be issued by this Act, until the same shall be fully paid.

Interest. SEC. 6. The interest on said bonds shall be paid at the Treasurer's office of said county on the first Monday of January, A. D. one thousand eight hundred and sixty-nine, and thereafter semi-annually on the first Monday of July and the first Monday of January of each year.

Record. SEC. 7. It shall be the duty of the Clerk of the Board of Supervisors and the County Treasurer, each, to keep a correct record of all bonds issued under the provisions of this Act, showing the number, date, amount of each, to whom issued, and for what warrants or scrip said bonds have been issued.

Redemption of bonds. SEC. 8. On the first Monday of January of each year, when there shall be as much as five hundred dollars in the County Treasury, collected under the provisions of this Act, over and above the interest due on such first Monday of January and July next thereafter, it shall be the duty of the County Treasurer to advertise in some public newspaper published in said county, once a week for two weeks, stating the amount of surplus in the Sinking Fund and inviting bids at such Treasurer's office on a given day, specifying the hour, for proposals to redeem bonds by this Act authorized to be issued. Such bidding shall be in public, and it shall be the duty of the Treasurer to accept such bids and in such amounts as will be most advantageous to the county and redeem the largest amount of bonds; and said surplus shall be applied to the redemption of such bonds for which bids were accepted, and the same taken up and cancelled; but no bid shall be received at a higher rate than the par value and interest of said bonds.

Compensation. SEC. 9. The County Treasurer and Clerk of the Board of Supervisors shall, for all services performed by them under the provisions of this Act, receive such sum as the Board of Supervisors may deem just and proper, which shall be paid out of the General Fund of the county.

Coupons. SEC. 10. The bonds authorized to be issued by this Act may have attached coupons, or not, in the discretion of the Board of Supervisors.

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

CHAPTER CCCXIII.

An Act to re-fund the funded debt of the County of San Bernardino.

[Approved March 26, 1868.]

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

SECTION 1. The Board of Supervisors of the County of San Bernardino are hereby authorized and required to fund all outstanding bonds of the county issued under an Act of the Legislature, approved February twenty-sixth, eighteen hundred and fifty-nine, and entitled an Act to fund the debt of the County of San Bernardino, that are or may be unpaid on the first day of May, A. D. eighteen hundred and sixty-eight, together with the interest accrued thereon, by issuing bonds in payment thereof, bearing interest at the rate of seven per cent. per annum, and having coupons for the payment of such interest attached. Said bonds shall be made payable in not less than ten years nor more than twenty years from the date thereof, in the legal currency of the State of California. The coupons of interest on said bonds shall be presented for payment on the first Monday in April, eighteen hundred and sixty-nine, and every year thereafter until said debt and interest are fully liquidated.

New bonds
to issue.

SEC. 2. The Board of Supervisors of said county are hereby authorized, on or before the first day of May, A. D. eighteen hundred and sixty-eight, to cause to be issued bonds for the amount of said funded debt and interest, in amount not less than one hundred dollars nor more than one thousand dollars each. Said bonds shall be signed by the President of the Board and also by the Clerk, and countersigned by the County Treasurer. The Treasurer and the Clerk of the Board of Supervisors shall each keep a correct record of all bonds issued under the provisions of this Act, showing the date, number, amount, and the name of the person to whom the same were issued, and also the respective number of the bonds in lieu of which said bonds were issued.

Description.

SEC. 3. For the purpose of paying the interest on the bonds so issued, and also to constitute a Sinking Fund for the redemption of the same, it shall be the duty of the Board of Supervisors to cause to be levied and collected, each year, a special tax on all taxable real and personal property within the county, which tax shall not be less than twenty cents nor more than forty cents on each one hundred dollars valuation of such real and personal property; such tax to be assessed and collected in the legal currency of this State, at the same time and in like manner as are assessed State and county taxes for other purposes; and the amount of taxes so collected shall be applied only to the purpose of paying the interest and principal of the bonds authorized to be issued by this Act, until the same shall be fully paid.

Tax to be
levied.

Redemption
of bonds.

SEC. 4. On the first day of May in each year, when there shall be as much as five hundred dollars in the Sinking Fund of said county over and above the amount required to pay the interest on said bonds due and payable on that day, it shall be the duty of the County Treasurer to advertise in some newspaper published in the County of San Bernardino, and also to post notices in three conspicuous places in said county, that he will receive proposals for the surrender of bonds, to the amount of said surplus. Such proposals shall be made in writing and shall be accompanied by the bonds so proposed to be surrendered, and it shall be the duty of the Treasurer to accept such bid or bids as will redeem the greatest amount of bonds, and said surplus shall be applied to the payment thereof. Said bonds shall then be cancelled; but no bids shall be received at a higher rate than the original par value of said bond.

Acts re-
pealed.

SEC. 5. All parts of an Act entitled an Act to fund the debt of San Bernardino County, approved February twenty-sixth, eighteen hundred and fifty-nine, and the several Acts amendatory thereof, so far as the same conflict with the provisions of this Act, are hereby repealed.

SEC. 6. This Act shall take effect immediately.

CHAPTER CCCXIV.

An Act to amend an Act entitled an Act to provide a fund for the redemption of and prescribing the manner of redeeming the outstanding county warrants drawn upon the Treasurer of Tuolumne County, and further to provide for the payment of all the current expenses of said Tuolumne County in cash, approved February twelfth, eighteen hundred and sixty-three.

[Approved March 26, 1868.]

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

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

Tax for Re-
demption
Fund.

Section 1. The Board of Supervisors of said County of Tuolumne shall have power, and it is made their duty, to levy a special tax annually, in addition to other taxes provided for by law, upon the taxable property of said county, of one per cent.; and said tax shall be collected at the same time and in like manner as other taxes are collected in said county, to be called a Redemption Fund, and shall be held and disbursed as hereinafter provided.

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

To redeem
warrants.

Section 2. The fund provided for by the first section of this Act shall be held and used for the redemption of any county warrants drawn upon the Treasury of Tuolumne County and payable out of the General Fund of said county.

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

Section 9. If on the first Monday of any month there shall be a deficiency of funds in the County Officers' Salary Fund to pay all the salaries of the county officers and their lawful deputies, the Board of Supervisors shall order the County Treasurer to make up and pay such deficiency from the Current Expense Fund, but not from the said Redemption Fund provided for in this Act. Salaries of county officers.

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

CHAPTER CCCXV.

An Act to provide for an open canal through Channel street, in the City and County of San Francisco.

[Approved March 26, 1868.]

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

SECTION 1. That portion of Channel street, in the City and County of San Francisco, as delineated on the official map of the city and county, approved by the Board of Supervisors thereof January thirtieth, A. D. eighteen hundred and sixty-six, and lying east of and between the easterly line of Harrison street and the water front of the Bay of San Francisco, is hereby dedicated and declared to be and remain forever an open canal for purposes of drainage and navigation. The width of said canal, from Harrison street to the northeasterly line of Seventh street, shall be of an uniform width of sixty (60) feet, and located in the middle of said Channel street; and from the northeasterly line of Seventh street to the city front, as the same now is or may be hereafter established, one hundred and forty (140) feet, and located in the middle of said Channel street; *provided*, that nothing in this Act shall be construed as conferring any right or power on any person whatever to demand or collect tolls or wharfage. Land dedicated for canal.

SEC. 2. The Board of Supervisors of the City and County of San Francisco shall have the right to extend any streets across said canal by arched bridges or drawbridges. Bridges.

SEC. 3. Any person wilfully obstructing the navigation, or in any manner damaging the said canal, or the channel thereof, or any portion thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one thousand dollars, or by imprisonment not less than thirty days nor more than ninety days. Obstructions

SEC. 4. No person shall fill or grade, or attempt to fill or grade, any lot adjacent to the line of Channel street, as established by the official map of the City and County of San Francisco, approved by the Board of Supervisors thereof January thirtieth, A. D. eighteen hundred and sixty-six, without first Grading adjacent lots.

erecting a bulkhead which shall protect the canal from any encroachment caused by said filling or grading. Any person who shall violate the provisions of this section shall be punished, on conviction thereof, as provided in the third section of this Act.

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

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

CHAPTER CCCXVI.

An Act to fix the terms of the District Court of the First Judicial District of the State of California.

[Approved March 26, 1868.]

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

When and where held. SECTION 1. The regular terms of the District Court of the First Judicial District of the State of California shall be held as follows: At the county seat of the County of San Luis Obispo, on the first Monday of December, April and August in each year; and at the county seat of the County of Santa Barbara, on the first Monday [of] January, May and September.

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

CHAPTER CCCXVII.

An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream.

[Approved March 26, 1868.]

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

Declared navigable. SECTION 1. From and after the passage of this Act, the creek known as "Islais Creek," from Franconia Landing, on or near the Bay View Turnpike, to its outlet into the Bay of San Francisco, and thence easterly, along the southerly line of Tulare street to the city water front, on Massachusetts street, shall be declared a navigable stream—the width of the channel of said creek to be hereafter established by the Board of State Harbor Commissioners.

Obstructions. SEC. 2. It shall not be lawful for any person or persons to build any dam or bridge across said creek or channel, or any wharf that will interfere with the navigation of the same.

SEC. 3. Nothing contained in the foregoing sections shall be so construed as to prohibit or prevent the Board of Supervisors in and for the City and County of San Francisco from constructing or causing to be constructed arched or draw bridges, at the discretion of said Board, or from granting licenses for any ferries or bridges, when the public good may demand the same; *provided* no obstruction be created thereby to the free navigation of the said creek; and *provided* further, that nothing in this Act shall be so construed as to affect the rights or franchises of the Potrero and Bay View Railroad Company, or to require said company to make a draw in said bridge, unless the cost of such a draw and the expense of attending the same are provided by the interested parties who may desire such improvement.

CHAPTER CCCXVIII.

An Act to provide for the payment of interpreters in the Courts of Justice in criminal cases in San Mateo County.

[Approved March 26, 1868.]

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

SECTION 1. Interpreters in the Courts of justice, in criminal or civil cases, in San Mateo County, for services rendered as interpreters in said Courts, shall be entitled to receive three dollars per day, payable out of the General Fund of said county. All demands against the county for interpreters' fees shall be presented to the Board of Supervisors and Auditor of said county for their approval or rejection, in the same manner as now provided by law for other demands against said county.

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

CHAPTER CCCXIX.

An Act requiring the Controller of State to transfer certain funds.

[Approved March 26, 1868.]

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

SECTION 1. The Controller of State is hereby authorized and required to transfer thirty-five thousand one hundred dollars of the State seven per cent. bonds, and the bonds credited to the Seminary Fund, to the State University Fund.

SEC. 2. Said Controller is hereby authorized and required to transfer from the School Fund to the University Fund the sum

of forty-four thousand and sixty-four dollars in coin, which sum shall remain subject to the orders of the Board of Regents of the State University.

Public Building Fund.

SEC. 3. The Controller shall transfer all funds in the Treasury credited to the Public Building Fund to the University Fund, which shall be subject to the orders of the Board of Regents of the State University.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCCXX.

An Act to amend an Act entitled an Act amendatory of Article Fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article Four, approved the twenty-fifth day of April, eighteen hundred and sixty-two.

[Approved March 26, 1868.]

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

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

Contracts for street work.

SECTION 6. Before giving out any contracts by the Board of Supervisors, for doing any work authorized by section three of this Act, the Board of Supervisors shall cause notice to be conspicuously posted in the office of the Superintendent of Public Streets and Highways, and also publish for five days, inviting sealed proposals for the work contemplated. All proposals offered shall be delivered to the Clerk of the Board of Supervisors, and said Board shall, in open session, open, examine and publicly declare the same, and award said work 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 have proved delinquent or unfaithful in any former contract with said city and county. All proposals shall be accompanied with a bond in the sum of one thousand dollars, signed by the bidder and two sureties, who shall be residents and freeholders of said city and county, and who shall each justify in the above amount over and above all debts and exemptions, conditioned to pay to the Street Department Fund the full sum of one thousand dollars as liquidated damages, if the bidder to whom the contract is awarded shall fail or neglect to enter into a contract as hereinafter provided. It shall be the duty of the City and County Attorney to sue on said bonds in the name of said city and county, and to pay the amount recovered over to said fund. The Board of Supervisors shall

Bonds.

have power to relieve the contractor from the performance of the conditions of said bond when good cause is shown therefor. All persons (owners included) who shall fail to enter into contracts as herein provided, or to complete the contracts entered into, are hereby prohibited from bidding 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. Notice of such awards shall be published for five days. The owners of the major part of the frontage of lots and lands liable to be assessed for said work shall not be required to present sealed proposals, but may, within said five days after the first publication of notice of such 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 said owners fail to commence the work within ten days after the first publication of the notice of said award, and prosecute the same with due diligence to completion, it shall be the duty of the Superintendent of Public Streets and Highways to enter into a contract with the original bidder to whom the contract was awarded, and at the price the same may have been awarded him; but if said bidder neglect, for fifteen days after the first publication of the notice of said award, to enter into contract, then the Board of Supervisors shall again publish for said five days and pursue the steps required by this section, the same as in the first instance. If the owners 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 Board of Supervisors may give them, said Superintendent shall report such delinquency to the Board of Supervisors, who may re-let the unfinished portion of said work, after having pursued the formalities of this section as stated aforesaid. All such contractors shall, at the time of the execution of the contract, also execute a bond to the satisfaction of said Superintendent, with two or more sureties, payable to the City and County of San Francisco, in such sums as the said Superintendent 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. Any person suffering damages by reason of the breach of said contract may sue on such bond in his own name. It shall be the duty of the Superintendent to collect from the contractors, before the contract is signed by him, the cost of publication of the notices required under the proceedings prescribed by this Act.

Notice of
award.

If owners
fail to com-
plete work.

Bonds to
perform
contract.

Damages.

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

Section 8. *Subdivision One.*—The expenses incurred for any work authorized by section three of this Act shall be assessed upon the lots and lands fronting thereon, except as hereinafter specially provided, each lot or portion of lot being separately assessed, in proportion to its frontage, at a rate per front foot sufficient to cover the total expense of the work.

Subdivision Two.—The expense of all improvements (except such as done by contractors under the provisions of section four-

Street
assessments.

Street
assessments.

teen of this Act), until the streets, street crossings, lanes, alleys, places or courts are finally accepted, as provided in section twenty-one of this Act, shall be assessed upon the lots and lands as provided in this section, according to the nature and character of the work; and after such acceptance, the expense of all work thereafter done thereon shall be paid by said city and county out of the Street Department Fund; and if said fund shall not be sufficient to defray such expenses, the Board of Supervisors may transfer from the General Fund to the Street Department Fund sufficient money to meet any deficiency.

Subdivision Three.—The expense of work done on main street crossings, except such as are provided for in subdivision eight of this section, shall be assessed upon the four quarter blocks adjoining and cornering on the crossing; and each lot, or part of a lot, in such quarter blocks, fronting on such main street, shall be separately assessed, according to its proportion of frontage on the said main streets.

Subdivision Four.—Where a main street terminates at right angles in another main street, the expense of the work done on one half the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets, and the expense of the other half of the width of said street upon the lots fronting on the latter half of the street opposite such termination.

Subdivision Five.—Where any small or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all the lots or portions of lots half way on said small streets to the next crossing or intersection, or to the end of said small or subdivision street, if it does not meet another.

Subdivision Six.—The expense of work done on the small or subdivision street crossings shall be assessed upon the lots fronting upon such small streets on each side thereof, in all directions, half way to the next street, place or court, on either side, respectively, or to the end of such street, if it does not meet another.

Subdivision Seven.—Where a small street, lane, alley, place or court terminates in another street, lane, alley, place or court, the expense of the work done on one half the width of the street, lane, alley, place or court opposite the termination shall be assessed upon the lots fronting on such small street, lane, alley, place or court so terminating, according to its frontage thereon, half way on each side, respectively, to the next street, lane, alley, place or court, or to the end of such street, lane, alley, place or court, if it does not meet another; and the other one half of the width upon the lots fronting such termination.

Official maps

Subdivision Eight.—The maps now in the office of the said Superintendent of Public Streets and Highways, showing the street crossings or spaces formed or made by the junction or intersection of other streets with Market street, other than at right angles, also showing other street crossings adjoining fractional or irregular blocks (all of which crossings or spaces are colored on said maps and numbered from three to one hundred and fifty, inclusive), and heretofore certified by said Superin-

tendent—one adopted by a resolution of the Board of Supervisors, number fifteen hundred and seventy-eight, approved on the sixteenth day of December, eighteen hundred and sixty-one, and the other adopted by a resolution of the said Board, number three thousand two hundred and eighty-four, approved on the twenty-first day of March, eighteen hundred and sixty-four, which resolutions are copied on the face of said maps respectively—shall be deemed and held to be official maps for the purposes of this Act, and the same are hereby approved; and the expenses incurred for the work done on the said crossings or spaces formed by the junction and intersection of East street with Market street, and of other streets with Market street, and not squarely in front of and not properly assessable to lots fronting on such streets, and for work done on said other street crossings and spaces, all of which are colored on said maps, shall be assessed on the contiguous, adjacent and neighboring irregular or quarter blocks or lots of land which are of the same color as the crossings or spaces, and which have a number thereon corresponding with the number of the crossing or space on which the work has been done. Expenses.

Subdivision Nine.—In all the streets constituting the water front of the City and County of San Francisco, or bounded on one side by the property of said city and county, or crossings cornering thereon, or on the water front, 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 and county bounded thereon, and of one fourth of their crossings, shall be provided for by the said city and county; but no contract for any such work shall be given out except to the lowest responsible bidder, after an observance of all the formalities required by this Act. Water front.

Subdivision Ten.—Where any work mentioned in section three of this Act (sewers, manholes, cesspools, culverts, crosswalks, crossings, curbing, grading, piling and capping excepted) is done on one side of the center line of said street, lanes, alleys, places or courts, the lots or portions of lots fronting on that side only in front of which said work is done shall be assessed to cover the expenses of said work according to the provisions of this section. Street work.

Subdivision Eleven.—The assessment made to cover the expenses of the grading mentioned in the proviso in section four of this Act shall be assessed upon all the lands, lots and portions of lots fronting on either side of said street, lying and being between the said main street crossings, in the manner provided in subdivision one of this section. Before any work is done under a contract to complete the grading of a partially graded street, lane, alley, place or court, under the provisions of section four of this Act, the City and County Surveyor shall ascertain, as near as possible, the number of cubic yards of grading done previous to the letting of the contract in front of each lot or parcel of land fronting upon the work under contract, and also ascertain the number of cubic yards of grading necessary to complete the grading included in the contract, and certify Grading.

When done
by owners.

such estimates to the Superintendent of Public Streets and Highways before the completion of the work included in said contract. And when any owner of a lot or lots fronting on said partially graded street, lane, alley, place or court, has graded a part of the same and desires credits for grading done by him previous to the publication of the notice of intention, he shall file with the City and County Surveyor, previous to the completion of the grading under contract, a certificate of the City and County Surveyor in office when the work was performed, certifying the number of cubic yards of grading done by him or those through whom he claims or deraigns title; *provided*, however, that he shall not be allowed any credits at any time for any embankment made above or excavations made below the official grade; but the cost of removing such embankment or filling in such excavation shall always be charged exclusively to the owner or owners of the lot or lots of lands fronting thereon, in addition to the pro rata rate which may be assessed to them. If the credit for grading, so certified as aforesaid, in cubic yards or measurement, equals the proportional amount of grading which such owner would be obliged to do if no grading had been done on such street, lane, alley, place or court, then such owner and his lot or lots shall be exempted from assessment for the remaining work; and if the grading done by such owner is less than his proportional share, then the work required to be done in front of his lot or lots, according to the original profile of the land previous to any grading thereon, shall be included in the assessment; and the work certified as aforesaid to have been done by him at his own expense shall be credited to him at the contract rate; *provided*, that in making the assessment to cover the expense of any work mentioned in this section, the said Superintendent may deviate from its provisions and assess such lots and lands fronting on any street, lane, alley, place or court, as he may decide liable to assessment for said work, which decision may be appealed from as hereinafter provided.

Public prop-
erty to be
assessed.

Subdivision Twelve.—Section one of an Act entitled an Act amendatory of and supplementary to an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, approved April nineteenth, eighteen hundred and fifty-nine, shall not be applicable to the provisions of this section; but the property therein mentioned shall be subject to the provisions of this Act and to be assessed for work done under the provisions of this section.

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

Payment to
contractors.

Section 11. The contractor or his assigns, or some person in his or their behalf, shall call upon the person assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person in his or their behalf, shall receipt the same upon the assessment, in presence of the person making such payment, and shall also give a separate receipt if demanded. Whenever the persons so assessed, or their agents, cannot conveniently be found, or whenever the name of the owner of the lot is stated as "unknown" on the assessment, then the said contractor or his assigns, or some

person in his or their behalf, shall publicly demand payment on the premises assessed. The warrant shall be returned to the Superintendent within ten days after its date, with a return indorsed thereon, signed by the contractor or his assigns, or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof. Thereupon the Superintendent shall record the return so made, in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded at full length, in a book to be kept for that purpose in his office, and shall sign the record. The said Superintendent is authorized at any time to receive the amounts due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; *provided*, that no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff; and he may release any assessment upon the books of his office on the production to him of the receipt of the party, or his assigns, to whom the assessment and warrant was issued; and if any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed; *provided*, however, that in case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which a return may be made with the same effect as if the original had been so returned. After the return of the assessment and warrant, as aforesaid, all amounts remaining due thereon shall draw interest at the rate of one per cent. per month until paid.

If unpaid.

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

Section 13. At any time after the period of fifteen days from the day of the date of the warrant as hereinbefore provided, or if an appeal is taken to the Board of Supervisors as is provided in section twelve of this Act, any time after five days from the decision of said Board, or after the return of the warrant or assessment, after the same may have been corrected, altered or modified, as provided in section twelve of this Act (but not less than fifteen days from the date of the warrant), the contractor or his assignee may sue, in his own name, the owner of the land, lots or portions of lots assessed, on the day of the date of the recording of the warrant, assessment and diagram, or on any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining due and unpaid, with interest thereon as hereinbefore provided; and in all cases of recovery under the provisions of this Act the plaintiff shall recover the sum of fifteen dollars, in addition to the taxable cost, as attorney's fees; *provided* he shall waive the percentage on recovery as provided by law. Suit may be brought in any Court in said city and county. The said warrant, assessment and diagram, with the affidavit of demand and non-payment, shall be prima facie evidence of such indebtedness, and of the right of the plaintiff to recover in the action. The Court in which

Appeal.

Suit for payment.

Lien. such suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution as in other cases of the sale of real estate by the process of said Courts; and on appeal, the appellate Court shall be vested with the same power to adjudge and decree a lien, and to order to be sold such premises on execution or decree, as is conferred on the Court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits now pending, or hereafter to be brought, to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this Act, and also, when not in conflict herewith, by the Civil Practice Act of this State. This Act shall be liberally construed to effect the ends of justice.

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

Repair and
cleaning of
streets.

Section 14. The Superintendent of Public Streets and Highways 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 Act to improve forthwith any of the work mentioned in section three of this Act in front of the property of which he is the owner, tenant or occupant, to the centre of the street or otherwise, as the case may require, or to remove all filth and dirt from the street in front of his 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 Act 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 three days, the said Superintendent shall be deemed to have acquired jurisdiction to contract for the doing of the work, or making the improvements, or the removing the filth and dirt required by said notice. If such improvement or work of cleaning be not commenced within three days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the said Superintendent may enter into a contract with any suitable person applying to make said improvements or to do said cleaning, at the expense of the owner, tenant or occupant, or railroad corporation or company, as the case may be, at a reasonable price, to be determined by said Superintendent; and such owner, tenant or occupant, or railroad corporation or company, shall be liable to pay the same. After the certificate referred to in section fifteen shall have been recorded, the sum contracted to be paid shall be a lien, the same as provided in section ten of this Act, and also a lien upon the franchise and property of said corporation or company, and may be enforced in the same manner as other assessments.

Neglect of
property
owners.

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

Payment.

Section 15. If the expense of such improvements, or removing such dirt and filth after the completion thereof, be not paid

to the contractor so employed, or his agent or assignee, on demand, the said contractor or his assigns shall have the right to sue the owner, tenant or occupant, or railroad corporation or company, under the provisions of this Act, for the amount contracted to be paid, and the certificate of the Superintendent that the work has been properly done, and that the charges for the same are reasonable and just, shall be prima facie evidence of the amount claimed for said work and of the right of the contractor to recover for the same in such action.

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

Section 16. In addition, and as cumulative to the remedies ^{Penalties.} above given, the Board of Supervisors shall have power, by resolution or ordinance, to prescribe the penalties that shall be incurred by any owner, tenant, occupant, or railroad corporation or company, neglecting or refusing to make improvements or remove dirt and filth, as provided for in section fourteen of this Act; which fines and penalties shall be recovered for the use of the city and county, by prosecution in the name of The People of the State of California, as in other cases provided for in subdivision eleven of section fifteen, chapter four hundred and ninety-three, on page five hundred and forty-four of the Statutes of said State, approved May eighteenth, eighteen hundred and sixty-one, and may be applied, if deemed expedient by the said Board, in payment of the expenses of any such improvements when not otherwise provided for.

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

Section 19. The records kept by the Superintendent of Public Streets and Highways, in conformity with the provisions of this Act, and signed by him, shall have the same force and effect as other public records; and such records, or copies thereof duly certified by said Superintendent, may be used in evidence with the force and effect as the original assessments, diagrams and warrants. The said records shall, during all office hours, be open to the inspection of any citizen wishing to examine them, free of charge. ^{Official records.}

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

Section 22. The said Superintendent shall keep a public office in some convenient place, to be designated by the Board of Supervisors, and his office shall be kept open as in this Act required. 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 office. He shall be allowed, at the discretion of the Board of Supervisors, not more than eight deputies, to be by him appointed from time to time. Four of said deputies shall receive a salary not exceeding one hundred and fifty dollars each, and four a salary not exceeding one hundred and twenty-five dollars per month. It shall be lawful for the said deputies to perform all or any of the duties conferred by this Act upon the Superintendent of Public Streets and Highways, under the direction of the said Superintendent, except the acceptance or approval of work done. The Superintendent of Public Streets and Highways, or his deputies, shall ^{Duties of Superintendent.} ^{Deputies.}

superintend and direct the clearing of all sewers in the public streets, and the expenses of the same shall be paid out of the Street Department Fund in the same manner as provided for the improvements of streets that have been finally accepted as in this Act provided.

Acts re-
pealed.

SEC. 10. All Acts and parts of Acts, so far as they conflict and are inconsistent with the provisions of this Act, are hereby repealed. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXXI.

An Act to provide for the relief of the indigent sick of San Mateo County.

[Approved March 26, 1863.]

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

Tax to be
levied.

SECTION 1. The Board of Supervisors of San Mateo County shall have power, and it shall be their duty, at the time and in the manner of levying county taxes, to annually levy such tax as such Board may think necessary, not to exceed twenty cents on the one hundred dollars valuation on all the taxable property of said county appearing upon the assessment roll, duly equalized, for the care, maintenance and medical treatment of the indigent sick of said county; which tax shall be collected and paid over to the County Treasurer in the same manner as the other county taxes. Said tax, when collected and paid over as aforesaid, shall constitute and be known as the "Hospital Fund" of said county, and shall be used for no other purpose than for the care, maintenance and medical treatment of the indigent sick of said county.

Applicants
for relief.

SEC. 2. Any person applying for the benefits of this Act shall make application, or in case of his or her inability so to do, some competent person shall apply to the Supervisor or Justice of the Peace of the township in which the indigent sick person resides. Said Supervisor or Justice may examine the person making application under oath, touching said application; and if it shall appear that the applicant is destitute, and that by reason of sickness, decrepitude or any bodily infirmity said applicant is unable to labor, then the person to whom said application shall have been made shall grant a certificate to that effect, and that he or she is entitled to the benefits of this Act. Said certificate shall authorize some person, designating him by name, to provide for the wants of such indigent person, under such limitations and restrictions as the Board of Supervisors by standing rules may have previously fixed. Said certificate shall be delivered to the person designated, and the person providing for such indigent person shall present to the Board of Supervisors his demand for such service. Said demand shall be passed upon in the same manner as other demands; and no such demand shall

be allowed and approved, or paid by the Treasurer, unless such certificate be attached to said demand.

SEC. 3. The Supervisor of the township in which such indigent sick person may reside may authorize, in writing, any physician in said county to attend such person; and for such services such physician shall be entitled to receive from the Hospital Fund of said county such compensation as may be deemed by the Board of Supervisors proper, under such restrictions and limitations as the said Board may have previously fixed by standing rules. The written authority for attending any indigent sick person shall be attached to his demand for such services, and the demand shall be passed upon in the same manner as other demands against the Hospital Fund of the county.

Attendance
of sick.

SEC. 4. Whenever any person confined in the County Jail shall become sick and shall be destitute, it shall be the duty of the Supervisor of the township to provide medical treatment for such person; and said Supervisor shall also provide for such person such medicines as are required, all of which shall be paid out of the Hospital Fund, in the same manner as other demands.

In County
Jail.

SEC. 5. Whenever an inquest shall be held on the body of any deceased indigent person, and the Coroner shall deem it necessary to have made a post mortem examination of said deceased indigent person, he may require a physician to make such examination, who shall be entitled to receive from the Hospital Fund such compensation as said Coroner may certify to be just and correct, not to exceed twenty-five dollars; and said Coroner, for all services rendered in holding said inquest, shall receive from the Hospital Fund the sum of twelve dollars; *provided* said deceased shall not have left sufficient estate to pay for the same.

Post mortem
examina-
tions.

SEC. 6. Whenever any indigent person in San Mateo County shall die and not leave sufficient estate to pay for his burial, it shall be the duty of the Supervisor of the township in which deceased resided at the time of his death to cause such person to be decently buried; and the person so doing shall receive from the Hospital Fund a sum not to exceed thirty dollars.

Burials.

SEC. 7. All moneys now in the several Township Hospital Funds, after the payment of all legal demands against said funds, shall be transferred to the Road Funds of the several townships respectively.

Surplus
funds.

SEC. 8. Sections seventeen and eighteen of an Act entitled an Act to organize townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six, are hereby repealed; and all other laws or parts of laws in conflict or inconsistent with the provisions of this Act are hereby repealed.

Acts re-
pealed.

SEC. 9. The Board of Supervisors shall have power to provide suitable buildings and make special provisions for the care of persons laboring under contagious diseases whenever it shall become necessary.

Contagious
diseases.

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

CHAPTER CCCXXII.

An Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City of Sacramento.

[Approved March 27, 1863.]

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

Right
granted.

Location.

Use of rails
by other
companies.

Route to be
chosen.

SECTION 1. The right is hereby granted to J. Z. Davis, Alexander Boyd, W. F. Knox and James Carolan, their associates and assigns, to lay down and maintain an iron railroad within the City of Sacramento, along and upon the following route, viz: Commencing at the intersection of K and Front streets, in said City of Sacramento; thence along and upon K street to Second street; thence along and upon Second street to J street; thence along and upon J street to Tenth street; thence along and upon Tenth street to H or G street; thence along and upon H or G street to Twentieth street; thence, from the intersection of K and Second streets, along and upon K street, to Tenth street; thence along and upon Tenth street to the State Capitol ground, on N street, using N street between Tenth and Eleventh streets, if necessary; thence along and upon Tenth or Eleventh street to X street, with the privilege of extending the route, on and upon Second street, from K street to Q street; also along and upon H or I street to Thirty-first, using Twentieth street between G and I streets, if necessary; also the privilege of extending route from the intersection of J and Second streets; thence along and upon J street to Front street; with the right to lay track on and upon Tenth street between K and J streets; with the right to abandon and relinquish track on Tenth street between J and K streets; *provided*, that when any other railroad or company shall be granted the use of the same street, or any part thereof, they shall pay for the use of the rails already laid an equal share of the cost of constructing and maintaining the railroad on the street or part of the street thus occupied jointly, and thereupon shall be entitled to the joint use of such part of said railroad; but no such grant shall be made for more than three blocks in all upon any one street. The said road to have a single or double track, at the option of the said grantees, the rails to be of the most approved patterns used on city railroads, with the proper and necessary switches and turnouts along the entire route. The said grantees, their associates and assigns, to have the right to run cars on said railroad not exceeding twenty-four feet in length, for the transportation of passengers and freight. *Provided*, that wherever, under the provisions of this section, two parallel streets are named, upon either of which the said company are herein granted the right to lay down and maintain their track or tracks, the company shall, on or before the fifteenth day of November, eighteen hundred and sixty-nine, file with the Board of Trustees of the City of Sacramento a statement in writing, showing which of such parallel streets have been selected by

them, and thereafter they shall only be allowed to lay down and maintain their road upon the streets so selected.

SEC. 2. The gauge of said railroad shall not be more than five feet wide within the rails. It shall be laid as neatly as possible in the center of each street, and flush with the level of the street, so as to offer as little obstruction as possible to the crossing of vehicles; and when the road herein provided for shall intersect any other, the rails of each shall be so altered or cut as to permit the cars to cross without obstruction; and nothing in this Act shall be so construed as to prevent any other railroad company hereafter formed from crossing the road herein mentioned at any point in like manner in the City of Sacramento.

SEC. 3. The owners of said railroad, after having broken into any of the foregoing streets for the purpose of laying their tracks, shall repair the said street or streets as neatly as when it was before broken into by said owners, and thereafter keep the same streets in repair inside of each track and between the tracks where there are more than one track; *provided* that, north, south and east of the high grade of the streets already graded to the high grade, they shall not be required to pave or macadamize any portion thereof, but they shall keep the said road as even as possible to the uniform grade of such streets outside of the high grade, so as to give vehicles an easy passage over the rails at the intersection of each street crossing.

SEC. 4. The rates of fare for each passenger upon said railroad shall not exceed fifty cents for five tickets from any point on said railroad; *provided*, that after the period of ten years from and after the passage of this Act, it shall be competent for the Legislature to diminish the rates of fare allowed to be charged under the provisions of this Act.

SEC. 5. The cars upon said railroad shall be of the most approved construction for the comfort and convenience of passengers, and shall be provided with sufficient brakes and other means of stopping the same when required. They shall be moved by horses or mules, and not otherwise.

SEC. 6. Any person wilfully obstructing said railroad shall be deemed guilty of a misdemeanor, and punished accordingly.

SEC. 7. The franchise and privileges hereby granted shall continue for the period of twenty-five years, to date from the completion of said railroad; *provided*, that the grantees shall complete at least one track from the foregoing named point of commencing, to Tenth and J streets, on or before the fifteenth day of November, eighteen hundred and sixty-nine, and to the State Agricultural Park in two years from the first day of September, eighteen hundred and sixty-eight, and the balance of the route in two years thereafter.

SEC. 8. Nothing in this Act shall be construed as in anywise to prevent the proper authorities of the said City of Sacramento sewerage, grading, paving, planking, repairing or altering any of the streets hereinbefore specified; but all such work shall be done, if possible, so as not to obstruct the free passage of the cars upon the said railroad; and when the same shall be pos-

sible, the said authorities, before the commencement of said work, shall allow to the owners of said railroad time sufficient to enable them to shift the rails, or take other means so as to avoid said obstruction during the continuance thereof, which the said owners are hereby authorized to do.

Additional
privileges.

SEC. 9. The Trustees of the City of Sacramento, or their legal successors, are hereby authorized and empowered to grant to the said parties named in the first section of this Act, their associates and assigns, such additional rights, privileges and grants as said parties, their associates and assigns, may desire or deem necessary for the full and complete enjoyment of the franchises and privileges created and granted by this Act.

CHAPTER CCCXXIII.

An Act to provide for the payment of the State's portion of the salaries of the County Auditors in the Counties of Yuba, Sutter, Trinity, Tulare and Alameda.

[Approved March 27, 1868.]

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

Appropriation.

SECTION 1. The sums of money hereinafter named are hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the purpose of paying the State's portion of the salaries of the County Auditors of the counties of Yuba, Sutter, Trinity, Tulare and Alameda, for the years hereinafter specified, in accordance with the provisions of sections fifty-two and one hundred and four of the Revenue Act of the State of California:

To Yuba
County.

To the County of Yuba, for the years eighteen hundred and sixty-two, eighteen hundred and sixty-three, eighteen hundred and sixty-four, eighteen hundred and sixty-five, eighteen hundred and sixty-six and eighteen hundred and sixty-seven, for the sum of one thousand six hundred and sixty-two dollars and seven cents.

Sutter

To the County of Sutter, for the years eighteen hundred and sixty-one, eighteen hundred and sixty-two, eighteen hundred and sixty-three, eighteen hundred and sixty-four, eighteen hundred and sixty-five, eighteen hundred and sixty-six, and prior to August first, eighteen hundred and sixty-seven, the sum of one thousand and fifteen dollars and seventy-four cents.

Trinity.

To the County of Trinity, for the years eighteen hundred and sixty-two, eighteen hundred and sixty-three, eighteen hundred and sixty-four, eighteen hundred and sixty-five, eighteen hundred and sixty-six and eighteen hundred and sixty-seven; the sum of two thousand and ninety dollars and twenty-four cents.

Alameda.

To the County of Alameda, for the years eighteen hundred and sixty-one, eighteen hundred and sixty-two, eighteen hundred

and sixty-three, eighteen hundred and sixty-four, eighteen hundred and sixty-five, eighteen hundred and sixty-six, eighteen hundred and sixty-seven, and up to the first day of March, eighteen hundred and sixty-eight, the sum of two thousand six hundred and twenty-two dollars and ninety-five cents.

To the County of Tulare, for the year eighteen hundred and fifty-four, and each and every year thereafter, to and inclusive of the year eighteen hundred and sixty-four, the sum of eighteen hundred and sixty-two dollars and thirty-eight cents; and the Board of Supervisors of said County of Tulare are hereby authorized and required to appropriate the same to the improvement of public roads and highways in said county. Tulare.

The Controller of State is hereby authorized and required to draw his warrants in favor of the Counties of Yuba, Sutter, Trinity, Tulare and Alameda, respectively, for the sums hereinbefore mentioned, and the State Treasurer is hereby authorized and required to pay the same. Controller to draw warrants.

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

CHAPTER CCCXXIV.

An Act to provide for the collection of delinquent school taxes, and legalizing assessments and school elections held in school districts in the County of Marin.

[Approved March 27, 1868.]

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

SECTION 1. The assessment of taxes upon all property, both real and personal, in the County of Marin, levied by the Trustees of school districts for the erection of public school buildings or other purposes in said County of Marin, in the years A. D. eighteen hundred and sixty-six and eighteen hundred and sixty-seven, is hereby legalized and confirmed, and rendered valid and binding, both in law and equity, against the property assessed; and no defect or informality in the election of the Trustees, Assessors and Collectors of the several school districts for failure to comply with the Act known as the Registry Act, approved March nineteenth, eighteen hundred and sixty-six, shall constitute a defense to any action brought to enforce the payment of such taxes. Legalized.

SEC. 2. The taxes referred to in section one of this Act shall be enforced in the same manner as provided for the collection of taxes in the Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six. Collection

SEC. 3. All elections held in school districts in the County of Marin for the election of officers in school districts, or for voting for a tax for buildings, or other purposes, shall be held in conformity with the provisions of the Revised School Law, approved March twenty-fourth, eighteen hundred and sixty-six, Elections.

and not in conformity with the provisions of the Act known as the Registry Act, approved March nineteenth, eighteen hundred and sixty-six.

SEC. 4. All Acts and parts of Acts in conflict with this Act, so far as they apply to the County of Marin, are hereby repealed.

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

CHAPTER CCCXXV.

An Act to authorize the Board of Supervisors of the County of Sacramento to audit and allow a certain claim.

[Approved March 27, 1868.]

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

Claim allowed.

SECTION 1. The Board of Supervisors of the County of Sacramento are hereby authorized to audit and allow a certain claim in favor of H. M. Larue, for the sum of one hundred and fifty-eight dollars, for expenses incurred by him in pursuing and causing the arrest of one John A. Toney, upon a charge of grand larceny committed in said county.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXXVI.

An Act to authorize the Italian Mutual Benevolent Association to change its name.

[Approved March 27, 1868.]

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

Authorized.

SECTION 1. The "Italian Mutual Benevolent Association," a corporation formed under the laws of this State, on the thirty-first day of December, eighteen hundred and sixty-seven, by a certificate of incorporation duly filed in the office of the County Clerk of the City and County of San Francisco and in the office of the Secretary of State, is hereby authorized to change its name as in this Act provided, and to assume the name of the "Societa Italiana di Mutua Beneficenza." Such change of name shall be effected in the following manner: The President and Secretary of the Italian Mutual Benevolent Association may execute a certificate stating that the said corporation, known as the Italian Mutual Benevolent Association, has changed its name to that of Societa Italiana de Mutua Beneficenza. Such certificate shall be acknowledged before a Notary Public or other officer authorized to take acknowledgment of deeds, and

shall be attached to a certified copy of this Act, and shall be filed in the office of the County Clerk of the City and County of San Francisco, and a copy of such certificate shall be filed with the Secretary of State, and thereafter said corporation shall be known as the Societa Italiana de Mutua Beneficenza, and by and under that name may sue and be sued, and shall enjoy all the corporate rights, powers and privileges enjoyed by benevolent associations duly incorporated according to the laws of this State, and shall be subject to all the corporate obligations and responsibilities created by their said act of incorporation or existing under the name of the Italian Mutual Benevolent Association.

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

CHAPTER CCCXXVII.

An Act to empower the Board of State Harbor Commissioners to lease a portion of the water front of the City of San Francisco to the Merchants Floating Dry Dock Company.

[Approved March 27, 1868.]

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

SECTION 1. The Board of State Harbor Commissioners are hereby authorized and empowered to lease to the Merchants' Floating Dry Dock Company so much of the water front of the City of San Francisco as will be necessary for the use of and proper working of said dock, and at such point or place in front of said city as the said Commissioners may select, but not to interfere with other leases already made, or to interfere with the navigation of the Bay of San Francisco. Said lease shall not extend beyond the term of fifteen years; and *provided*, that all permanent improvements made by the said Floating Dry Dock Company shall revert to and become the property of the State of California at the expiration of said term, and be under the control of said Harbor Commissioners in like manner with all other wharf and dock improvements now under their control.

SEC. 2. The said Harbor Commissioners are hereby authorized to make such terms and conditions with the said Floating Dry Dock Company as they may deem to be for the best interests of the State; said lease to be made within three months from the passage of this Act.

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

CHAPTER CCCXXVIII.

An Act to amend an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two.

[Approved March 27, 1868.]

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

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

Section 2. The breadth of a public road laid out as aforesaid shall not exceed four rods, nor the width of a private road less than two rods; *provided*, nothing in this Act shall be so construed as to diminish the width of roads already established; and *provided* also, that if the owners of more than half the land to be taken for a public road petition the said Board of Supervisors to make such road more than four rods wide, said Board shall have power, in their discretion, to do so.

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

Road districts.

Section 3. The road districts shall be of the same extent as the Supervisor districts; and there shall be elected a Road Commissioner for each of said districts in the same manner and at the same time as Supervisors are elected in said county, who shall give bonds to the County of Alameda in such sum as the Board of Supervisors may fix, for the faithful performance of his duties; *provided*, the Board of Supervisors shall have power to appoint said Road Commissioners until they are elected and qualified, or to fill any vacancies that may arise.

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

Assessment of damages.

Section 13. The Board of Supervisors may, after examination of the Surveyor and Viewers' report, if Viewers are appointed, designate some meeting at which they may assess the amount of damages sustained by the parties affected by the location or alteration of a road; *provided*, that at the designated meeting the applicants for said location or alteration, one or more of them, shall file affidavits with the Clerk of the Board of Supervisors that he has notified all owners, occupants or agents of land over which said proposed road is to pass, of the aforesaid designated time for assessing damages, with a copy of said notice, which shall give the parties affected at least five days notice to appear; *provided* further, that should the land over which said proposed road is to pass be vacant, or the owners thereof unknown, or reside out of the county, then the affidavit shall state that said notice was posted in some conspicuous place upon the land at least five days previous to the designated time for assessing such damages. The Supervisors may then, or at a designated meeting after the filing of said affidavit or affidavits, examine the Surveyor or Viewers and witnesses and reports, and consider such other evidence as may be produced by parties claiming damages, and thereupon said Board of

Supervisors shall separately assess the amount of damages to each person entitled to the same; *provided*, that if the opening of said road or highway shall benefit the lands abutting upon or adjacent to the same, and increase the value thereof, such benefits and increase in value shall be estimated and deducted from the damages.

SEC. 4. Section fourteen of said Act is hereby repealed.

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

Section 15. Upon the payment or tender of the damages Payment. assessed by said Board, less the benefits, such land so taken for such road shall be deemed vested in said county for all the purposes of said road; and such road may then be, by order of the said Board of Supervisors, established and opened across and over the same.

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

Section 20. The Board of Supervisors shall have power to Property tax levy a property tax for road and bridge purposes, not to exceed fifty cents per annum upon each one hundred dollars, upon all real and personal property of said county subject to taxation for State and county purposes, which shall be levied on or before the first Monday of June in each year, to be levied and collected in the same manner as the State and county taxes are levied and collected; also to levy a road poll tax annually, not exceeding two dollars to each man, and all such persons as are Road poll tax. required by law to pay a State poll tax, to be collected in the same manner as the State poll taxes; *provided*, that the provisions of this section, so far as it relates to a road poll tax, shall not apply to the City of Oakland; and all moneys collected in the several road districts under this Act shall be set apart by the County Treasurer to the credit of the road district in which the same was collected, and shall be known as Proceeds. District Road Fund, and shall be used for road and bridge purposes in said districts, including damages allowed by said Board of Supervisors in laying out and opening roads and highways; *provided*, that the Board of Supervisors shall have the power to set apart from the fund of the several road districts a sum not exceeding ten per cent. of the whole money collected in each year from the several road districts, for special road and bridge purposes, to be known as a Special Road and Bridge Fund.

SEC. 7. Section twenty-one of said Act is hereby repealed. Repeal.

SEC. 8. An Act entitled an Act to amend an Act concerning roads and highways in the County of Alameda, approved March thirty-first, eighteen hundred and sixty-six, is hereby repealed.

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

CHAPTER CCCXXIX.

An Act to grant to certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon.

[Approved March 27, 1868.]

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

Franchise.

SECTION 1. Lloyd Tevis, William B. Bourne, James P. Goodwin and Samuel Merritt, and their associates and assigns, are hereby granted the right of way whereon to construct and lay down a railway track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon, as follows:

Route.

Commencing at the corner of Montgomery and Jackson streets; thence along Montgomery street, to Pacific street; along Pacific street, to Dupont street; along Dupont street, to Broadway street; along Broadway street, to Kearny street; along Kearny, to Pacific street; along Broadway street, running west from Dupont, to Powell street; along Powell street, to California street; along California street, to Taylor street; along Taylor street, to Pacific street; along Pacific street, to Leavenworth street; along Leavenworth street, to Vallejo street; along Vallejo street, to Hyde street; along Hyde street, to Union street; along Union street, to Larkin street; along Larkin street, to Bay street; thence along Bay street, to Polk street; said extension to be made within three years after the passage of this Act, with a double or single track, at the option of the said parties or their assigns, over the entire route; the

Material.

rails to be of the most approved pattern, with all proper and necessary switches and turn-outs at such points as to them shall seem necessary, along the said route, and to run cars thereon, not to exceed twenty-four feet in length, at convenient hours of every day and night, for the transportation of passengers and freight; *provided*, that the railway track of any other street railroad on any portion of the route or streets herein mentioned shall not be used without the consent of such company; and *provided* further, that no separate railway track shall be laid on such portion of said route or streets already so occupied without the consent of the company or association so occupying the same.

Repair of streets.

SEC. 2. The owners of said railroad shall pave or plank, as the proper authorities of said city and county shall direct, the streets through which said railroad shall run, along the whole length thereof, between the rails of said road; and if two tracks are laid, then also between the said tracks, and shall keep the same constantly in repair.

Track.

SEC. 3. The track of said railroad shall not be more than five feet wide within the rails, with sufficient space for the cars to pass whilst moving on the track. The rails shall be laid flush with the street and so as to offer as little obstruction as possible to the crossing of vehicles; and where the road herein provided for shall intersect any other road, the rails of each road shall be

so altered or cut as to permit the cars to cross without obstruction; and nothing in this Act shall be so construed as to prevent any other railroad company hereafter formed from crossing the road herein mentioned at any point in like manner in the City and County of San Francisco, the track or tracks occupying, as near as may be, the centre of the street.

SEC. 4. For the purpose of laying down or repairing the said railroad, not more than the length of one block in any one street within the present fire limits of said city and county shall be obstructed at one time for a longer period than ten working days. Obstructing streets.

SEC. 5. The rates of fare of each passenger upon said railroad for any distance, going or returning, shall not exceed the price fixed by law to be charged by other railroad companies in the City and County of San Francisco. Fare.

SEC. 6. The cars upon the said railroad shall be of the most approved construction for the comfort and convenience of passengers, and shall be provided with sufficient brakes and other means for stopping the same when required. They shall be moved by horses or mules, and not otherwise, and at a speed not exceeding eight miles per hour; and in case of a violation of this provision, the owner or owners of said railroad shall be subject to a fine not exceeding one hundred dollars for each offense; and any person wilfully obstructing said railroad shall be deemed guilty of a misdemeanor, and punished accordingly. The franchise and privileges hereby granted shall continue for the period of twenty-five years, to date from and after the passage of this Act; *provided*, nevertheless, that the whole line of said railroad shall be completed, at least upon a single track, and passenger cars running thereon, within two years from and after May first, eighteen hundred and sixty-eight. Cars and speed.

SEC. 7. The owners of said railroad are required to sell, transfer and convey the same, together with the cars that may be employed thereon, to the City and County of San Francisco at any time after the expiration of fifteen years from the completion of the same, upon a demand being made to that effect by the city and county, and upon the payment to the said parties by said city and county of the appraised value thereof, exclusive of the value of said franchise. On the purchase of said roads, they, together with the franchise, shall vest in the said city and county; said appraisement to be made by five Commissioners in the manner following: The Board of Supervisors of the City and County of San Francisco shall appoint two Commissioners, and notify the grantees or their assigns of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners and notify the Board thereof. The four Commissioners so appointed shall select a fifth Commissioner within ten days; he shall be appointed by the County Judge of said city and county. In case of failure of the grantees or their assigns to appoint Commissioners on their part, as above provided, or in case of their refusal to act, the County Judge shall have the power of appointing them. Said Commissioners shall make their appraisement and present City and county may buy after 15 years. Appraisement.

their report within thirty days after the completion of the commission, and file the same in the office of the Clerk of the Board of Supervisors. A majority of said Commissioners shall constitute a quorum, and the award of the majority shall be final and binding upon the parties. The amount of the award shall be paid by the Treasurer of the city and county to the grantees or their assigns, within sixty days after the filing of said award, and thereupon the title to said railroad and cars shall vest in the said city and county.

Rights reserved.

SEC. 8. Nothing in this Act shall be so construed as in anywise to prevent the proper authorities of said City and County of San Francisco from sewerage, grading, paving, planking, repairing or altering any of the streets hereinbefore specified; but all such work shall be so done, if possible, as not to obstruct the free passage of the cars upon the said railroad; and where the same shall not be possible, said authorities, before the commencement of such work, shall allow to the owners of said railroad time sufficient to enable them to shift the rails or take other means so as to avoid said obstructions during the continuance thereof, which they, the said owners, are hereby authorized to do.

License.

SEC. 9. The owners of said railroad shall pay to the City and County of San Francisco the sum of fifty dollars per annum, as a license, upon each car used by them upon said railroad, which payment shall be made quarterly to the said city and county.

CHAPTER CCCXXX.

An Act concerning the municipal elections to be held in the City of Petaluma and Town of Santa Rosa, Sonoma County.

[Approved March 27, 1868.]

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

Registry Act not to apply.

SECTION 1. It shall be lawful for the City of Petaluma and Town of Santa Rosa, on the third Monday of April, eighteen hundred and sixty-eight, to hold an election for municipal officers in said city and town, without reference to the Registry Act passed March nineteenth, eighteen hundred and sixty-six; *provided*, that said election shall in all respects be conducted under the laws of the State of California existing at the time of the passage of said Act of March nineteenth, eighteen hundred and sixty-six.

Repealed.

SEC. 2. All Acts or parts of Acts in conflict with the above are hereby repealed, so far as they apply to the City of Petaluma and Town of Santa Rosa.

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

CHAPTER CCCXXXI.

An Act to confirm a certain Order passed by the Board of Supervisors of the City and County of San Francisco.

[Approved March 27, 1868.]

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

SECTION 1. Whereas the Board of Supervisors of the City ^{Preamble.} and County of San Francisco passed an order, numbered eight hundred, which said order was approved by the Mayor and President of the Board of Supervisors on January fourteenth, eighteen hundred and sixty-eight, and which is as follows:

“ORDER No. 800.—An Order for the settlement and quieting ^{Order No. 800.} titles to land in the City and County of San Francisco, situate above high water mark of the Bay of San Francisco and the Pacific Ocean, and without the corporate limits of the City of San Francisco.

“*The People of the City and County of San Francisco do ordain as follows:*

“SECTION 1. Immediately after the passage of this order, the Board of Supervisors shall proceed to devise and adopt a plan ^{Subdivision of outside lands.} for the subdivision into blocks and lots of all the lands not reserved to the United States, situated on the Peninsula of San Francisco, and within the present corporate limits of said city and county, and above the natural, ordinary high water mark of the Bay of San Francisco and the Pacific Ocean, as the same existed on the seventh day of July, eighteen hundred and forty-six, and without the corporate limits of the City of San Francisco, as defined in the Act to re-incorporate the said city, passed by the Legislature of California on the fifteenth day of April, eighteen hundred and fifty-one, so far as said Board may deem such subdivision necessary; and to select and set apart for public uses such lots and portions of said land as said Board may deem necessary, subject to the limitations and provisions hereinafter in this order contained.

“SEC. 2. After the adoption of the plan provided for in section one of this order, the Board of Supervisors shall cause to be made a map of said lands, according to said plan. Such map shall show the streets and public highways, the blocks formed by the intersection of the streets and public highways, and the lots into which said blocks shall be subdivided, and upon such map shall be designated the lots and portions of land set apart for public uses, and the particular use for which each lot or portion of land shall have been set apart. ^{Plan adopted}

“SEC. 3. Upon the completion of the map provided for by ^{Map.} section two of this order, it shall be deposited for public inspection in the office of the Clerk of the Board of Supervisors, and there remain for a period of thirty days; and notice shall be published in three of the daily papers during the whole time that said map shall so remain in said office.

Claims.

"SEC. 4. Any person having or claiming any interest in any portion of said lands, under and by virtue of any of the provisions of this order, may at any time before the completion of said map, or while the same shall remain in the office of the Clerk of the Board of Supervisors for public inspection, present to the Committee on Outside Lands, hereinafter in this order provided for, a description and diagram of the lands in which he shall so claim an interest, and have the same delineated on said map; but no claim shall be delineated upon said map by said committee unless all taxes shall have been paid thereon for five fiscal years preceding the year beginning July first, eighteen hundred and sixty-six.

Alteration of map.

"SEC. 5. After the said map shall have remained in the office of the Clerk of the Board of Supervisors for the said period of thirty days, as provided in section three of this order, the Board of Supervisors may examine the objections, if any, made thereto, and may make such alterations in the location or designation of any lots or portions of land set apart for public uses as may be necessary to obviate any objection which the said Board shall deem just and proper.

Official map.

"SEC. 6. As soon as the alterations provided for in section five of this order shall have been made and delineated on said map, the said map shall become and be the official map of said lands; and the portions of land thereon designated as public streets and highways, and the tract or portion of land set apart and designated on said map as a public park, and the tract or portion of land set apart and designated thereon as a cemetery, and lots for a Hospital, City Hall, County Jail, public schools, Fire Department, city library, or other public purposes, shall be deemed absolutely dedicated as such.

Public lots.

"SEC. 7. No lot set apart for public use, other than for a park, plaza, cemetery or public square, or for the erection thereon of a City Hall or buildings for a city library, Hospital, County Jail or an Asylum, shall exceed in extent two fifty-vara lots; and no tract or portion of land set apart for a plaza or public square shall exceed in extent four whole blocks, formed by the intersection of the main streets of the plan; and the tract or portion of land set apart for a cemetery shall not be less in extent than two hundred acres; and the tract or portion of land set apart for a public park shall not be less than one thousand acres.

Private lands taken.

"SEC. 8. No person shall be entitled to receive compensation for any lot or portion of land set apart for public use, unless his claim shall have been delineated on the map hereinbefore in this order provided for, nor until all conflicting claims to such lot or portion of land shall have been finally determined; and no person shall be entitled to receive compensation for any portion of land included in any street or highway.

Highway.

"SEC. 9. All that portion of the land described in section one of this order which lies south of a line drawn due south, eighty-one degrees and thirty-five minutes east, magnetic, through Seal Rock, and west of a line easterly not less than two hundred feet from ordinary high water mark, is hereby reserved and set apart for public use as a public highway.

"SEC. 10. After the committee hereinafter provided for in

section thirteen shall have made their final report upon the said map and reservations, and the report shall be ratified by the Board of Supervisors, it shall be the further duty of the said committee to make a just appraisal of the lands reserved for public uses other than for streets and highways, and to make a just and equitable assessment of the value of the lands so reserved, ratably and equitably upon and to each piece and parcel of land delineated on said map, according to the appraised value of said lands (exclusive of the lands reserved for public streets and highways). They shall make their report in duplicate, under their hands or the hands of a majority of them; one copy of which said report shall be filed in the office of the Clerk of the Board of Supervisors and the other copy of said report shall be filed in the office of the City and County Recorder; *provided*, that no member of such committee shall act in making such appraisements or assessments who shall be interested in any of the lands to be affected; and in case any member of said committee shall be so interested, the Board of Supervisors shall appoint some other member to act in his place in making said appraisements and assessments. The said committee shall be sworn to faithfully discharge their duties.

Appraisal.
ment.

"SEC. 11. Upon the payment to the County Treasurer of the City and County of San Francisco of the amount assessed by the committee provided for in section thirteen of this order, upon the lands as provided for in section ten of this order, the City and County of San Francisco hereby relinquishes and grants all the right, title and claim which the said city and county now has or may hereafter acquire as the successor of the Pueblo of San Francisco, or as the grantee or the patentee of the United States, in and to the lands hereinbefore in this order described, and not excepted or reserved, or intended to be excepted or reserved, by any of the preceding sections or provisions of this order, and which may not be set apart for public use under any of the preceding sections and provisions, and upon which shall be paid, previous to the first day of April, eighteen hundred and sixty-eight, all taxes which have been assessed thereon during the five fiscal years preceding the year beginning July first, eighteen hundred and sixty-six, unto the person, or to the heirs and assigns of persons, who were, on the eighth day of March, eighteen hundred and sixty-six, in the actual bona fide possession thereof, by themselves or their tenants, or, having been ousted from such possession before or since said day, have recovered or may recover the same by legal process. And it is hereby declared to be the intent and object of this section to pass the right, title and claim of the said city and county in and to every tract or portion of said land delineated on said map, except the portions that are or may be reserved as aforesaid, possessed by one person, unto the possessor thereof in severalty; and every separate tract or portion thereof, except the portions that are or may be reserved as aforesaid, possessed by more than one person, jointly or in common, unto the possessors thereof, jointly or in common.

Payment.

Title to pass.

"SEC. 12. The grants and relinquishments by this order made shall be subject to the selections, reservations and conditions hereinbefore in this order made and provided for.

Conditions.

Committee
to be chosen.

"SEC. 13. A committee of five members of the Board of Supervisors shall be chosen by said Board, whose duty it shall be to prepare and report to the Board the plan provided for in section two of this order, to supervise the making of the map provided for in section three, to select, set apart and designate the lots and portions of land hereinbefore provided to be set apart for public use, and generally to superintend the carrying out of the provisions of this order; all the acts of said committee to be subject to the approval of the Board of Supervisors.

"SEC. 14. The committee aforesaid shall receive a reasonable compensation for their services, to be determined by the County Judge.

Expense of
survey.

"SEC. 15. Whenever a survey shall be required to determine the boundaries of any claim or portion of any claim, whether ordered by the committee or requested by the claimants, the expenses of such survey shall be borne by such claimants; and no survey shall be received by the committee except it shall have been made by the City and County Surveyor, or a surveyor designated by the committee; and the amount of compensation for such survey shall be fixed by the committee at a reasonable rate, not to exceed the ordinary charges for such services.

Pay for
reservations.

"SEC. 16. The Board of Supervisors shall provide by order for the distribution and payment to those entitled thereto of the moneys assessed for the cost of reservations, and which shall have been paid to the City and County Treasurer, under the provisions of section eleven of this order.

Former
proceedings.

"SEC. 17. Nothing in this order contained shall have the effect to annul or invalidate any action or proceeding heretofore had or commenced under the orders which are by this order repealed; and it shall not be necessary to do anew, under this order, anything therein provided for which is also provided for in the orders aforesaid, and which has been done under and in pursuance of the provisions of said orders, and have been ratified by the Board of Supervisors; and all proceedings commenced under said orders, relating to maps and surveys, and not yet completed, shall be continued and completed under this order.

Repeal.

"SEC. 18. Order seven hundred and thirty-three, and all orders and parts of orders and resolutions, so far as they conflict with the provisions of this order, are hereby repealed.

"SEC. 19. This order is subject in all its parts to ratification by the Legislature, for which application shall be made by the Board of Supervisors."

Order
ratified.

Be it therefore enacted, that the within and before recited order be and the same is hereby ratified and confirmed; and all proceedings heretofore had, and which have taken place or shall hereafter take place under its provisions, are ratified and confirmed in all respects; *provided*, that after the Board of Supervisors shall have set apart a tract of land for a cemetery, as provided in said order, and shall have set apart a tract of land for a public park, as therein provided, the said Board may, if in their judgment the same would be better for the public health or convenience, by a vote of at least ten members, and with the approval of the Mayor, exchange such lands so set

Cemetery
and public
park may be
re-located.

apart for cemetery purposes for other lands, not less than two hundred acres in extent, to be used as a cemetery; and they may also exchange said lands so set apart for a public park for other lands for the purposes of a public park, and not of less extent than one thousand acres; but no person in actual possession of any of the lands mentioned in the first section of said order on the said eighth day of March, eighteen hundred and sixty-six, and on which five years taxes shall have been paid, as provided in such order, shall be dispossessed of any of said lands under any order heretofore or hereafter made by said Board of Supervisors for the reservation of any of said lands for public uses, except for streets, until compensation shall have been actually made to such person, as provided in said Order Number Eight Hundred; and until such compensation shall have been made such person shall be allowed to continue in possession of such lands so possessed by them.

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

CHAPTER CCCXXXII.

An Act to re-incorporate the City of Petaluma.

[Approved March 27, 1868.]

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

SECTION 1. The people of the Town of Petaluma shall be a body politic and corporate, under the name and style of the City of Petaluma, and by that name shall have perpetual succession; and by that name may sue and defend in all Courts, make contracts, purchase, receive and hold property; sell, convey, transfer or authorize the disposition of the same; and by that name may do any and all acts which the said city has power to do under this Act of incorporation. Said city may have a common seal, and may alter the same at pleasure. Corporation.

SEC. 2. The corporate limits of the City of Petaluma shall be as follows: Commencing at a point three fourths of a mile south of the southwest corner of Main and English streets, in the Town of Petaluma, County of Sonoma and State of California; thence running west three fourths of a mile; thence north one mile and a half; thence east one mile and a half; thence south one mile and a half; thence west three fourths of a mile, to the point of commencing; including an area within said limits of two square miles and one fourth, which shall be known as the City of Petaluma. Boundaries

SEC. 3. The corporate powers of the City of Petaluma shall be vested in a Board of five Trustees. Any three of said Trustees shall constitute a quorum. The meetings of said Board of Trustees shall be at stated times and places established by ordinance; but they may be convened by the President at any time. Said Board of Trustees shall assemble on the first Monday after Board of Trustees.

their election and shall take the oath of office, and shall choose a President from their number, who shall be the President of said Board of Trustees. Said Board of Trustees shall judge of the election and qualification of its own members. They shall keep a journal of their own proceedings, and upon the request of any member shall cause the yeas and nays to be taken on any question before them, and entered upon the minutes. Their proceedings shall be public. In case of vacancy, by death, resignation or otherwise, the remaining Trustees shall have power and are required to fill such vacancy by appointment entered upon their minutes.

Officers.

SEC. 4. The officers of said city shall be a Board of five Trustees and a President thereof, a Recorder, a Treasurer, a Street Commissioner, a City Attorney, a City Clerk, a Marshal and an Assessor.

City elections.

SEC. 5. An election shall be held annually for the election of two or three Trustees, a Recorder, a Treasurer, a Street Commissioner, a Marshal and an Assessor. Three Trustees shall be elected at the election held in April, A. D. eighteen hundred and sixty-eight, and three each alternate year thereafter; and two Trustees shall be elected at the election held in April, A. D. eighteen hundred and sixty-nine, and two each alternate year thereafter. Two of the present Board of Trustees shall hold office for one year in addition to their present term—said two to be selected by the present Board of Trustees by lot. Said election shall be by the qualified electors of said city, and shall be held on the third Monday of April of each year. No person shall be qualified to be elected to any office unless he is a qualified elector and has been a resident of said City of Petaluma for one year next preceding his election. No person shall vote at said elections unless he shall then be a qualified elector. All white male citizens of the United States over the age of twenty-one years, who shall have resided in this State six months, and in said city for the thirty days next preceding any election, shall be qualified electors at said election, and no other persons shall be qualified electors. No general law regulating the time of holding elections, or the terms of office of city officers, or the qualification of electors, or requiring the registration of electors, shall be construed to apply to the city elections, or officers, or electors of said city, unless said City of Petaluma shall be expressly mentioned and included therein; and all laws requiring different qualifications, or a registration of electors, are hereby repealed, so far as they apply to said city elections. The Board of Trustees shall appoint a City Attorney, who shall be an attorney of the Supreme Court of the State of California; and also a City Clerk.

Notices.

SEC. 6. The Board of Trustees shall, by an order entered on their minutes, fix the place for holding city elections. They shall, by order entered on their minutes, at least two weeks, and not more than five weeks, before the third Monday in April in each year, direct the City Clerk to post a notice of said city election to be held on said day, and may direct a like notice to be published in some newspaper published in said city and designated in said order; and shall, by like order, appoint one Inspector and two Judges of said election, who shall be qual-

ified electors of said city. The City Clerk shall, after the entry of said orders, and at least ten days before the said third Monday of April, post a notice of such election in three public places in said city, and, if said order require, shall publish said notice in the newspaper designated in said order. Said notice shall designate the time and place of holding said election, the time of opening and closing the polls, the officers to be elected, and the names of the Inspector and Judges of said election. At nine o'clock A. M. of said day said Inspector and Judges shall appear at the place of holding said election. If either or all of said officers shall fail to appear at said time and place, the bystanders may elect some qualified elector or electors to serve in the place of such absent officer or officers. The Inspector and Judges shall be sworn to the faithful performance of their duties. Said Inspector and Judges shall appoint two Clerks of Election, who shall be sworn to the faithful performance of their duties. The ballot-box shall then be opened for the reception of votes. The Inspector shall receive the ballot and shall announce the name of the voter, and, if the vote is allowed, shall deposit the vote in the ballot-box. The Inspector and Judges shall constitute a Board to determine the qualification of persons offering to vote, and shall reject all votes offered by persons who are not qualified electors. The Clerks shall keep true and correct lists of the names of all who vote. The polls shall be opened at nine o'clock A. M., and shall continue open until six o'clock P. M., except that they may be closed from twelve o'clock at noon until one o'clock P. M., if the officers of election shall so direct. At six o'clock P. M. the polls shall be closed, and no votes shall be received thereafter. When the polls are closed the Inspector, Judges and Clerks shall immediately proceed to count the votes, and shall so continue to count the same until all are counted and the result ascertained. When ascertained the result shall be publicly declared by said officers; and the ballot-box shall not be removed from the building, nor shall it leave the control of the officers of election until all the votes are counted and the result ascertained. The ballots shall be delivered to the City Clerk, and by him retained for the space of six months after they are delivered to him; and if any proceedings are, within said six months, instituted affecting said election, said City Clerk shall retain said ballots until such proceedings are determined. All the records of said officers of election shall be delivered to the City Clerk, and shall be open to public inspection.

SEC. 7. The three or two persons, as the case may be, receiving the highest number of votes for Trustees shall be declared elected Trustees, and the person receiving the highest number of votes for any city office shall be declared elected to said office; but no person shall hold two city elective offices at one time. If two persons receive the same number of votes for any office and an election is thereby prevented, the Board of Trustees, or so many of them as may be elected, shall elect one of said persons to said office, and cause a certificate of election to be issued to him. The said Inspector and Judges shall, within five days after each election, issue certificates of election to the persons elected.

The term of office of the members of the Board of Trustees shall commence on the Monday next succeeding their election and shall continue for two years and until their successors are qualified. The Recorder, Treasurer, Street Commissioner, Marshal and Assessor elect shall, within ten days after receiving a certificate of election, file their bonds, respectively, and take the

Oath of office

oath of office, which shall be indorsed on their respective bonds. If any officer of whom bonds are required shall fail to file his bond and take such oath of office within said ten days, said Board of Trustees may, by order entered on their minutes, declare such office vacant, and proceed to fill the same by appointment entered on their minutes. The City Clerk shall file any bond offered with the oath of office indorsed thereon; but if such bond shall not be approved by the Board of Trustees, they shall, by order entered on their minutes, direct the City Clerk to notify the officer filing said bond that said bond is not approved, and if such person shall for the term of ten days after receiving said notice fail to file another and additional bond which said Board of Trustees shall approve, said Board may, by an order entered on their minutes, declare said office vacant, and fill the same by appointment. The order approving every bond shall be entered on the minutes, with the date thereof. The

Term.

terms of office of said Recorder, Treasurer, Street Commissioner, Marshal and Assessor shall commence at the time of the approval of their respective bonds and shall continue until the approval of the bonds of their respective successors, and no longer. The City Attorney shall hold his office during the pleasure of the Board of Trustees, and may be removed by said Board and another person appointed at pleasure. The City Clerk shall hold his office during the pleasure of the Board of Trustees, and may be removed by said Board and another person appointed at pleasure.

Contest.

SEC. 8. Any person who has at an election received votes for any city office, and who is dissatisfied with the counting of votes made by the officers of election, may, within five days after the result of said election is declared by the officers of election, serve a notice in writing on the person declared by said officers to be elected to said office, notifying him that he will contest said election before the Board of Trustees, and shall file a like notice with the City Clerk; and said Board are authorized and directed to notify the parties of the time and place of hearing, to hear testimony, to examine the witness and the ballots of said election, and to determine between said contestants, which decision and determination shall be entered on the minutes of the Board, and shall be final. If said Board find that no certificate of election has been issued, they shall issue such certificate to the person they have so found to be entitled. If they find that the officers of election have issued a certificate of election to the wrong person, they shall, by order entered on their minutes, declare such certificate void, and shall, by like order, direct the Clerk to issue a certificate of election to the person found by said Board to be entitled thereto; and the person to whom such certificate is so issued shall be deemed to be the person elected.

SEC. 9. The Recorder, Treasurer, Street Commissioner, City

Attorney, City Clerk, Marshal and Assessor, before entering upon the duties of their respective offices, shall give bonds for the faithful performance of the duties of their respective offices, payable to the City of Petaluma, in such penalties and with such sureties and conditions as the Board of Trustees may, by order entered on their minutes, direct; said bonds to be approved by said Board of Trustees. Said Board of Trustees may at any time, by an order entered on their minutes and the service of a copy thereof on any city officer who has given bond, require of said officer an additional bond. If such officer shall, for the space of ten days after receiving such copy of said order, fail to file an additional bond that shall be approved by said Board of Trustees, said Board may, by an order entered on their minutes, declare his office vacant and fill the same by appointment.

SEC. 10. The Board of Trustees shall have power, and it is hereby made their duty, to make such ordinances, not inconsistent with the laws and Constitution of the United States and of this State, as they may deem necessary for the purposes following: To prevent and remove nuisances within the limits of said city; to regulate and prohibit the storage of gunpowder, hay and all other combustible materials; to prohibit disorderly conduct; to license and regulate auctioneers, taverns, bar-rooms, theatricals, circuses, and all shows, concerts and places of amusements; to license and regulate tippling-houses and dram-shops, hawkers, peddlers and pawnbrokers; to regulate and prohibit dance-houses, houses of ill-fame and disorderly houses of all kinds; to prevent and punish disorderly conduct in the presence of the Board of Trustees, and disturbance of a meeting thereof; to fix the time and places of the meetings of the Board of Trustees; to establish rules for the proceedings of the Board; to require bonds of all city officers except the Trustees—no Trustee to be directly or indirectly interested in any contract made by them, or in any pay for work done under their direction or supervision—and to fix the amount and penalties thereof, and the number and qualification of the sureties thereon, and the condition of said bonds; to lay out, alter and establish all streets, alleys, sidewalks, crossings and public grounds of the city, and to establish grades of the same; to lay out, locate and establish sewers and drains in said city; to provide for the prevention, by fine and imprisonment, of running at large in said city of horses, swine, mules, sheep, goats and cattle, and for the impounding the same and selling them to pay expenses and costs of such impounding, keeping and selling, and paying in such fines; to compel the muzzling and killing of dogs and to authorize their being killed; to establish and regulate markets; to prohibit slaughter-houses within said city, and the slaughtering of cattle, calves, swine, sheep and goats in said city; to establish a Police Department and regulate the proceedings and conduct of the same; to provide for and establish a chain gang, and to regulate the proceedings and conduct of the same; to provide for and establish a Fire Department, and to regulate the proceedings and conduct of the same; to establish public reservoirs and works for supplying the city with water; to provide modes and manner of lighting streets and public grounds; to regulate the construction of wharves in said city,

Official bond.

Powers and
duties of
Board of
Trustees.

Powers and
duties of
Board of
Trustees..

and to prevent the filling up, obstructing the navigation of, or the improper use of Petaluma Creek, within the limits of said city; to establish the manner of appropriating fines, penalties and forfeitures, for breaches and violations of ordinances and non-compliance therewith; to ordain, establish and impose fines, penalties and forfeitures for the breach or violation of any ordinance, or for non-compliance therewith; *provided*, that no ordinance shall fix the fine for one offence above three hundred dollars, or the imprisonment for one offence more than one hundred and fifty days; and *provided*, that such ordinance may provide an alternative judgment may be rendered, imposing a fine, and on failure to pay the same, imprisoning the person one day for each two dollars of such fine; to provide for the removal of dirt, filth and obstructions from the streets, alleys, sidewalks and public squares of said city, and to punish for the depositing of stone, dirt, filth and obstructions in the streets, alleys, sidewalks and public squares of said city; to provide for the forcible abating and removal of nuisances; to prevent and punish the depositing of dead animals and filth in said city or in Petaluma Creek, and to establish sanitary regulations for the health of the city or to prevent the spread of infectious diseases. The said Board of Trustees shall be the general agents of said city for the management of the affairs thereof, and shall have the general supervision of the same and control thereof; and, by orders entered on their minutes, shall have power to make contracts; to levy a tax annually, for general purposes, on all property in the city subject to taxation, not exceeding one per cent. of the assessed value thereof, and to order the same collected; to order the collection of a street tax annually, of three dollars on each male person over the age of twenty-one years residing in said city; to levy and order collected a tax not to exceed five dollars on each and every dog owned or kept within the city limits; to levy and collect annually a tax on all property in the city subject to taxation, not exceeding one half of one per cent. on the assessed value thereof, to be used specially for the straightening and improving the navigation of Petaluma Creek, both within and without the limits of said city; *provided*, such tax shall be voted by the qualified voters of said city; and the Board of Trustees may, by order entered on their minutes and by notice of ten days previously given in the same manner as notices of city elections are required to be given, submit at any election the question of levying such tax, specifying the rate and the manner of voting; to expend the amount collected of the tax for the straightening and improving the navigation of Petaluma Creek, both within and without the limits of said city; to construct public reservoirs and other works necessary to supply the city with water and keep the same in repair; to construct and keep in repair public cisterns and wells; to purchase and repair fire engines, hose and other apparatus necessary or needed in the Fire Department; to build or rent buildings for the use of said city and for the use of the Fire and Police Departments thereof; to open, repair and construct streets, alleys, crossings, sidewalks and public grounds, and to grade the same; to furnish lights for the streets, alleys and public grounds; to approve all bonds of city

officers; to appoint policemen and watchmen and to discharge the same; to establish and regulate a city prison; to control, pay out and expend the funds of said city; and to do any and all acts necessary to the proper performance of their duties under the charter of said city. They shall receive four dollars per day while sitting as a Board of Equalization, but shall receive no other compensation.

SEC. 11. The Board of Trustees shall not contract any liability, either by borrowing money, loaning the credit of the city or contracting debts, which, singly or in the aggregate, with any previous debts or liabilities contracted by the Board of Trustees, shall exceed the sum of one thousand dollars over and above the amount in the Treasury; *provided*, that upon the levying of any tax, the said Board may, in addition to the above, contract debts and liabilities equal in the aggregate to one half of the amount of said tax. Power to contract debt limited.

SEC. 12. All bills, claims and demands against said city shall be plainly stated, in writing, and verified by the oath of the claimant, or some one in his behalf. The items of the claim shall be particularly stated therein. Said claim shall be filed with the City Clerk, who shall present it to the Board of Trustees, who shall allow or reject the same in whole or in part. No bill, claim or demand shall be allowed, in whole or in part, by the Board of Trustees, unless so made and verified. No action shall be commenced against said city unless the bill, claim or demand upon which it is founded shall have been first so presented in writing by filing the same with the City Clerk, nor until one month after such filing. Upon the expiration of said month, if such claim, bill or demand shall not have been allowed in full by said Board of Trustees, an action may be commenced on the same. If said bill, claim or demand shall have been allowed in part by said Board of Trustees, and suit shall thereafter be commenced, and no more is recovered against said city than the amount so allowed, no costs shall be allowed against said city; but said city shall recover costs. If no action shall be commenced within one year after the expiration of said month, the bill, claim or demand so filed, of whatever nature it may be, shall be forever barred and incapable of being revived in any manner whatever. No action shall be commenced or maintained against said city for damages sustained by reason of the omission of said city to comply with its own ordinances or orders, or omission to carry out or enforce the same. All bills, claims or demands finally allowed by said Board of Trustees shall become and be a debt against said city, and shall be paid in the usual course of business, unless otherwise agreed. Warrants on the Treasury shall be ordered drawn for all bills, claims or demands so allowed, which warrants shall be signed by the President, countersigned by the Clerk and numbered, and payable out of such fund in the order of their numbers. Claims against city.

SEC. 13. The President of the Board of Trustees shall preside over all meetings of the Board at which he is present. In his absence a President pro tem. may be chosen. The President, and in his absence the President pro tem., shall sign all warrants drawn on the City Treasurer, and shall sign all written contracts entered into by said city, as such President or Meetings of Board.

President pro tem., and shall have the custody of the seal of said city and shall affix the same whenever necessary. 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.

Jurisdiction
of Recorder.

SEC. 14. The Recorder of said city, as to crimes and offences committed within the limits of said city, shall have like criminal jurisdiction as now is or may hereafter be conferred by the laws of this State on Justices of the Peace; and all the laws of this State relating to the jurisdiction of Justices of the Peace in criminal cases, to the processes issued by them, the trial of such cases, holding to bail, committing to prison, and appeals and other matters connected with such criminal cases, and all laws hereafter passed relating thereto, shall, as to crimes and offences committed within the limits of said city, be applicable to said Recorder and the jurisdiction and practice of and in his Court, substituting in said laws the word Recorder for the word Justice. The Recorder shall also have jurisdiction over all breaches and violations of city ordinances and non-compliance therewith, and the proceedings in such cases shall be the same in all respects as the proceedings in other criminal cases before said Recorder, except that in case of any imprisonment for any breach or violation of or non-compliance with a city ordinance such imprisonment shall be in the City Prison. Appeals to the County Court may be taken from judgments in prosecution for breaches and violations of or non-compliance with said city ordinances, as in other criminal prosecutions, and the like proceedings shall be had therein. The Recorder shall have power to administer all oaths and affirmations, and to take affidavits and depositions to be used in any Court or proceeding in this State, and to certify the same; he shall also have full power to take and certify the acknowledgments of all persons to deeds, mortgages, leases and contracts of lands and premises and tenements lying and being, in whole or in part, within the limits of said city, and of all instruments affecting such lands and premises and tenements. None of the hereinbefore mentioned and granted powers shall be taken from said Recorder by any general law unless he is expressly mentioned and included therein.

Powers.

Seal.

The city shall furnish said Recorder with a seal, on which shall be engraved the arms of this State and the words Recorder of the City of Petaluma. The Recorder shall affix said seal to all acknowledgments and to all certificates to be used outside of said city. All process of every description issued from said Recorder's Court or signed by him may be executed by the City Marshal, or any of his deputies, or by any Constable of the Township of Petaluma, or by the Sheriff of the County of Sonoma, or any of his deputies. The Recorder shall keep a docket and a record of his proceedings in the same manner and form as is required of Justices of the Peace. For all oaths,

affirmations, affidavits, depositions, acknowledgments and certificates taken or made by him, the Recorder shall receive the same fees as Notaries Public. In all criminal proceedings not for breach, violation of, or non-compliance with a city ordinance, he shall be entitled to the same fees as a Justice of the Peace, to be paid in the same manner. In proceedings for the breach, violation of or non-compliance with any city ordinance, he shall receive such fees or such salary as shall by ordinance be fixed by the Board of Trustees. All fines and penalties imposed and collected in criminal proceedings not for breach, violation of or non-compliance with a city ordinance, shall be paid into the County Treasury by the Recorder; all other fines and penalties shall be paid into the City Treasury. Such payments shall be made at the end of every quarter of the fiscal year of said city. The Recorder shall keep a full and clear statement and account of all moneys received and paid, and shall, at the end of each quarter, file with the City Clerk a statement showing, item by item, the receipts and expenditures of such quarter, so far as said city is concerned, and shall file with the County Clerk a like statement so far as said county is concerned. All fines, penalties and forfeitures imposed by said Recorder and collected shall be paid to him, to be paid by him as aforesaid, except that he may retain such of his fees in any particular case as may be collected in that case. The City Recorder shall have the same power to hear, try and determine suits for the collection of delinquent city taxes that a Justice of the Peace now has in the collection of delinquent State and county taxes, and shall use the same process, and collect and receive the same fees, and proceed in all things in the same manner, and all laws now applicable to said Justices in the collection of taxes shall be applicable to said Recorder.

SEC. 15. The Department of Police of said city shall be under the direction and control of the City Marshal; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon Sheriffs by the laws of the State, and shall in all respects be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers and watchmen in said city, and every citizen shall also lend him aid, when required, for the arrest of offenders and maintenance of public order. He shall, and is hereby authorized to, execute and return all process issued and directed to him by any legal authority. It shall be his duty to prosecute before the Recorder for 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 further provided. He shall, at the expiration of any month, pay to the City Treasurer all taxes and other funds of said city collected by him during said month, deducting his fees for collecting. He shall, upon payment of the money, file with the Treasurer an affidavit stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. He shall, upon receipt of any tax list, give his receipt for the same to the City Clerk,

and shall, upon depositing with the City Clerk the delinquent tax list, take his receipt therefor. He shall receive from the Clerk all city licenses and collect the same. He shall have charge of the City Prison and prisoners and of any chain gang which may be established by the Board of Trustees. He shall, for service of every process, receive the same fees as Constables of Petaluma Township. He may appoint, subject to the approval of the Board of Trustees, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose only compensation shall be fees for the service of process, which shall be the same as those allowed to the City Marshal. He may also, with the concurrence of the President of the Board of Trustees, when the same may be by them deemed necessary for the preservation of public order, appoint additional policemen, who shall discharge the duties assigned them for one day only. He shall be entitled to receive and retain five per cent. upon all moneys collected by him on account of any tax list placed in his hands and upon all licenses collected by him. Whenever the Marshal shall make any return of money collected on any tax list, for the straightening and improving the navigation of Petaluma Creek, or pay any of the same to the Treasurer, he shall designate specifically said money as belonging to the fund for straightening and improving the navigation of Petaluma Creek.

Deputies.

Treasurer.

SEC. 16. It shall be the duty of the Treasurer to receive and safely keep all moneys which shall come into his hands as City Treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the City Clerk. He shall pay out said money on warrants signed by the President and countersigned by the Clerk, and not otherwise. He shall make quarterly settlements with the City Clerk. For his compensation he shall be allowed one per cent. on all moneys received and paid out 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. He shall keep the money collected of any tax for the straightening and improving the navigation of Petaluma Creek in a separate fund, and warrants shall be drawn and numbered of that fund, the same as to Plaza money.

Street Commissioner.

SEC. 17. It shall be the duty of the Street Commissioner to ascertain and enter complaints before the Recorder of all breaches or violations of and non-compliance with any ordinance relating to or concerning streets, sidewalks, alleys and public grounds. He shall, under the supervision and direction of the Board of Trustees, have the general supervision and care of all streets, sidewalks, alleys, sewers and public grounds. He shall be allowed three dollars per day for his services while actually engaged in the business of said city. The Board of Trustees may, by ordinance, further establish and define his duties.

Assessor.

SEC. 18. It shall be the duty of the Assessor, between the first day of May and the first day of August, in each year, to make out a true list of all the taxable property within the city. The mode of making out of said list and all proceedings relating thereto shall be in conformity with the laws now in force regulating County Assessors, except as the same may be otherwise

provided in this Act. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such lists by County Assessors. Said Assessor shall verify said list by his oath, and shall deposit the same with the City Clerk on or before the first Monday of August in each year. The Assessor shall, during said time, also make a list of all male persons residing within the limits of the City of Petaluma, over the age of twenty-one years, and shall verify said list by his oath, and shall, on or before the first Monday of August in each year, deposit the same with the City Clerk. The said Assessor shall, during said time, make a list of all dogs owned and kept within the limits of said city, with the names of the owners and keepers thereof, and verify said list by his oath, and shall, on or before the first Monday in August of each year, deposit said list with the City Clerk. Said Assessor may appoint a deputy, and for his services shall be allowed three dollars per day, and the same for his deputy; *provided*, the amount paid said Assessor and his deputy shall not in the aggregate exceed the sum of three hundred dollars. Said Assessor and his deputy shall have power to administer all oaths and affirmations necessary in the performance of his duties.

Sec. 19. It shall be the duty of the City Clerk to keep a full and true record of all the proceedings of the Board of Trustees and of the Board of Equalization. The proceedings of the Board of Trustees shall be kept in a book marked "Records of the Board of Trustees." The proceedings of the Board of Equalization shall be kept in a separate book, marked "Records of the Board of Equalization." He shall keep a book which shall be marked "City Accounts," in which shall be entered as a credit all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys when received, and in which shall be entered upon the debtor side all commissions deducted and all warrants drawn on the Treasury. He shall also keep a book marked "Marshal's Account," in which he shall charge the City Marshal with all 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 him, and shall credit him with money paid and delinquent taxes returned. He shall also keep a book marked "City Ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of an ordinance of the City of Petaluma, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, shall be

City Clerk. 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 copy every demand filed with him against the city. He shall state therein, under the copy of the demands, the final disposition made of the same; and if the same is allowed and a warrant is drawn, he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll of any of the taxes of the city, and the levying of the tax thereon, the City Clerk shall apportion the taxes upon such assessment roll, and make out and deliver to the Marshal a tax list in the usual form, taking his receipt therefor. He may appoint a deputy, for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any Court or proceeding in the State, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city, and certify the same without charge. He may have a seal, on which shall be engraved the arms of the State and the words "City Clerk of the City of Petaluma." He shall make a quarterly statement in writing, showing the receipts and expenditures of the city for the preceding quarter, and the amount remaining in the Treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city, which shall be published. He shall perform such other services as this Act and the ordinances of the Board of Trustees shall require. As a compensation for all of his services, and those of his deputy, he shall receive not to exceed one hundred dollars each quarter, at the discretion of the Board of Trustees.

Deputy.
City Attorney.

SEC. 20. It shall be the duty of the City Attorney to advise the city authorities and officers in all legal matters pertaining to the business of said city. He shall receive the delinquent lists and receipt therefor; he is authorized to bring suit in the proper Court for the collection of any tax; he shall receive for collecting taxes twenty per cent. on the amount collected, which said twenty per cent shall be collected of the delinquent taxpayers as hereinafter provided. In case a suit shall be brought in the District Court upon a tax upon real estate to sell such real estate for the purpose of paying such tax and costs, he shall be allowed, in addition to the twenty per cent., twenty-five dollars for each suit brought, to be taxed as costs in such suit, and not to be paid to said City Attorney unless collected of the

defendant in such suit. In case of a suit in the District Court to enforce a lien of any kind on behalf of the city, if a recovery is had in favor of said city, twenty-five dollars shall be taxed in said action as costs in favor of said city, which, if collected, shall be paid to the City Attorney. If the money sued for shall be paid at any time after suit, said twenty-five dollars shall be due and taxed as costs. Said City Attorney shall receive such other compensation as may be allowed by the Board of Trustees.

SEC. 21. All ordinances shall be passed by the Board, the President having a vote but no veto power. Three members of the Board shall be a quorum for the transaction of business, but three members shall concur in every vote except on the question of adjournment. All ordinances shall be signed, as nearly as may be, in the following form, viz:

In Board of Trustees finally passed this _____ day of _____, A. D. _____.

Attest: _____ A. B., City Clerk.

Approved this _____ day of _____, A. D. _____.

C. D., President of the Board of Trustees.

They shall commence as follows, viz: "The Board of Trustees of the City of Petaluma do hereby ordain as follows." All ordinances shall be published in some newspaper in Petaluma, or posted in three public places in said city, and shall be in force in ten days after such publication or posting.

SEC. 22. 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 of 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.

SEC. 23. The fiscal year of said city shall commence on the first day of April of each year and end on the last day of March of the ensuing year, which said year shall be of the same number of the year of our Lord of the first three quarters thereof. The taxes of said city shall be, annually:

First—A general tax on all the property in the city subject to taxation, not exceeding one per cent. of the assessed value thereof, for general purposes.

Second—A tax on all the property in the city subject to taxation, not exceeding one half of one per cent. of the assessed value thereof, for the purpose of straightening and improving the navigation of Petaluma Creek; *provided* the same be voted by the qualified voters of said city.

Third—A street tax of three dollars on each male person over twenty-one years of age residing in said city.

Fourth—A tax not to exceed five dollars on each dog owned and kept within said city.

Each of said taxes shall be due to said city on said property, and from the owners thereof, and from said persons, whenever the same shall be levied by the Board of Trustees of said city. All taxes shall be levied during the months of August or September of each year.

Collection of
taxes.

SEC. 24. Whenever any tax shall be levied it shall become and be a lien upon all the real estate of the persons owing the tax situated in said city, which said lien shall take precedence of all other liens, except those held by the United States and by this State, and excepting liens in existence at the time of the passage of this Act. Whenever a tax is levied the City Clerk shall immediately make out a tax list of the same, and certify to the same and ascertain the amount of the tax, and deliver said tax list to the City Marshal and take his receipt therefor. The City Marshal shall, on the receipt of said tax list, proceed to the collection of said taxes. He shall collect no taxes on said list after the third Monday of November next following its receipt. All city taxes not paid on or before said third Monday of November shall be delinquent taxes. At the close of the day on said third Monday of November, there shall become and be due to said city on said delinquent taxes the amount of twenty per cent. of the same in addition to said tax, which said twenty per cent. shall be collected in the same manner as the delinquent tax. Immediately after said third Monday of November, the City Marshal shall make out a list, in the same form as the tax list, of all taxes so delinquent, and shall verify the same and deposit it with the City Clerk. The City Clerk shall immediately place said delinquent list in the hands of the City Attorney, and take his receipt therefor and charge the same to him. The City Attorney shall, by suit, collect said delinquent taxes in the same manner as the District Attorney now collects delinquent State and county taxes, except as may be differently provided by this Act. In all cases where, by the laws now in force, the District Attorney brings suit before a Justice of the Peace, the City Attorney shall in similar cases bring suit before the City Recorder; and the laws now in force applicable to the District Attorney, in the collection of State and county taxes, shall be applicable to the City Attorney in the collection of city taxes, except as may be differently provided in this Act. Whenever said City Attorney has collected of said delinquent taxes all that he has been able to collect, he shall make a list of such taxes as he has not been able to collect, and deposit the same, with the delinquent list, with the City Clerk. The City Attorney shall, quarterly, make a statement of the taxes collected by him, and verify the same and file it with the City Clerk; and shall, quarterly, pay into the City Treasury all taxes collected by him, retaining the twenty per cent. additional as his fees. The Board of Trustees shall examine the list of unpaid taxes returned by the City Attorney, and abate or make such disposition of the same as they may think best.

Delinquent.

SEC. 25. The Board of Trustees, by a vote entered on their

minutes, three members concurring, may submit to a vote of the electors of said city, after ten days notice thereof, the question whether the public plaza or square lying between Main and Kentucky, and Mary and Martha streets, in said city, shall be sold. If at such election it shall be determined by a majority of all the votes cast that the said plaza or square shall be sold, then, and in that case, the said Board of Trustees shall have power, and are hereby authorized, to sell and direct the conveyance of the plaza or public square in said city, lying between Main and Kentucky streets, and Mary and Martha streets. Said plaza or public square, or any part thereof, may be sold and conveyed to the highest and best bidder for cash in hand, in such portions as said Trustees shall deem best. Whenever said plaza or public square, or any part thereof, is sold and a conveyance directed to be made, the President of the Board of Trustees shall, in the name of the city, execute and deliver to the purchaser a deed of the same and affix the seal of the city thereto. He shall acknowledge the same, as such President. Such deed so executed shall pass all the right, title, interest and estate of the city and of the public in and to said land to the grantee. The consideration received for said lands conveyed shall be expended by said Board of Trustees for the purposes of erecting a City Prison and City Hall in said city, and to be applied solely to said purposes by the said Trustees.

SEC. 26. The Board of Trustees, whenever a petition signed by twenty-five citizens of said city, praying for the establishing, laying out, extending, widening, altering, opening or vacating of any street, lane, alley or public square in said city, shall have been presented to them, shall, if the establishing, laying out, extending, widening, altering, opening or vacating so prayed for shall be deemed by them a public necessity, cause a survey to be made of such proposed street, lane, alley or public square. Said survey shall be reported to said Board of Trustees, and shall be filed by the City Clerk. Said survey shall be accompanied with a diagram map, showing the location of such proposed street, lane, alley or public square, and the boundaries of the lands of each owner whose lands are proposed to be taken; and for the purpose of making such survey, the surveyor shall have the right to enter upon all lands necessary to make the same.

SEC. 27. Upon filing of said survey and diagram, the City Clerk shall issue notice, directed generally to all persons interested, setting forth that such petition has been filed and such survey and diagram has been made and filed, and also a statement that proceedings shall be instituted for the condemnation of such lands for public purposes. Said notice shall be served on each of the owners of said land by the City Marshal, by giving such owner a copy thereof, or by posting a copy thereof in a conspicuous place on the land of such owner proposed to be taken. If the owner of said land shall not donate the same to the said city for said purpose, and if said city shall not purchase the same for said purposes, the City Attorney shall file in the Clerk's office of the County Court in the County of Sonoma a petition, in the name of said city, stating all the material facts

in the case and praying for the condemnation of said land for said purposes.

Claimants to be heard.

SEC. 28. The persons in the occupation of said lands, or of any part thereof, and persons having or claiming any right, title, interest or estate in or to said lands, or in or to any part thereof, whether named in the petition or not, may appear and may be heard in the same manner as if they had been named in the petition. All persons having or claiming any interest in said lands, or in any part thereof, shall answer, stating specifically their interest therein.

Practice Act applicable.

SEC. 29. The provisions of the Practice Act shall be applicable to all proceedings under this charter, except as otherwise provided herein.

County Court to determine as to necessity.

SEC. 30. The question as to whether such establishing, laying out, extending, widening, altering, opening or vacating of such street, lane, alley or public square is or is not a public necessity, shall be determined by the Court. If said Court, upon the hearing of the allegations and proofs of the said parties, shall decide that said lands, or any part thereof, are necessary for any of the purposes specified in the petition, then such Court shall appoint three competent and disinterested persons as Commissioners, to ascertain and assess the compensation to be paid to the person or persons having any right, title or interest in or to said lands, or in or to any part thereof, for and in consideration of the appropriation of such land to the public use. If any vacancy occur among said Commissioners, by reason of any one or more of them refusing or neglecting to act, or by any other means, one or more Commissioners may be appointed by said Court, or by the Judge thereof in vacation.

Commissioners to assess damages and report.

SEC. 31. The said Commissioners may issue subpoenas for witnesses, and may administer oaths. They shall proceed to view the lands described in the petition, and shall hear the allegations and proofs of said parties, and shall ascertain and determine the value of the lands of each owner so proposed to be taken and the value of the right, title, interest or estate of each owner therein, and also the damage that such establishing, laying out, extending, widening, altering, opening or vacating would occasion to each owner, and also the sum which would be a just compensation for such appropriation of such lands to such public use. Said Commissioners shall report their proceedings in writing to said Court.

Adverse claims.

SEC. 32. In case there are adverse or conflicting claims to the compensation or damages for any tract of land, or any right, title or interest therein, thus sought to be appropriated, the parties thus asserting such claim shall present the same by petition to said Court, after the report of said Commissioners shall have been filed, and said Court shall determine the same. Such petition shall be served upon the opposing party in the same manner that a copy of a complaint is required to be served. In such case said city, instead of paying to any of the parties so contesting, may pay the amount of such compensation to the Clerk of said Court, to abide the order of the Court in said proceedings, and the city shall not be liable for any of the costs caused by the adjudication of such conflicting claims. The said city or any of said defendants may, within thirty days after the

filing of the report of the Commissioners, and after at least five days notice to the parties interested, move said Court, or the Judge thereof, to set aside said report and to have a new trial as to any tract of land; and, upon good cause shown therefor, the said Court or Judge shall set aside the report as to such tract of land and may recommit the matter to the same or to other Commissioners, who shall proceed in like manner as those first appointed.

If report may be set aside.

SEC. 33. If no motion to set aside said report, or for a new trial, shall be made within said thirty days, said report shall be confirmed. Upon the confirmation of said report, and upon the payment or tender of the compensation awarded therein, and the costs, as provided herein, said real estate, or the right, title or interest therein described in such report shall be and become the property of the city, for the use of the public, as such street, lane, alley or public square, and shall be deemed to be appropriated to such public use. All costs shall be taxed by the Clerk at the rates prescribed in the fee bill for said county in civil actions, and shall be paid by said city, except where a defendant shall move for a new trial, and the compensation allowed by the Commissioners shall not be greater than that first allowed; in such case, such defendant shall pay the costs of such new trial and the subsequent proceedings.

If report confirmed.

SEC. 34. Upon the payment or tender of such compensation, the Court or the Judge thereof shall make an order that any and all persons having or holding possession of any of the lands or premises described in said report yield and deliver up the same to said city; and the Clerk of said Court, on the demand of the City Attorney, shall issue a writ commanding the Sheriff to remove all persons therefrom.

After compensation made.

SEC. 35. The Board of Trustees are hereby authorized and empowered to order, by an order entered on their minutes, the whole or any portion of the streets, lanes, alleys, places or courts of said city to be graded or regraded to the grade established or to be hereafter established, planked or replanked, paved or repaved, or macadamized, cleaned or repaired, and to order sidewalks, sewers, cesspools, manholes, culverts, curbing and crosswalks to be constructed therein, and to be repaired and kept in repair, 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 or repaired.

Street improvements.

SEC. 36. The Board of Trustees may order any work authorized by section thirty-five of this Act done, after notice of their intention to do so, in the form of a resolution describing the work, and signed by the City Clerk, has been published or posted in three public places in said city for a period of ten days. At the expiration of any notice of intention, as hereinbefore provided, the Board of Trustees shall be deemed to have acquired jurisdiction to order any of the work to be done, or to be afterwards improved, which is authorized by section thirty-five of this Act; and all owners of lands or lots, or portions of lots, who may feel aggrieved, or who may have objection to any of the subsequent proceedings of the said Board in relation to the work mentioned in such notice of intention, shall file with

After notice given, if us-
fees may
order work
done.

the said Clerk a petition or remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object. Said petition or remonstrance shall be passed upon by the said Board of Trustees, and their decision thereon shall be final and conclusive.

Contracts.

SEC 37. The Board of Trustees are authorized to contract for doing all or any part of said work. Said contracts and the bids hereinafter provided shall specify, separately, the price of the work in front of each landowner's property. Before giving out any contract by the Board of Trustees, for doing any work authorized by section thirty-five of this Act, said Board shall cause notice to be published, in three public places in said city, for ten days, inviting sealed proposals for the work contemplated. All proposals offered shall be delivered to the City Clerk; and the Board of Trustees shall, in open session, open, examine and publicly declare the same, and award the said work to the lowest responsible bidder; *provided*, said Board of Trustees may reject any and all bids, should they deem it for the public good, and also the bid of any party who may have proved delinquent or unfaithful in any former contract with said city. All proposals shall be accompanied with a bond in the sum of two hundred dollars (\$200), signed by the bidder and two responsible sureties, conditioned to pay to the City of Petaluma the full sum of two hundred dollars as liquidated damages if the said bidder shall fail to enter into a contract, as hereinafter provided, if said work is awarded to him. It shall be the duty of the City Attorney to sue on said bonds in the name of the said city, and to pay the amount recovered to the City Treasurer. The Board of Trustees shall have power to relieve the contractor from the performance of the conditions of said bond when good cause is shown therefor. All persons who shall fail to enter into a contract as hereinafter provided are hereby prohibited from bidding a second time for the same work. Notice of such award shall be posted in three public places in said city for five days. Any owner of land liable to be assessed for, or to do or to pay any part or the whole of said work, may, within said five days after the posting of said notices of award, give notice to the said contractor that he will do and perform said work for which he is so liable, in accordance with the terms of said contract. Should said owner fail to commence said work within ten days of the posting of said notice of award and prosecute the same with due diligence to completion, the original contractor may do the same under his contract. If said bidder shall neglect, for fifteen days after the posting of said notice of award, to enter into the contract, the Board of Trustees shall again post notices for five days and pursue the steps required by this section the same as in the first instance. All such contractors shall, at the time of the execution of the contract, also execute a bond, to the satisfaction of the President of the Board of Trustees, with two or more sureties, payable to the City of Petaluma, in such sums as the said President shall deem adequate, conditioned for the faithful performance of the contract. All work shall be done under the superintendence of the Street Commissioner and to his satisfaction, and in accordance with the terms of the contract. Said contractor and sureties shall be jointly and sev-

Owners may perform work.

Bonds of contractors.

erally liable on said bond for all damages, costs and charges accruing by reason of any neglect of performing said contract, or of any misfeasance or nonfeasance in performing the same; *provided*, that said Board of Trustees may build, or cause to be built, all sewers, or may contract for building the same, without the property owner having the privilege of building any part of the same; but the building of sewers shall be paid for as herein provided. The expense incurred for any work authorized by section thirty-five of this Act shall be paid by said City of Petaluma and by the lands fronting on any such work or cornering thereon, and by the owners of such land, as follows:

First—The said City of Petaluma shall pay for the grading, paving, planking, macadamizing, improving, cleaning and repairing the central third of said street between the sidewalks, and shall also pay for one third of the sewerage in the streets.

Second—The expense incurred for grading, paving, planking, macadamizing, improving, clearing and repairing lanes and alleys, and making and repairing and keeping in repair sewers therein, shall be borne and paid by the owners of the land fronting on such lanes and alleys, each to bear one half of the expense in front of his land; and said expense shall be assessed on said lands, each lot or portion of a lot being separately assessed.

Third—The expense incurred for grading, paving, planking, macadamizing, improving, cleaning and repairing and keeping in repairs of the one third of the street between the sidewalks, lying and being between the central third thereof and any lands, shall be borne and paid by the owner of said lands, and shall be assessed on said lands, each lot or part of a lot to be separately assessed. The expense incurred in making or repairing sewers in any street shall be paid—one third by said city, and one third by the owners of the lands on one side of said street, and one third by the owners of the land on the other side of said street. Said expense shall be so paid by the owners of said lands and shall be assessed upon said lands, such lot or portion of a lot being separately assessed in proportion to its frontage, at a rate per foot sufficient to cover the total expense of the sewer in such street.

Fourth—The expense incurred in making and repairing sidewalks shall be paid by the owners of the lands in front of which and upon the same side of the street on which said sidewalks are ordered to be made or are to be repaired, and shall be assessed on said lands. The expense of building and repairing such sidewalks in front of any lot or part of a lot shall be borne and paid by the owner of such lot or part of a lot and shall be assessed thereon. Such owner may, in accordance with the order of the Board of Trustees and within a time to be specified in said order, build or repair said sidewalk in front of his said land; but if he shall not do so in said time, said city may do said work, and the expense of the same shall be a lien upon said land.

Fifth—The expense incurred in making and repairing street crossings shall be paid by the owners of the lots between which

Street
assessments.

said crossing shall be made, and shall be assessed on said lots, one half upon each.

Sixth—The expense incurred for work done at the crossings of streets on the square portion of such streets, bounded by the side lines of said streets produced, and by the central third of said streets, shall be paid by the owner of the lot cornering on such square portion of such street, and the sidewalks thereon shall be built, and the expense incurred in building thereof shall be paid by said owner. Such expense shall be assessed on said lot.

SEC. 38. Whenever any expenses for work done by said city or by any contractor shall be assessed on any lands, or whenever the owners of any lands shall become liable to pay the same, the amount of said expenses shall be a lien upon said lands, which shall take precedence of all other liens, and which shall be foreclosed in accordance with the provisions of the Practice Act, except as herein otherwise provided. Suit to foreclose such lien shall be in the name of the City of Petaluma, and said land shall be sold under decree of the Court in accordance with the provisions of said Practice Act and in accordance with law.

SEC. 39. The Board of Trustees shall have power to fix the compensation of all city officers and employes not specifically provided for in this Act.

SEC. 40. An Act entitled an Act to incorporate the Town of Petaluma, approved April twelfth, A. D. eighteen hundred and fifty-eight, and all Acts amendatory thereof and supplementary thereto, are hereby repealed; *provided*, that such repeal shall not affect the validity of anything done under said Act.

SEC. 41. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXXXIII.

An Act to authorize Jerome B. Ford and his associates to construct and maintain a wharf in Mendocino County.

[Approved March 27, 1868.]

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

Franchise.

SECTION 1. Jerome B. Ford and his associates and assigns are hereby authorized to construct and maintain, for the period of twenty years from the passage of this Act, a wharf in the bay at the mouth of Big River, in Mendocino County, extending from the northern shore of said bay to a small rocky island, it being the westerly one of the two rocky islands lying side by side and extending out into said bay from opposite the north shore of said bay; thence, from the first mentioned rocky island, out into the bay a sufficient distance and to a sufficient depth of water so that vessels engaged in the commerce of said place can lie alongside thereof to receive and discharge their cargoes; and the right of way for the construction of said wharf is

hereby granted over the lands belonging to the State which may be covered thereby or which may be necessary for the construction and use thereof.

SEC. 2. The said Jerome B. Ford [and his associates and assigns] shall acquire no rights under this Act unless they shall commence the construction of said wharf within six months, and complete the same within two years from the date of the passage of this Act. ^{To be completed.}

SEC. 3. Upon the completion of said wharf, the said Jerome B. Ford, his associates and assigns, shall collect and receive such tolls and wharf fees for the use of the same as may be authorized and fixed by the Board of Supervisors of Mendocino County. ^{Toll and wharfage.}

SEC. 4. This Act shall take effect immediately.

CHAPTER CCCXXXIV.

An Act to authorize the establishment of a Board of Health in the City of Sacramento.

[Approved March 27, 1868.]

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

SECTION 1. The Board of Trustees of the City of Sacramento shall have power to establish, by ordinance, a Board of Health for the City of Sacramento. Said Board of Health shall consist of five practising physicians, who shall each be graduates of a Medical College of recognized respectability, and the President of the Board of Trustees shall be ex officio President of the Board of Health. ^{Authorized.}

SEC. 2. The Board of Health shall have a general supervision of all matters appertaining to the sanitary condition of said city; and full powers are hereby given to said Board to adopt such measures and make such orders and regulations as at any time, in their opinion, the public safety may require, and not in contravention of any law; but such orders and regulations shall not take effect until approved by resolution or order of the Board of Trustees of said city. ^{Powers.}

SEC. 3. The Trustees of said city shall by ordinance provide, in such manner as to them shall seem best, for enforcing such orders and regulations as the Board of Health shall from time to time adopt. ^{Trustees to enforce regulations.}

SEC. 4. The Board of Health now recognized by an ordinance passed by the Trustees of said city shall continue to perform the duties pertaining to their office until their successors are duly appointed and qualified. ^{Present Board.}

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

CHAPTER CCCXXXV.

An Act to repeal an Act entitled an Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

[Approved March 27, 1868.]

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

Repealed. SECTION 1. An Act entitled an Act regulating assessments and taxation of railroads and other roads for revenue purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four, is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXXXVI.

An Act to authorize the Township Assessors of the Townships of White Oak and Mud Springs, in the County of El Dorado, to assess the property belonging to the Placerville and Sacramento Valley Railroad Company in said townships in the year A. D. eighteen hundred and sixty-six, and to provide for the collection of the unpaid taxes thereon for said year.

[Approved March 27, 1868.]

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

Authorized. SECTION 1. The Township Assessors of the Townships of White Oak and Mud Springs, in the County of El Dorado, are hereby authorized, empowered and required to assess the property belonging to the Placerville and Sacramento Valley Railroad Company in their respective townships in the year eighteen hundred and sixty-six, and to collect the taxes thereon for said year.

Assessment roll. SEC. 2. The said assessment shall be made in the respective assessment rolls of said townships, under the caption of "Assessment for eighteen hundred and sixty-six," and shall be kept separate and distinct from the assessment of eighteen hundred and sixty-eight.

Laws applicable. SEC. 3. To facilitate the assessment of said property for the year eighteen hundred and sixty-six, and the equalization and collection of taxes thereon, all the laws in force in regard to the assessment, equalization and collection of taxes in said county, except in so far as they may be inconsistent with this Act, are hereby declared to be in force and applicable to the assessment, equalization and collection of taxes authorized by this Act.

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

CHAPTER CCCXXXVII.

An Act to amend an Act entitled an Act in relation to roads and Roadmasters in Solano County, approved March twenty-second, eighteen hundred and sixty-four.

[Approved March 27, 1868.]

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

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

Section 1. Previous to entering upon the duties of his office, each Roadmaster in the County of Solano shall give bonds for the faithful performance of his duties, with two sureties, and in such sum as may be established by the Board of Supervisors of said county, said bond to be filed in the office of the County Clerk. Official bonds

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

Section 2. It shall be the duty of the Roadmaster of each road district in the County of Solano, upon taking possession of his office, to proceed immediately to collect, in gold or silver coin, the sum of two dollars road poll tax from each person in his district liable to pay the same. Said Roadmaster shall give to each person paying said tax a receipt, to be furnished by the Board of Supervisors of said county, for which said receipts said Roadmasters shall be liable on their official bond; and that no labor shall be received for road taxes in said county, nor shall any receipt be issued by any Roadmaster to any person for labor performed on roads. Collection of road poll tax

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

Section 3. To enforce the collection of the poll tax aforesaid, the Roadmaster may seize so much of any and every species of personal property whatever claimed by any person liable to and refusing or neglecting to pay his road poll tax, or property in the possession of or due from any other person and belonging to such person so refusing to pay such road poll tax, as will be sufficient to pay such road poll tax and costs of seizure, which costs shall not exceed three dollars; and shall and may sell the same at any time or place, upon giving a verbal notice one hour previous to such sale; and any person indebted to another liable to pay road poll tax, but who has neglected or refused to pay the same, shall be liable to pay said tax for such other person, after service upon him by the Roadmaster of a notice in writing, stating the name or names of the persons so liable and owing road poll tax; and such debtor may deduct the amount thereof, with the costs (and for which he shall be equally responsible) from such indebtedness. The Roadmaster, after deducting the tax for which such property was sold and the costs aforesaid, shall return the surplus, if any, to the owner of the property. A delivery of the possession of the property On refusal to pay.

by the Roadmaster to any purchaser at any such sale shall be a sufficient title in the purchaser.

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

Proceeds.

Section 4. The funds accruing in the hands of the Roadmaster by the provisions of this Act may be appropriated by him to the necessary repairs of roads and bridges in his district, and he shall report to the Board of Supervisors of Solano County at their regular meetings in February, May, August and November of each year, all receipts and expenditures on account of roads. The Board of Supervisors of said county is hereby authorized to make, by order entered on the minutes of their proceedings, any rules deemed by them proper for the issuance of blank road poll tax receipts, and the manner of settling for the same by the Roadmasters.

SEC. 5. This Act shall take effect from and after its passage, and all Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they affect Solano County.

CHAPTER CCCXXXVIII.

An Act to provide for the payment of Mrs. E. Wright salary due her as teacher in Jefferson School District, Number One, in San Mateo County.

[Approved March 27, 1868.]

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

Authorized.

SECTION 1. The School Trustees of Jefferson School District, Number One, and the Trustees of San Bruno School District, Number Eleven, are hereby authorized, at any time after the passage of this Act, to levy such special tax on all the taxable property in said school districts as will raise an amount sufficient to pay Mrs. E. Wright the sum of three hundred and seventy dollars in gold or silver coin and the cost of assessing and collecting said tax.

Tax to be levied.

SEC. 2. Whenever the Trustees of said districts shall agree to levy the tax, as provided in section one of this Act, they shall appoint some suitable person Assessor, whose duty it shall be, within thirty days after his appointment, to assess all the taxable property within said districts and return the assessment roll thereof to said Trustees. After the receipt of said assessment roll by said Trustees, and within ten days thereafter, after giving five days notice thereof, by posting the same on the school-house door in each of said districts, they shall sit as a Board of Equalization for at least one day, with power to hear and determine all complaints against the valuation, as fixed by said Assessor, of any property appearing upon said assessment roll; and said Board of Equalization shall have power to make such modifications and changes, in respect to the valuation as fixed by said Assessor, as they may deem just.

SEC. 3. After said assessment roll shall have been duly ^{Rate.} equalized, as provided in section two of this Act, and after ten per cent. shall have been deducted therefrom as delinquency, said Board of Trustees shall levy such rate per cent. on the whole amount of property that appears on said assessment roll after such equalization and deductions, as will be sufficient to raise the sum of three hundred and seventy dollars and the costs of assessing and collecting said tax. Said Trustees shall appoint some person as Collector of said tax; *provided*, that said Assessor may be appointed said Collector.

SEC. 4. For the purpose of collecting said taxes, said Collec- ^{Collection.} tor shall have all the powers that are conferred by law upon the Collectors of State and county taxes, and all delinquencies shall be collected in the same manner as delinquent State and county taxes are collected. Said taxes shall be payable only in the gold or silver coin of the United States.

SEC. 5. After said taxes have been collected, it shall be the ^{Payment.} duty of said Trustees to pay to Mrs. E. Wright the sum of three hundred and seventy dollars, and to said Assessor and Collector such sum as may be just, not to exceed two and one half dollars per day each, for all the time necessarily employed in the assessing and collecting said taxes.

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

CHAPTER CCCXXXIX.

An Act in relation to the duties of Assessor and Collector of Tuolumne County.

[Approved March 27, 1868.]

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

SECTION 1. The Assessors of the several revenue districts of Tuolumne County shall, in addition to the duties heretofore required of them by law, make out, return and file with the Clerk of the Board of Supervisors of said county quarterly, on the first Monday of March, June, September and December of each year, a sworn list of the persons doing business in and liable to pay a license of any kind in their several revenue districts, and the amount and kind of license each person is liable to pay— which list also shall include the names of all persons liable to pay a foreign miner's license in their several districts, and the camp, gulch, ravine or place, as near as possible, where each person named therein is mining. ^{Assessors to make license list.}

SEC. 2. The Collectors of the several revenue districts of said county shall, in addition to the duties heretofore required of them by law, make out, return and file with the Clerk of the Board of Supervisors of said county, monthly, on the first Monday of each month, a sworn list of all persons from whom they have collected a license of any kind, and the amount ^{Collectors to make returns of receipts.}

and kind of license collected from each and every person of whom they have collected any license; and in the case of the collection of foreign miners' license, in addition to, and as explanatory of the list herein provided for, the Collectors shall set forth the camp, gulch, ravine or place, as near as possible, where each of the persons paying foreign miners' license were working at the time of such collection.

Wilful
neglect.

SEC. 3. A wilful neglect or failure to comply with the provisions of this Act shall be a misdemeanor, and shall subject the offender to a fine not exceeding five hundred dollars, and to removal from office.

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

CHAPTER CCCXL.

An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front of the City and County of San Francisco.

[Approved March 27, 1868.]

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

Authorized.

SECTION 1. The Board of State Harbor Commissioners are hereby authorized and empowered, at their discretion, to lease for the term of fifteen years, to the "California, Oregon and Mexico Steamship Company" all that portion of the water front of the City and County of San Francisco described as follows: On the easterly line of East street, commencing at a point two hundred and seventy-five feet south of the southerly line of Howard street; thence southerly, along the easterly line of East street, to the southerly line of Folsom street; thence westerly, along the southerly line of Folsom street, to the easterly line of Steuart street; thence southerly, along the easterly line of Steuart street four hundred and seventy feet—with the right to use so much of the said portion of the water front as a landing place as may be used without obstructing the use of East, Folsom or Steuart street as a thoroughfare; *provided*, that the rent reserved by said lease shall not, after January, eighteen hundred and seventy, be less than twelve hundred and fifty dollars per month, payable in United States gold coin, to be then determined by them, the said Harbor Commissioners.

On same
terms as
former lease.

SEC. 2. The lease to be made and executed by the State Harbor Commissioners, under and by virtue of this Act, shall contain all of the several provisions, covenants and agreements set out and specified in a certain lease made and executed by them to the said California, Oregon and Mexico Steamship Company on the 26th day of September, eighteen hundred and sixty-seven, leasing said portion of the water front of the City and County of San Francisco; excepting, however, the covenant therein fixing the amount of rent reserved. And the said State Harbor Commissioners are further authorized and em-

Exception.

powered, at their discretion, on the passage of this Act, to accept the surrender of said lease of the twenty-sixth of September, eighteen hundred and sixty-seven, from the other party thereto, and to execute to the said steamship company, in lieu thereof, the lease authorized by this Act.

SEC. 3. The State Harbor Commissioners are further authorized and empowered, in their discretion, to lease to said steamship company, for a like term of years, the following described portion of the water front of the City and County of San Francisco: Commencing on the westerly line of Steuart street, at a point two hundred and seventy-four (274) feet south of the southerly line of Folsom street; thence southerly, on the westerly line of Steuart street, two hundred and seventy-six (276) feet, to the north line of Harrison street; thence easterly, along the line of Harrison street, seventy-five (75) feet; thence northerly two hundred and seventy-six (276) feet; thence westerly seventy-five (75) feet; *provided*, the monthly rental for the same be not less than one hundred (100) dollars per month, and that such other and further terms and conditions be affixed to the lease therefor as said Commissioners may deem right and proper.

May lease other portion of water front.

SEC. 4. All Acts inconsistent with the provisions of this Act, so far as they apply to the portion of the water front described in sections one and three of this Act, are hereby repealed.

Repealed.

SEC. 5. This Act shall take effect immediately.

CHAPTER CCCXLI.

An Act to authorize the Board of State Harbor Commissioners to change some of the terms of their lease to the Pacific Mail Steamship Company, and to extend the duration of said lease.

[Approved March 27, 1868.]

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

SECTION 1. The Board of State Harbor Commissioners are hereby authorized and directed to change the terms of that certain lease heretofore made by said Board, of the water front in the City and County of San Francisco fronting on South Beach Water Blocks Numbers Seven and Eight, to the Pacific Mail Steamship Company, by cancelling so much thereof as leases to said Pacific Mail Steamship Company the right and privilege of constructing and occupying, during the term of said lease, a wharf along the lines of Townsend street projected northeastward, outside and seaward of said water front; and the said Board of State Harbor Commissioners are hereby authorized and directed to add to and insert in said lease, in lieu of last mentioned right and privilege, so to be canceled as aforesaid, a grant to said Pacific Mail Steamship Company of the right and

Portion of lease cancelled.

To construct and occupy wharf on First street. privilege of constructing and occupying, during the term and the extended term of said lease, a wharf along the lines of First street, commencing at the present southeastern termination of said First street projected southeastward, according to its present course, outside and seaward of said water front, to such distance as said lessee may deem advisable, but not beyond the outer line of the jurisdiction of said Board of State Harbor Commissioners.

Term extended. SEC. 2. The Board of State Harbor Commissioners are hereby authorized and directed to extend the duration of said lease for the term of ten years from and after the expiration of the present term thereof.

Water front. SEC. 3. The water front and the lines of Townsend street and of First street intended by this Act are the water front and the lines of said streets as established by that certain Act entitled an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco, passed April twenty-fourth, one thousand eight hundred and sixty-three, and by the Acts amendatory thereof and supplementary thereto.

Rights reserved. SEC. 4. Nothing in this Act contained shall be construed to deprive the Legislature of this State of the right to provide for the construction of a seawall along that part of the water front of San Francisco mentioned in this Act.

Acts repealed. SEC. 5. All Acts and parts of Acts inconsistent with the provisions of this Act, so far as they apply to that portion of the water front of San Francisco herein mentioned, or to said First Street Wharf, are hereby repealed.

SEC. 6. This Act shall take effect immediately.

CHAPTER CCCXLII.

An Act further to provide for the ratification and confirmation of a certain Order passed by the Board of Supervisors of the City and County of San Francisco, and to modify certain provisions of the same.

[Approved March 27, 1868.]

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

Reserved lands not to be exchanged.

SECTION 1. Nothing in the provisions of a certain order passed by the Board of Supervisors of the City and County of San Francisco, numbered eight hundred, and entitled "An Order for the settlement and quieting titles to land in the City and County of San Francisco, situate above high water mark of the Bay of San Francisco and the Pacific Ocean, and without the corporate limits of the City of San Francisco," nor in the provisions of any Act confirming or purporting to confirm the same, shall authorize the said Board to exchange any lands set apart and reserved, or to be set apart and reserved, for a cemetery or a park, nor to deprive the said Board of the power of taking immediate possession of any lands hereafter reserved for

public use under the provisions of said Order Number Eight Hundred, or by virtue of the terms of an Act of Congress approved March eighth, eighteen hundred and sixty-six, entitled an Act to quiet the title to certain lands within the corporate limits of the City of San Francisco.

SEC. 2. Whenever the report of appraisement mentioned in section ten of said Order Number Eight Hundred shall have been made and filed, as therein provided, it shall be the duty of the City and County Recorder to make out, certify and deliver to the Tax Collector of said city and county a copy of the same, which copy shall be deemed and held to have the same force, effect and validity, in regard to the sums therein assessed, as an assessment roll duly approved by the Board of Equalization in regard to State and county taxes. The said Tax Collector shall proceed to collect the said several sums of money assessed in said report in the same manner as State and county taxes are collected by him in said city and county; and all the provisions of the various Acts relating to the collection of the public revenue in said city and county not inconsistent with the provisions of said Order Number Eight Hundred, nor the provisions of this Act, shall apply to the collection of the sums of money so assessed as aforesaid. Collection of assessments.

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

CHAPTER CCCXLIII.

An Act to incorporate the Town of Redwood City.

[Approved March 27, 1868.]

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

SECTION 1. All that tract of land now called the Town of Redwood City, in the County of San Mateo, State of California, lying and including all within the following limits—that is to say: Beginning at a point on the marsh eighty rods east of the easterly termination of Seventeenth (17th) street; thence west to the easterly termination of said Seventeenth street; thence westerly, along the northerly line of Seventeenth street, to the easterly line of the county road leading from the City of San Francisco to San José; thence along the easterly line of said county road to the southwest corner of the eastern addition to the Town of Redwood City; thence, along the southeasterly line of said addition, to the westerly line of Miles D. Sweeney's land; thence easterly, in the same direction of the last named course, to the easterly line of the Ranch de las Pulgas; thence east eighty rods; thence northerly to the place of beginning—shall hereafter constitute and be known as the Town of Redwood City. Incorporated.

SEC. 2. The government of said town shall be vested in a Board of Trustees to consist of five members, a Town Marshal, Government

Assessor and Treasurer. Said town shall be a body politic and corporate by the name and style of the "Town of Redwood City;" and by that name they and their successors shall be known in law, have perpetual succession, and may sue and be sued in all Courts and in all actions whatsoever, and may provide for the use and regulation of all the commons and property, both real and personal, belonging to the town, by lease or otherwise.

When
elected.

SEC. 3. Said Trustees, Marshal, Assessor and Treasurer shall be elected by the qualified electors of said town on the first Monday in May, A. D. eighteen hundred and sixty-eight, and their successors on the first Monday in May each and every succeeding year thereafter, at an election to be held for that purpose by the legal voters resident in said town; and they shall hold their offices for one year, and until their successors are elected and qualified.

Election.

SEC. 4. For the first election held to fill offices created by this Act, the present Board of Trustees of said town shall appoint one Inspector and two Judges of Election, who, together with two Clerks to be appointed by them, shall take the oath of office prescribed by law for Inspector and Judges of State and county elections, to be held at a place to be designated by said Board of Trustees, declare the polls open, proceed to receive votes, and declare the result. No person shall be entitled to vote nor hold any office by this Act created unless he shall be a citizen of the United States and has been a resident of said town for thirty days, and is a qualified elector of the State. To entitle any person to vote at any election to be held under the provisions of this Act, it shall only be necessary for such person, at the time he offers his vote, to prove to the satisfaction of the Judges of such election that he is a citizen of the United States, has resided in said town thirty days prior thereto, and is an elector under the laws of this State. The oath of such person offering to vote shall be received as evidence of the facts necessary to entitle him to vote; and any person swearing falsely in order to vote at any such election shall be liable to all the pains and penalties attached to perjury. The person having a plurality of all the votes cast shall be declared elected. All returns of town elections shall be made out and signed by the officers of election and filed with the Town Clerk. The polls for all town elections shall be opened at one o'clock P. M. and continue open until seven o'clock P. M. of the same day. Vacancies to be filled as by law provided.

Meetings of
Trustees.

SEC. 5. The Board of Trustees shall assemble within ten days after receiving notice of their election, and choose a President from their number and some person as Clerk. They shall, by ordinance, fix the times and place of holding their stated meetings, and may be convened by the President at any time; and all meetings of the Board shall be held within the corporate limits of said town, and shall be public.

SEC. 6. At the meetings of the Board a majority of the Trustees shall constitute a quorum to do business. A smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board previously by ordinance may have prescribed.

SEC. 7. The Board of Trustees shall judge of the qualification and of the election returns of their own members, and determine contested elections of all town officers. They may establish rules for their own proceedings, punish any member or other persons for disorderly behavior in their presence. They shall keep a journal of their proceedings, and at the desire of any member shall cause the yeas and nays to be taken on any question and entered on the journal.

Duties and powers of Board of Trustees.

SEC. 8. The Board of Trustees shall have power within said town :

First—To make by-laws and ordinances not repugnant to the Constitution and laws of this State.

Second—To construct and keep in repair pumps, aqueducts, reservoirs or other works necessary for duly supplying the town with water.

Third—To lay out, alter, open and keep open and repair the streets, sidewalks and alleys of the town, and to determine the width and grade of all sidewalks in the town.

Fourth—To provide such means as they may deem necessary to protect the town from injuries by fire.

Fifth—To levy and collect annually not to exceed one per cent. on the assessment valuation of all property, both real and personal, within the limits of the town.

Sixth—To impose and collect a poll tax of not exceeding one dollar per annum on every male inhabitant of the age of twenty-one years and upwards.

Seventh—To impose and collect a tax of not to exceed five dollars per annum on every dog owned within the limits of the town.

Eighth—To provide for the draining, the establishment of uniform grades, paving, improvement, repairs and lighting of the streets, and the construction of sidewalks, drains and sewers, and the keeping the same in repair, and the prevention and removal of obstructions on the sidewalks and on all the streets and public grounds of the town.

Ninth—To borrow money upon the faith and credit of the town ; but no loan shall be made for a sum exceeding five thousand dollars, nor without the consent to such loan of the electors of the town, previously obtained as hereinafter provided.

Tenth—To pass all ordinances and by-laws necessary and proper for fully carrying into effect the foregoing powers.

SEC. 9. The Board of Trustees may by ordinance designate the fines to be imposed for the breach of their ordinances ; but no fine shall be imposed on any one person for any one breach of any ordinance of more than fifty dollars, which fine may be recovered before any Justice of the Peace having his office within the incorporate limits of the town, by suit in the name of the Town of Redwood City, and collected by execution or in such other manner as fines imposed by the laws of the State are collected ; and persons living within the limits of the town shall be competent jurors and witnesses, if in other respects competent and qualified. All fines collected under this Act shall, by the officers collecting the same, be paid over to the Town Treasurer ; and for any omission to do so, such officer may be proceeded against upon his official bond, in the name of the town, in the

Violation of ordinances.

manner authorized by law on the failure of officers to pay over money collected when so required.

SEC. 10. The Board of Trustees shall have power to designate the fines and imprisonment to be imposed for any breach or violation of any town ordinance; but no fine shall be for a larger amount than fifty dollars, nor any imprisonment for more than thirty days, for any offence.

Succession.

SEC. 11. The Trustees of the Town of Redwood City shall succeed to all the rights, liabilities, titles, interests, possessions, credits, immunities, debts and obligations, in law or in equity, that shall be enjoyed or owed by the Board of Trustees at the time of taking effect of this Act, or the government of said town since the first incorporation, with its rights, incidents and liabilities. The said Trustees may purchase, hold and receive property, real and personal, within said town necessary for public purposes.

Sidewalks.

SEC. 12. If at any time the owners of a majority of the real estate fronting on one side of any street, between two given points on such street, shall petition the Board of Trustees to order to be constructed or repaired a sidewalk along said street and between said given points, then it shall be the duty of said Trustees to determine and draw up, or cause to be drawn up, plans and specifications of the character of the sidewalk to be constructed or repairs to be made, and shall order said improvements, as petitioned for, to be made in accordance with said plans and specifications, and shall make an assessment of the costs thereof to each of the persons owning the real estate between said given points, each of said persons to pay the cost of said improvement in front of his property; and the same shall constitute a lien upon such real estate until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making such improvements in front of his property, in accordance with the specifications and within the time mentioned in the ordinance ordering the improvements to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out, in the manner provided by ordinance, the making of all improvements that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect or refuse to pay for the cost of the same when completed, it shall be the duty of the Marshal, by order of the Board of Trustees, to institute suit in the name of the town against the owner for the recovery of said costs, and the judgment recovered thereon shall constitute a lien upon said real estate, and execution may be issued thereon and may be served as in other civil cases. The said Trustees may require said sidewalks, after such improvements have been made, to be kept in good repair by the owners of said real estate; and if not repaired when ordered, the Marshal may let out the making of said repairs, and collect the cost of the same in the same manner as in the case of the owners failing to make or pay for the cost of the improvement as aforesaid; *provided*, that the cost of the plans and specifications shall be paid out of the General Fund of the town; and *provided* further, that all street crossings for sidewalks shall be made at the expense of the owners of the quarter blocks adjacent to said crossing.

SEC. 13. If at any time the owners of more than one half ^{Street im-} in frontage of lots and lands fronting on any street between two ^{provements.} given points on such street, or their duly authorized agent, shall petition the Board of Trustees to order to be graded, macadamized or otherwise improved such street between said points, then it shall be the duty of said Board of Trustees to determine and draw up, or cause to be drawn up, plans and specifications of the character of the improvement to be made on such street, and shall order said improvement, as petitioned for, to be made in accordance with said plans and specifications, and may make an assessment of one half of the cost thereof to each of the persons owning the real estate fronting on said street between said points, each of said persons to pay one half of the cost of making said improvement in front of his property; or said Board of Trustees may assess less than one half of the cost of said improvement to each of the owners of the real estate fronting on said street, and may pay out of the town treasury such amount as may be necessary to complete said improvement. Whatever amount may be assessed against said real estate as aforesaid in this section by said Board of Trustees shall constitute a lien upon such real estate until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making such improvement in front of his property, in accordance with the plans and specifications and within the time mentioned in the ordinance ordering the improvement to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out in the manner provided by ordinance the making of all improvements that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect or refuse to pay for the cost of the same when completed, it shall be the duty of the Marshal, by order of the Board of Trustees, to institute suit in the name of the town against the owner for the recovery of said costs; and the judgment recovered thereon shall constitute a lien upon said real estate, and execution may be issued thereon and may be served as in other civil cases. The plans and specifications provided for in this section shall be paid for out of the Town Treasury.

SEC. 14. The assessments provided for in sections twelve and thirteen of this Act shall be made upon the lots and lands fronting upon the street to be improved, each lot or portion of lot being separately assessed, in proportion to its frontage, at such rate per front foot as the Board of Trustees may have agreed upon, not to exceed the one half of the cost of such improvement in front of such property.

SEC. 15. Whenever any street to be improved as provided in section thirteen of this Act shall cross any other street, then the expense of the improvement on such crossing shall be assessed by the Board of Trustees upon the four quarter blocks adjoining and cornering on the crossing; and each lot or part of a lot in such quarter block fronting on such street where the improvement is being or about to be made shall be separately assessed according to its proportion of frontage on such street to be improved; *provided*, that said Board of Trustees may assess less than the entire cost of said improvement on said four quarter blocks, and may pay the balance out of the Town

- Annual taxes.** Treasury. The Trustees shall fix by ordinance each year the amount of taxes to be levied and collected for current expenses; *provided*, that no tax to be levied for any one year shall exceed one per cent. on all the taxable property in said town.
- Loans.** SEC. 16. Whenever the Board of Trustees shall desire to effect a loan for any sum not exceeding five thousand (\$5,000) dollars they shall submit a proposition for effecting such loan, stating the amount of such loan, to the electors of said town, at a special election to be held for the purpose, upon the Board of Trustees giving twenty days public notice of the same; and if a majority of the electors vote in favor of such proposition, the Board of Trustees shall have power to effect such loan, but not otherwise, and pledge the faith of the town for the payment of such loan; *provided*, that the aggregate amount of such loans shall not exceed the sum of five thousand dollars.
- Power to contract debt limited.** SEC. 17. Neither the Board of Trustees, nor any officer, officers or authority, shall have power to contract any debt against said town, except as provided in the preceding section; and no person or property therein shall ever be liable to be assessed or be subject to taxation in any form to provide for the payment of any debt hereafter contracted, except as provided in the preceding section, or of any claim against the town, except such legal and proper expenses thereof as shall accrue after the commencement of the year for which the tax shall be levied; and no part of the moneys levied and collected by taxation for one year shall ever be applied toward the payment of any expenses, debt or liability incurred during any preceding year.
- Ordinances.** SEC. 18. Every ordinance passed by the Board of Trustees, in order to possess legal force, shall receive a majority vote of all the members elected.
- Equalization** SEC. 19. The Board of Trustees shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed to the Clerk his assessment, and after ten days notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they, or a majority of them, shall deem just and proper. Said meeting shall be held for such length of time as the Board of Trustees shall by ordinance fix.
- Official oaths and bonds.** SEC. 20. The Marshal, Treasurer, Assessor and Clerk, before entering upon the duties of their office, shall take the oath of office as prescribed by law, and shall also give a bond, with sureties to be approved by the Board of Trustees of said town, payable to the Town of Redwood City, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of their offices as required by law. Should the bond of any town officer become insufficient, he shall be required to give such additional security, within ten days, as the Board of Trustees may require, not exceeding the amount fixed by ordinance. Upon his failure to do so at the time fixed, his office shall be declared vacant; and such vacancy shall be filled by appointment of the Board of Trustees.
- Vacancies.** SEC. 21. If any vacancies shall occur in any of the offices created by this Act, they shall be filled by appointment of the Board of Trustees. Should any of the officers herein men-

tioned fail to qualify and give the bond required for the period of ten days after receiving notice of their election, the office shall be deemed vacant, and the same shall be filled as provided in this Act. The official bond of every officer named in this Act shall be filed with the President of the Board of Trustees.

SEC. 22. Until the Board of Trustees shall pass such ordinances as may be required by this Act, the ordinances heretofore passed by the acting Board of Trustees of said town shall be legal and effectual as if passed under this Act, and the same shall be enforced by the town officers until others in their stead shall be passed by the Board of Trustees and published. Existing ordinances.

SEC. 23. All demands that shall lawfully arise against the town, in order to be entitled to payment, shall, after being verified by the oath of the claimant, be presented to and allowed for such an amount as shall be deemed just by the Board of Trustees; and no bill, demand or warrant shall be paid out of the Town Treasury unless the same be allowed by the Board of Trustees, signed by the President of said Board and countersigned by the Clerk. Claims.

SEC. 24. It shall be the duty of the Town Clerk, in addition to any duties required of him by the Board of Trustees, to attend all meetings held by said Board—shall keep a correct journal of their proceedings; and, on receiving the official returns of all charter elections held, shall, without delay, after the result of the election has been declared by the Board of Trustees, notify the persons elected, and shall draw and countersign all orders drawn on the Town Treasurer; and he shall receive such compensation as said Board of Trustees may deem just, not to exceed fifty dollars per annum. Duty of Clerk.

SEC. 25. It shall be the duty of the Town Marshal, in addition to any duties required of him by the Board of Trustees, and he is hereby authorized, to enforce all ordinances passed by the Board of Trustees, and arrest all persons guilty of a violation of the same; to collect all taxes that shall at any time be due to said town; to receive the tax list, and upon the receipt thereof to proceed and collect the same at the time and in the manner as by ordinance may be provided—the said Marshal being hereby vested with the same powers to make collections of taxes as is or shall be conferred upon Tax Collectors for the collection of State and county revenue; and it shall be the duty of said Marshal to collect, in the same manner, any tax list placed in his hands for that purpose, without any unnecessary delay, and pay all taxes to the Town Treasurer monthly, taking his receipt therefor. Said Marshal shall receive such compensation for his services rendered under the provisions of this Act as the Board of Trustees may by ordinance fix, not to exceed fifty dollars per annum. Marshal.

SEC. 26. It shall be the duty of the Town Treasurer to receive and safely keep all moneys that shall come into the Town Treasury, and pay out the same on the order of the President of the Board of Trustees, countersigned by the Town Clerk, and take receipts therefor, and to perform such other duties as may be required of him by said Board; and shall Treasurer.

make out a quarterly statement of his receipts and payments, verified by his oath, and file the same with the Town Clerk; and, at the end of his official term, shall deliver over to his successor in office all moneys, books, papers or other property in his possession belonging to the town. Said Treasurer shall receive for his services under this Act such compensation as the Board of Trustees may by ordinance fix, not exceeding fifty dollars per annum.

Assessor. SEC. 27. It shall be the duty of the Town Assessor, in addition to any duties required of him by the Board of Trustees, between the first Monday in May and the first Monday in August of each year, to make out a true list of all taxable property within the limits of said town, which list, certified by him, shall, on the third Monday in August, by him be placed in the hands of the Board of Trustees for equalization. The mode of making out such list and ascertaining the value of the property shall be the same as that prescribed by law for assessing State and county taxes; and the Assessor shall receive for his services such sum as shall be fixed by ordinance, not to exceed fifty dollars per annum.

Payments in coin. SEC. 28. All taxes, assessments and fines payable to the Town Treasury, and the costs of the improvements on any sidewalk, street or other town improvement, shall be payable only in the gold or silver coin of the United States.

Services of Trustees. SEC. 29. The President of the Board of Trustees shall preside at all meetings of said Board when he shall be present; and for their services said Trustees shall receive no compensation.

County to pay. SEC. 30. Whenever any improvements shall be made upon the streets or sidewalks of said town, in front of any property owned by the County of San Mateo, the proper proportion of the cost thereof shall be paid by said county out of the General Fund of said county.

SEC. 31. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXLIV.

An Act to provide for compensating parties whose property may be destroyed in consequence of mobs or riots.

[Approved March 27, 1868.]

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

City or county liable SECTION 1. Whenever any building or other real or personal property shall be or shall have been destroyed or injured in consequence of any mob or riot, the city or county in which such property was situated shall be liable, in an action by or in behalf of the party whose property was thus destroyed or injured, for the damages sustained by reason thereof.

SEC. 2. Such action or actions shall be brought in the county

within which such defendant is located or may reside, subject to the right of the Court to change the venue, as in other civil cases, and the defendant shall be served with process—in the case of a county, by service of summons and complaint upon the President of the Board of Supervisors of such county; and in the case of a city, by like service upon the Mayor of such city; if there be no Mayor, upon the presiding officer of the City Board of Trustees. Such action shall be conducted in the same manner that other civil actions are prosecuted, and the judgment may be appealed from as in other civil cases; and whenever any final judgment shall be recovered against any such city or county in any such action, the Treasurer of said city or county shall, upon the production and filing in his office a certified copy of the judgment roll, pay out of the General Fund the amount of such judgment to the party or parties entitled thereto, and charge the amount thus paid to said city or county.

How actions
may be
prosecuted.

Treasurer to
pay judg-
ment.

SEC. 3. No person or corporation shall be entitled to recover in any such action if it shall appear upon the trial thereof that such destruction or injury of property was occasioned or in any manner aided, sanctioned or permitted by the carelessness or negligence of such person or corporation; nor shall any person or corporation be entitled to recover any damage for any destruction or injury of property as aforesaid unless such party shall have used all reasonable diligence to prevent such damage, and shall have used all reasonable diligence to notify the Mayor of such city or Sheriff of such county of any threat or attempt to commit such injury to his property by any mob, and of the facts brought to his knowledge.

Owners not
entitled to
recover if
negligence
shown.

SEC. 4. It shall be the duty of such Mayor or Sheriff, upon the receipt of such notice, to take all legal means to protect the property so threatened or attacked; and any such officer or officers who shall hereafter refuse or neglect to perform such duty shall be liable to the party aggrieved for such damage as said party may have sustained by reason thereof; *provided*, said party shall elect to bring his action against such officer instead of such city or county.

Duty of
Mayor or
Sheriff when
notified.

SEC. 5. Nothing in this Act shall be construed to prevent any person or corporation whose property has been destroyed or injured by any mob or riot from having and maintaining an action against each and every person engaged or in any manner participating in such mob or riot.

Rioters
liable.

SEC. 6. No action shall be maintained under the provisions of this Act unless the same shall be brought within one year from and after the loss or injury; *provided*, that for any loss or injury from a mob or riot sustained within four years next preceding the first day of January, eighteen hundred and sixty-eight, the party sustaining such injury may have and maintain an action under the provisions of this Act by commencing such suit within six months from and after its approval.

Actions to be
brought
within one
year.

Exception.

SEC. 7. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall go into effect immediately.

CHAPTER CCCXLV.

An Act to create a Redemption Fund for the County of Calaveras.

[Approved March 28, 1868.]

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

Tax to be levied.

SECTION 1. The Board of Supervisors in and for the County of Calaveras is hereby required, and it shall be their duty, to levy for the year eighteen hundred and sixty-eight, and annually thereafter, in addition to taxes authorized by existing laws, a special tax not to exceed forty cents on each one hundred dollars value of taxable property in said county, for the extinguishment of the unbonded indebtedness of said county accruing subsequent to the first day of June, eighteen hundred and sixty-eight; and such tax shall be assessed and collected at the same time and in the same manner as other property tax is assessed and collected under the Revenue Laws of this State. All moneys collected under the provisions of this Act shall be paid into the County Treasury, and it shall be the duty of the County Treasurer to set apart the same in a separate fund, to be known as the "Redemption Fund;" and said fund shall be held and disbursed in pursuance of the provisions of this Act.

Proposals to surrender indebtedness

SEC. 2. Whenever there shall accumulate in the County Treasury, from the proceeds of the special tax herein named, the sum of five hundred dollars or over, it shall be the duty of the County Treasurer to give at least twenty-one days notice before the regular meeting of the Board of Supervisors, by publication in some newspaper published in said county, of the amount in said Redemption Fund, as above provided, and that sealed proposals, directed to him and marked "Redemption Fund," for the surrender of unbonded indebtedness accrued subsequent to the first day of June, eighteen hundred and sixty-eight, will be received by him up to the time when the Board of Supervisors and County Treasurer shall commence opening said proposals as hereinafter provided.

Lowest bids to be accepted.

SEC. 3. On the first day of the regular meeting of the Board of Supervisors after the expiration of the time designated in said notice, the Board of Supervisors and the County Treasurer shall attend at the office of the latter, and then and there open all proposals; and the said Board shall accept those proposals offered at the lowest rates and most favorable to the county, for the surrender of indebtedness as above designated; *provided*, that no bids for more than par value of said indebtedness, or any bid unless accompanied by the certificate or other evidence of indebtedness proposed to be surrendered, shall be considered.

SEC. 4. If, upon a final settlement of the Sheriff for the taxes collected during the year, an amount less than five hundred dollars shall remain in said Redemption Fund, the Board of Supervisors and Treasurer may proceed in the same manner as if there were five hundred dollars in said fund.

Record.

SEC. 5. Whenever any bids are accepted it shall be the duty of the Board of Supervisors to cause a record to be made in

their office of all accepted bids—said record containing a description of the kind and amount of indebtedness to be redeemed, the name of the person in favor of whom the indebtedness was contracted, the amount to be paid each certificate of indebtedness, and to whom payable. They shall thereupon make an order directing the Auditor to draw his warrant or warrants for the proper amounts, payable out of the Redemption Fund. And the Auditor is hereby required to draw such warrant or warrants, upon delivery for cancellation of the certificates of indebtedness, specifying on the face of each warrant the kind of indebtedness in lieu for which it was drawn. He shall indorse upon the back of each certificate delivered to him, after drawing the warrant for the amount specified in such certificate, the payment thereof, together with date of payment, and file the same in his office. All warrants drawn on the Redemption Fund shall be canceled in the same manner as other county warrants are canceled. Payment.

SEC. 6. The County Treasurer shall keep a separate account, under the head of "Redemption Fund," of all moneys received from the same [source] specified in the first section of this Act, and the said moneys shall never be used or mixed with other funds. He shall return all unaccepted bids, together with the certificates of indebtedness therein contained, to the owners on demand. Duty of Treasurer.

SEC. 7. This Act shall take effect immediately.

CHAPTER CCCXLVI.

An Act for the relief of William Fitzpatrick.

[Approved March 28, 1868.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized to allow and order paid out of the General Fund of the Treasury of said city and county, to William Fitzpatrick, a sum of money not to exceed five hundred dollars, for losses sustained by him on contract to grade Sixteenth street from Guerrero to Dolores street, in said city and county. Claim may be paid.

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

CHAPTER CCCXLVII.

An Act to transfer certain moneys to the Common School Fund of the County of Siskiyou.

[Approved March 23, 1868.]

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

To be transferred.

SECTION 1. In addition to the ten per cent. now provided by law, there shall hereafter be transferred to the Common School Fund of the County of Siskiyou fifteen per cent. of all moneys derived from the sale of foreign miners' licenses in said county, to be used and appropriated as a part of such Common School Fund and for no other purpose whatever.

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

CHAPTER CCCXLVIII.

An Act granting certain rights and water privileges to the California Dry Dock Company.

[Approved March 28, 1868.]

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

To extend works into Bay of San Francisco.

SECTION 1. The California Dry Dock Company is hereby authorized and empowered to extend its works into the Bay of San Francisco to the depth of at least thirty feet at low water, in front of the land now owned by the said company; *provided*, the line to which said extension is made shall be a curve of eighteen hundred feet radius, whose centre shall be taken in the northerly line of Seventh avenue, at a point two hundred and fifty feet easterly from the intersection of said line with the easterly line of A street, as now laid down on the maps of the lands of the South San Francisco Homestead and Railroad Association filed in the office of the Recorder of the City and County of San Francisco on April fifteenth, eighteen hundred and sixty-seven. The said curve shall commence at a point in the northerly line of Fifth avenue extended into the bay, and thence running northerly and westerly to a point one hundred and fifty feet westerly from the westerly line of A street extended into the said bay; and the said Dry Dock Company shall be entitled to all the right of the State of California to the overflowed lands embraced within the said curve and in front of the land now owned by said company, and the same is hereby released to it and its successors forever; *provided*, that the front boundary line of the land granted by this Act shall, if so required, be made to conform to the front line of the City of San Francisco, as and when the same shall be hereafter established,

and that no permanent structure or obstruction of any kind shall ever be placed outside of said curve line so as to interfere with the navigation of said bay; and *provided* further, the said company, its successors and assigns, shall not at any time hereafter demand or receive toll, dockage or wharfage for shipping ^{Toll and wharfage.} that may hereafter land or lie at any wharf, bulkhead or other structure said company, its successors or assigns, may erect or make upon said land, except for such shipping as may land or lie, as aforesaid, for purpose or purposes connected with the actual business of the said Dry Dock Company.

SEC. 2. The grant of said overflowed land is made on the ^{Conditions.} express condition that the California Dry Dock Company shall pay the value thereof, of not less than two hundred dollars per acre, to be ascertained and appraised by the State Harbor Commissioners; and shall also expend thereon, and on the land adjacent thereto now owned by said company, including the amount already expended in the construction of a dry dock or docks and for other purposes connected therewith, at least two hundred and fifty thousand dollars within twelve months from the passage of this Act. The said Dry Dock Company is authorized to have a survey made at its own expense, by the Surveyor of the City and County of San Francisco, of the said overflowed land; and on the approval of his survey by the Surveyor-General, and upon the payment to the Treasurer of the State, to the credit of the Wharf and Dock Fund, the value of said land so ascertained, the Register of the State Land Office shall certify said approval and payment to the Governor, whereupon a patent shall issue for said land to the said California Dry Dock Company.

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

CHAPTER CCCXLIX.

An Act to amend an Act entitled an Act concerning trade marks and names, approved April third, one thousand eight hundred and sixty-three.

[Approved March 28, 1868.]

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

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

Section 6. Every person who shall have or use any cask, bottle, vessel, case, cover, label or other thing bearing or having in any way connected with it the trade mark or name of another which has been filed according to section two of this Act, for the purpose of disposing of any article other than the same kind, character or quality which said cask, bottle, vessel, case, cover, label or other thing originally contained or was connected with by the owner of said trade mark or name, with intent to deceive or defraud—and every person who shall, either directly ^{Penalties for unlawful use}

or indirectly, put into or cause to be put into any such cask, bottle, vessel, case or other thing, any article other than the same kind, character or quality which [said] cask, bottle, vessel, case or other thing originally contained, for the purpose of selling or disposing of any such article—and every person who shall be engaged in the manufacture or sale or disposition of any article of trade or commerce who shall have or use any such cask, bottle, vessel, case, cover or label or other thing in his business without the consent in writing of the owner of said trade mark or name, shall be guilty of a misdemeanor, and on a first conviction thereof shall be punished as provided in section four of this Act. On any subsequent conviction such person shall be punished by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment in the County Jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

SEC. 2. Section seven is amended so as to read as follows :

Aiding or
abetting

Section 7. Every person who shall aid, or abet, or counsel in or procure the commission of any offense which is by this Act made a misdemeanor, and every person who shall have in his possession any such cask, bottle, vessel, case, cover or label, who, on demand by the owner thereof or by his agent, shall refuse to deliver the same to such owner or agent, shall be deemed and held to be guilty of a misdemeanor, and shall be subject to the penalties provided in section four of this Act.

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

CHAPTER CCCL.

An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide funds for any deficit in the School Department of said city and county.

[Approved March 23, 1868.]

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

Tax to be
levied.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and required to levy and collect, at the same time and in the same manner as other city and county taxes are levied and collected, a special tax of five cents on every hundred dollars valuation on the assessment roll of the said city and county for the fiscal year eighteen hundred and sixty-eight (1868) and sixty-nine (69). All money received from said tax shall be placed to the credit of the School Fund, and may be used to pay any deficit in the School Fund of the fiscal year eighteen hundred and sixty-seven (1867) and sixty-eight (68).

Claims for
year 1867-8.

SEC 2. The Auditor and Board of Education of the City and County of San Francisco are hereby authorized to audit any just demand against the School Department for the fiscal

year eighteen hundred and sixty-seven (1867) and sixty-eight (68), and the Treasurer is hereby required to pay the same from the funds of the fiscal year eighteen hundred and sixty-eight (1868) and sixty-nine (69).

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

CHAPTER CCCLI.

An Act to appropriate money for the purchase of safes for the State Treasurer's Office.

[Approved March 28, 1868.]

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

SECTION 1. The Governor, Controller and State Treasurer are hereby authorized to purchase such safes as they may deem the best and most secure, for the use of the office of the State Treasurer; and for this purpose a sum not exceeding three thousand dollars is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated. Appropriation.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLII.

An Act to provide for the appointment of Phonographic Reporters in certain counties in this State.

[Approved March 28, 1868.]

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

[SECTION 1] The Judges of the County Courts of San Francisco, Napa, Sonoma and Solano are hereby authorized, where they deem it necessary, to appoint a competent Phonographic Reporter to take the testimony in short hand in cases of felony that may arise in said Courts. Said Reporter shall take the testimony in civil cases only at the request of the parties to the suit. The notes of said Reporter shall always be taken as prima facie evidence of the testimony given upon any trial where such notes are taken. Said Reporter shall receive for his services such compensation as is allowed by law to the Reporters in the District Courts of this State, and such compensation shall be paid by the county where such service is performed in criminal cases. For County Courts.

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

CHAPTER CCCLIII.

An Act to amend an Act entitled an Act to restrict the herding of sheep, approved May eighteenth, eighteen hundred and sixty-one.

[Approved March 28, 1868.]

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

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

Owners liable for damages.

Section 2. The owner or owners, or the agents of such owners of sheep, violating the provisions of section one of this Act, shall be liable to the party injured for all damages sustained by such trespass; and if such trespass be repeated by such owner or owners, or the agent or agents of such owners of sheep, he or they shall be liable to the party injured, for the second and every subsequent trespass, for double the amount of damage so sustained.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLIV.

An Act to amend an Act entitled an Act to abolish the office of Tax Collector in the County of Tehama and provide for the collection of taxes therein.

[Approved March 28, 1868.]

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

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

Assessor to collect.

Section 3. It shall be the duty of the Assessor of the County of Tehama to collect all poll, per capita and road tax in said county; and at the time of assessing the property of said county it shall be the duty of said Assessor, upon the entry of any assessment of any movable property to any person, firm, corporation, association or company, who does not own real estate sufficient to insure the payment of the taxes on such property, to demand the payment of the taxes on the same; and if such person, firm, corporation, association or company shall refuse or neglect to pay such taxes, the Assessor shall proceed to collect such taxes in the manner prescribed by law; and all laws in force conferring authority or power upon, and defining the liabilities and duties of Tax Collector in the collection of the taxes in this section provided for, shall be applicable to the Assessor of said county in the collection of said taxes.

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

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

CHAPTER CCCLV.

An Act supplementary to and amendatory of an Act entitled an Act to authorize the San Francisco and Alameda Railroad Company to construct and maintain a wharf at the western end of the Encinal of San Antonio, in Alameda County, approved April twenty-fifth, eighteen hundred and sixty-three.

[Approved March 28, 1868.]

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

SECTION 1. The time limited by section four of said Act for the finishing and completion of said wharf is hereby extended for two years from and after the passage of this Act. Time extended.

CHAPTER CCCLVI.

An Act amendatory of and supplementary to an Act entitled an Act to establish and maintain an Alms-house and Hospital in the City and County of San Francisco, approved March tenth, eighteen hundred and sixty-six.

[Approved March 28, 1868.]

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

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

Section 3. Said Board of Supervisors may by ordinance make such rules and regulations not inconsistent with the provisions of this Act, for the government and management of said Alms-house, and for the admission, discharge and employment of the inmates thereof, as to them shall seem proper. Supervisors to regulate.

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

Section 4: Said Board shall also have power to appoint for duty at the Alms-house a Superintendent, Matron, Resident Physician, and such assistants and employés as they may from time to time deem necessary; *provided*, they shall not at any time pay more than the following sums as salary to the various employés: May make appointments.

To the Superintendent, one hundred and fifty dollars per month. Salaries.

To the Matron, fifty dollars per month.

To the Resident Physician, one hundred and twenty-five dollars per month.

To the cook, sixty dollars per month.

To the chief farmer, fifty dollars per month.

To the principal teamster, fifty dollars per month.

And to each and every other employé, not to exceed thirty dollars per month each, except nurses, when necessary, may be employed at a salary not to exceed fifty dollars per month.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCLVII.

An Act to authorize the California Pacific Railroad Company to extend its road to Suscol, in Napa County, and receive subscription to its capital stock, and other matters relating thereto.

[Approved March 28, 1868.]

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

Right
granted.

SECTION 1. The California Pacific Railroad Company is hereby authorized to extend and construct its railroad from some point thereof in Napa County to Suscol, the present terminus of the Napa Valley Railroad, not exceeding five miles in length, and to receive the same subscription to its capital stock by Napa County, through her Board of Supervisors, with the same terms, conditions, limitations and mode of payment as is provided for the Napa Valley Railroad Company by an Act of the Legislature of this State entitled an Act to authorize the Board of Supervisors of the County of Napa to take and subscribe to the capital stock of the Napa Valley Railroad Company and to provide for the payment of the same, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

Subscrip-
tions to
capital stock

SEC. 2 No subscription shall be made to the capital stock of the California Pacific Railroad Company by virtue of the provisions of section one of this Act, unless the Napa Valley Railroad Company shall first file with the Clerk of the Board of Supervisors of Napa County a written refusal to construct their road between the points specified in section one; and if such refusal be so filed, then no subscription shall be made by Napa County to the Napa Valley Railroad Company under said Act for any road between Suscol and the line of the California Pacific Railroad, but in lieu thereof the subscription shall be made to the said last mentioned company, in accordance with said Act of April fourth, eighteen hundred and sixty-four, as modified by this Act.

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

CHAPTER CCCLVIII.

An Act to amend an Act entitled an Act to define and limit the compensation of officers and reduce public expenses and taxation in the County of San Mateo.

[Approved March 23, 1868.]

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

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

Section 10. The following shall be the compensation of officers of the County of San Mateo, to be paid them quarterly out of the County Treasury, except as to the County Assessor, who shall be paid as hereinafter provided : Compensation to be paid.

County Judge, one thousand dollars per annum.

District Attorney, five hundred dollars per annum.

Superintendent of Public Schools, three hundred dollars per annum.

County Treasurer, six hundred dollars per annum.

County Auditor, five hundred dollars per annum.

County Assessor, twelve hundred dollars (\$1,200) per annum. Not more than one half of said Assessor's salary shall be paid until after he shall have completed the general assessment roll of the county, according to law ; the balance of his salary shall be paid upon the completion of said general assessment roll—all deputies employed by him to be at his own expense. Said salary shall be exclusive of his lawful commissions on the collection of poll taxes.

Supervisors, five dollars a day for each day's attendance upon the meetings of the Board of Supervisors, not exceeding sixteen days in any one year ; but each Supervisor shall, in addition to his aforesaid per diem, be allowed mileage at the rate of ten cents per mile going to and returning from each actual session of the Board, not exceeding sixteen sessions in any one year.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLIX.

An Act to provide funds to pay the floating debt of Butte County.

[Approved March 28, 1868.]

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

SECTION 1. Fifty per cent of the net proceeds arising from foreign miners' licenses in Butte County shall be paid into the Redemption Fund of said county, and shall be disposed of as other moneys in said fund, for the payment of the floating debt of said county. Redemption Fund.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLX.

An Act to repeal certain Acts concerning hogs found running at large in Amador County.

[Approved March 28, 1868.]

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

Acts
repealed.

SECTION 1. An Act to extend the provisions of an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six, and the amendments thereto, approved April eighteenth, eighteen hundred and fifty-nine, approved March thirteenth, eighteen hundred and sixty-two; and an Act to amend an Act entitled an Act to extend the provisions of an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six, and the amendments thereto, approved April eighteenth, eighteen hundred and fifty-nine, approved March thirteenth, eighteen hundred and sixty-two, approved April twenty-fourth, eighteen hundred and sixty-two, be and the same are hereby repealed.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCLXI.

An Act to provide for choosing Electors of President and Vice President of the United States.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

When to be
chosen.

SECTION 1. In each year when the election of President and Vice President of the United States is to take place, there shall be chosen as many Electors of President and Vice President as this State may be entitled to at the time of such election.

SEC. 2. The qualified voters of the State shall meet at the place designated for holding the general election in the different counties of the State, on the Tuesday next after the first Monday of November in each year when the election of President and Vice President is to take place, unless the Congress of the United States shall appoint a different day, and in that case on such day as the Congress shall appoint, and shall proceed to elect as many persons as the State shall then be entitled to elect as Electors of President and Vice President.

SEC. 3. Notice of the election of Electors shall be given by

proclamation in the same manner as notice is required to be given of other elections; and the election shall be conducted and the returns thereof made in the same manner as is prescribed by law in regard to the election of Representatives in Congress, with the exceptions specified in this Act.

Election
proclama-
tion.

SEC 4. The returns of the election in each county shall be transmitted by the County Clerk thereof to the Secretary of State, on the tenth day after the day of election, or as soon as he has received the returns from each precinct of his county, if received within ten days. The County Clerk of each county, when it may be necessary, shall employ some person to convey the returns to the seat of government, and deliver them to the Secretary of State. The person performing such service shall be entitled to receive as compensation, mileage at the rate of thirty cents a mile, computing the distance from the county seat to the seat of government by the usually travelled route; his account therefor, certified by the Secretary of State, shall be audited by the Controller, and paid out of the General Fund in the State Treasury; *provided*, that whenever the County Clerk of any county shall employ any person to convey the election returns to the seat of government, he shall prepare a statement in writing, in which the reasons for the employment of such person shall be specified, which statement shall be sworn to and subscribed by him, and indorsed as correct by the County Judge of the county, and forwarded at the same time and by the same person who may be employed to convey the election returns, and filed in the office of the Secretary of State. Any person conveying election returns without such statement and indorsement, shall receive no compensation for mileage or otherwise. On the Monday before the first Wednesday of December, or so soon as the returns have been received from all the counties in the State, if received before that day, the Secretary of State shall compare and estimate the votes given for Electors, and certify to the Governor the names of the proper number of persons having the highest number of votes; and thereupon the Governor shall transmit immediately to each of such persons a certificate of election, and on or before the day of their meeting deliver to the Electors lists of the names of Electors, and do all other things required of him in the premises by any Act of Congress in force at the time; *provided*, that the County Clerk shall also, on the tenth day after the election, or as soon as he shall have received the returns from each precinct in the county, if received within that time, transmit a certified copy thereof to the Secretary of State by mail, and if there be any express office within five miles of the county seat of his county, he shall also, immediately after receiving the returns of said elections from the several precincts of his county, transmit a copy thereof by express to the Secretary of State.

Returns of
County
Clerks
sent by
messenger.

Duties of
Secretary
of State and
Governor

Returns to
be also sent
by mail and
express.

SEC 5. The Electors so chosen shall convene at the seat of government on the first Wednesday in December next after their election, at two o'clock in the afternoon; and in case of the death or absence of any Elector so chosen, or in case the number of Electors shall, from any cause, be deficient, the Electors then present shall forthwith elect, from the citizens of the State, so many persons as shall supply the deficiency.

Electors to
convene at
seat of
government

Balloting.

SEC. 6. The Electors, when convened, shall, on said first Wednesday in December, vote by ballot for one person for President and one person for Vice President of the United States, one of whom at least shall not be an inhabitant of this State. They shall name in their ballots the persons voted for as President, and in distinct ballots the persons voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes given for each; which lists they shall sign and certify, and transmit, sealed up, to the seat of government of the United States, directed to the President of the Senate; and they shall in all respects proceed conformably to the Constitution of the United States and the laws of the United States in this behalf provided.

Result to be transmitted to President U. S. Senate.

Pay and mileage.

SEC. 7. Electors shall receive the same pay and mileage allowed the members of the Assembly; their accounts therefor, certified by the Secretary of State, shall be audited by the Controller, who shall give his warrants for the same on the Treasurer, payable out of the General Fund.

Acts repealed

SEC. 8. The Act entitled an Act to provide for choosing Electors of President and Vice President of the United States, approved April twenty-eighth, eighteen hundred and fifty-two, and an Act to amend an Act to provide for choosing Electors of President and Vice President of the United States, approved March twenty-sixth, eighteen hundred and sixty-six, are hereby repealed.

CHAPTER CCCLXII.

An Act to authorize the sale and conveyance to the Pacific Rolling Mill Company of certain overflowed lands in the City and County of San Francisco.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Sale authorized.

SECTION 1. The Pacific Rolling Mill Company is hereby authorized to have a survey made, at its own expense, by the City and County Surveyor of San Francisco, of certain submerged and tide and marsh lands belonging to the State, situated in the City and County of San Francisco, to wit: All the northerly three fourths of Block Number Five Hundred and Five, as laid down on a certain map or plan of the Potrero Nuevo, made by William J. Lewis, in June, eighteen hundred and fifty-six, and adjoining the upland property of said Pacific Rolling Mill Company, and upon the approval of his survey by the Surveyor-General, and upon the payment by said Pacific Rolling Mill Company to the Treasurer of the State, to the credit of the Wharf and Dock Fund, the value of said land at the rate of not less than three hundred dollars per acre for the number of acres so ascertained, the Register of the State Land Office shall certify said approval and payment to the Governor, whereupon

Conditions.

a patent shall issue for said lands to said Pacific Rolling Mill Company; *provided*, that before such patent shall issue, said Pacific Rolling Mill Company shall so far complete the construction of its manufactory, already commenced on the upland adjoining the submerged lands herein authorized to be conveyed, for rolling and forging iron, and for such other purposes in connection therewith as it may judge expedient, within one year from and after the second day of April, eighteen hundred and sixty-eight, as to be capable of rolling therein at least fifty tons of railroad iron per month; otherwise, this Act shall be void and of no effect.

SEC. 2. Any wharf or dock built on the aforesaid described property shall be subject to the same laws, rules and regulations as govern other wharves under the supervision of the State Harbor Commissioners.

SEC. 3. This Act shall take effect on and after its passage.

CHAPTER CCCLXIII.

An Act to empower the Board of Supervisors of the City and County of San Francisco to make an appropriation of money to establish the grades of streets and avenues in certain districts in said city and county.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco is authorized to provide by ordinance for the establishment of the lines and grades of the streets and avenues within the tracts or districts in said city and county hereinafter described, lying without the corporate limits of the City of San Francisco, as defined in an Act entitled an Act to incorporate the City of San Francisco, passed April fifteenth, eighteen hundred and fifty-one, to wit:

District No. 1—That tract lying east of Potrero avenue, south of Mission Creek, west of the water front and north of Precita Creek.

District No. 2—That tract west of Potrero avenue, south of the charter line of eighteen hundred and fifty-one produced westerly to the westerly line of Douglass street; easterly of the westerly line of Douglass street continued to Figg or Twenty-seventh street, northerly of Figg or Twenty-seventh street and Precita Creek.

District No. 3—That tract west of the charter line of eighteen hundred and fifty-one, easterly of Douglass street, southerly of the northerly boundary of the San Miguel Ranch, and northerly of the southerly line of Twenty-second street extended to the westerly line of Douglass street.

District No. 4—That tract lying southerly of the water front, westerly of Devisadero street, northerly of Geary street, easterly of Cemetery avenue and Government Reserve.

District No. 5—That tract lying westerly of the charter line of eighteen hundred and fifty-one, northerly of the San Miguel Ranch, easterly of westerly line of West Eighth street, southerly of the Government Reserve and Lone Mountain Cemetery, and that part of Geary street easterly of Cemetery avenue.

To pay
expenses.

SEC. 2 For the accomplishment of the purposes set forth in section one of this Act, and the providing and placing suitable monuments to perpetuate the work, the said Board of Supervisors are authorized to appropriate not to exceed the sum of twenty thousand dollars. The expenditure authorized by this Act, and every item thereof, before it becomes a claim or debt against said city and county, shall first be allowed and ordered paid by the Board of Supervisors, and audited by the Auditor, when the same shall be paid by the Treasurer out of the General Fund of the City and County of San Francisco.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXIV.

An Act to provide for the collection of the revenue in and for the County of Napa.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Sheriff to
collect

SECTION 1. The Sheriff in and for the County of Napa shall be ex officio Tax Collector in and for said county.

Laws appli-
cable.

SEC. 2. The Act approved May seventeenth, A. D. eighteen hundred and sixty-one, entitled an Act to provide revenue for the support of the Government of this State, and all Acts amendatory thereof and supplemental thereto, are hereby made applicable to the County of Napa, and the revenue in and for said county shall be collected in pursuance of said Act; *provided*, that the Tax Collector shall receive one and one half per cent. of all the moneys collected by him, which shall be his only compensation for his services in making such collection.

Acts
repealed.

SEC. 3. The Act entitled an Act to authorize the County Treasurer of the Counties of Napa, Lake and Mendocino to collect and receive certain public moneys as revenue, approved February twenty-ninth, eighteen hundred and sixty-four, and all Acts amendatory thereof or supplemental thereto, are hereby repealed.

SEC. 4. This Act shall take effect on the first Monday in March, A. D. eighteen hundred and seventy.

CHAPTER CCCLXV.

An Act to provide for the revision and compilation of the laws of the State of California and the publication thereof.

[Approved March 23, 1863.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. J. B. Harmon, John Currey and Henry P. Barber are hereby constituted and appointed a Commission, whose duty it shall be to meet in the City of San Francisco within three months after the approval of this Act and proceed to revise and compile all the laws of this State now in force or which may be passed at the seventeenth session of the Legislature. Commissioners.

SEC 2. Said Commission shall continue its session from day to day and from time to time until a complete and thorough revision and compilation of said laws shall have been effected and a comprehensive and concise system prepared and arranged. Sessions.

SEC 3. In effecting the revision of the laws contemplated by this Act, the Commissioners shall omit from the system by them to be prepared all laws or parts of laws which in their judgment may be dispensed with without prejudice to the interest of the State or the people thereof, and shall supply such additional provisions as may be required for the public welfare. May omit or add to

SEC 4. All the laws of a general character shall be arranged in one compact body—the Revenue Laws to form one concise and comprehensive chapter. The local and special laws which it may be found necessary to retain shall be arranged in a separate part of the work, the entire work to be as brief as possible consistent with the proper protection of the right and well being of the people of the State. Arrangement.

SEC 5. The work thus prepared shall be submitted by the Commissioners to the next session of the Legislature, and if ratified and adopted shall be published by the State Printer and the volumes furnished to the State and to private parties at the same ratio of cost that other public printing is performed, adding any additional cost of binding, and the copyright shall belong to and remain in the State. Work to be submitted to Legislature.

SEC 6. Said Commissioners shall have power to employ a Clerk or Secretary at a salary not exceeding two hundred dollars per month for the time actually engaged, and rent an office at a cost not exceeding fifty dollars per month, and furnish such stationery as may be required for the use of the Commissioners. Clerk hire and office rent.

SEC 7. Said Commissioners shall receive for their services compensation at the rate of four hundred dollars per month for the time actually engaged in the revision and compilation of the laws as hereinbefore directed; *provided*, no compensation whatsoever shall be allowed to the Commissioners exceeding the sum of three thousand dollars each until the duties devolving upon them under the provisions of this Act shall have been fully performed and completed by them and reported to the Legislature. Salary.

SEC 8. On the sworn certificate of all of the Commissioners

Payment. that the services have been performed, office rent or stationery furnished, the Controller is hereby directed to draw his warrant on the Treasurer at the end of each month for the amount of said certificate so appearing to be due to the parties as above provided, and the Treasurer is directed to pay the same out of any money in the Treasury not otherwise appropriated.

On completion of work. SEC. 9. The said work of revision and compilation shall be completed by said Commissioners prior to the first day of July, eighteen hundred and sixty-nine, and the Secretary shall deliver the manuscript copy to the State Printer as soon as practicable thereafter. The State Printer shall furnish and deliver four hundred and eighty copies thereof, in bill form, to the Secretary of State, and the Secretary of State shall be and is hereby required to forward one copy thereof to each member of the Senate holder over and each member elect of the Legislature, to each Justice of the Supreme Court, District Judge, County Judge and District Attorney of this State, prior to the first day of November, eighteen hundred and sixty-nine.

SEC. 10. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXVI.

An Act to regulate fees of office.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fees to be paid in coin. SECTION 1. Fees are allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided; and such officers may lawfully charge, demand and receive the same in gold and silver coin of the United States.

For naturalization. SEC. 2. The Clerks of the Courts of record in this State shall be entitled to receive for each certificate of declaration to become a citizen of the United States and for making a record thereof, one dollar and fifty cents; and for certificate of citizenship and making a record thereof, one dollar and fifty cents. The sum of one dollar and fifty cents, as herein provided, shall include the administration of all oaths or other preliminary proceedings; and said papers herein provided for shall be issued by the Court upon application of any individual entitled to receive them, and upon his complying with the provisions of the Naturalization Laws.

FEES OF SUPREME COURT CLERK.

Clerk of Supreme Court. SEC. 3. He shall collect in all civil cases hereafter appealed to the Supreme Court, when the transcript is filed, to include the issue of remittitur to Court below, twenty dollars.

For dismissing appeal on Clerk's certificate from Court below,

when dismissed for want of prosecution, two dollars and fifty cents.

For all proceedings in each case of mandamus, certiorari and prohibition, and the writ of habeas corpus, returnable before the Supreme Court in banc, ten dollars.

The fees collected by the Clerk of the Supreme Court shall be for the use of the State Treasury.

FEES OF NOTARY PUBLIC.

SEC. 4. For drawing and copying every protest for non-payment of a promissory note, or for the non-payment or non-acceptance of a bill of exchange, draft or check, one dollar. Notaries
Public.

For drawing and serving every notice of non-payment of a promissory note, or of the non-payment or non-acceptance of a bill of exchange, order, draft or check, fifty cents.

For recording every protest, fifty cents.

For drawing an affidavit, deposition, or other paper for which provision is not herein made, for each folio, fifteen cents.

For taking an acknowledgment or proof of a deed or other instrument, to include the seal and the writing of the certificate, for the first signature, fifty cents; and for each additional signature, twenty-five cents.

For administering an oath or affirmation, twenty-five cents.

For every certificate, to include writing the same, fifty cents.

FEES OF CLERK OF DISTRICT COURTS.

SEC. 5. At the commencement of each suit the Clerk shall be entitled to demand and receive from the plaintiff, including Judge's docket fees, as prescribed by law, not to exceed the sum of ten dollars, to cover costs to the time of judgment; and from defendant, three dollars, to cover costs for the same time. If, in the progress of an action, the sums allowed the Clerk should be insufficient, he shall be entitled to demand from either party such further sum as he may deem necessary to cover costs to the time of and including the entry of judgment. Any excess of fees advanced by either party, on the determination of the action, shall be returned by the Clerk to the party who advanced them. Clerks of
District
Courts.

For entering each suit on the Clerk's register of actions, and making the necessary entries therein during the trial, fifty cents.

For issuing every writ or process, under seal, forty cents.

For issuing each subpoena for one or more witnesses, twenty cents.

For filing each paper, ten cents.

For entering every motion and order, rule, default, discontinuance, dismissal or nonsuit, twenty cents.

For entering every cause on the calendar and making a copy thereof for the bar, for each term of the Court, twenty cents.

For calling and swearing every jury, forty cents.

For receiving and entering each verdict of a jury, twenty-five cents.

For entering every final judgment, for the first folio, fifty cents; for each subsequent folio, fifteen cents.

Clerks of
District
Courts.

For filing judgment roll, twenty-five cents.
For each entry of judgment on judgment docket, twenty cents.

For each entry of satisfaction of judgment, twenty-five cents.

For administering every oath or affirmation, fifteen cents.

For certifying every oath or affirmation, fifteen cents

For copy of any proceeding, record or paper, for each folio, fifteen cents.

For every certificate under seal, forty cents.

For issuing every commission to take testimony, forty cents.

For writing down testimony of witnesses during the trial, for each folio, fifteen cents, to be paid by the party requiring the same.

For issuing every execution or other final process, under seal, forty cents.

For issuing every copy of decree or order of sale of mortgaged property, for each folio, fifteen cents.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, forty cents.

For approval and justification of each bond required by law, forty cents; and for taking testimony thereon, fifteen cents per folio.

For acknowledgment of deed or other instrument, including all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents.

For indexing every suit in District Court in general index, as required by law, fifty cents.

For filing and entering papers on transfer of cases from other Courts, including indexing, two dollars

For transmission of files or transfer of cases to other Courts, including certificate of order of transfer, one dollar and fifty cents

For searching records or files of each year, except for suitors or their attorneys, twenty-five cents.

For services under the Act to provide for the reclamation of salt marsh and tide lands, approved April twenty-seventh, eighteen hundred and sixty-three, he shall receive the fees therein prescribed.

When the Court is sitting as a Court of criminal jurisdiction, the Clerk shall receive for the trial of each issue, when the charge is felony, three dollars; and for the trial of each issue when the charge is misdemeanor, two dollars. He shall receive no other fees in a criminal action or proceeding, except fifteen cents per folio for copies of papers.

FEES OF CLERK OF COUNTY COURT.

of County
Courts.

SEC. 6. For filing all papers sent on appeal from Justice's Court and making the necessary docket entries in each cause, one dollar.

For all other services, the same fees as are allowed in the District Court for like services.

FEES OF CLERK OF PROBATE COURT.

SEC. 7. For issuing letters testamentary [or] of administration, forty cents. Clerks of Probate Courts.

For all certificates under seal, twenty-five cents.

For writing and posting notices, for each copy, twenty-five cents.

For recording wills and all other instruments required by law to be recorded, for each folio, fifteen cents.

For filing each paper, ten cents

For copies of all papers, fifteen cents per folio.

For issuing each notice for publication, twenty-five cents.

For all other services, the same fees as are allowed the Clerk of the District Court for like services.

SEC. 8. No fees shall be allowed Probate Judges.

FEES OF COUNTY CLERK.

SEC. 9. For issuing marriage licenses, one dollar

For drawing an affidavit, deposition or other paper, per folio, fifteen cents. County Clerks.

For filing transcript of judgments of Justices' Courts, for docketing the same and issuing execution thereon, two dollars.

For recording certificates of incorporation, where recording is required by law, fifteen cents per folio.

For recording official bonds, when required by law, fifteen cents per folio; for indexing same, twenty cents.

For recording the testimony and commitment upon examination of insane persons, when it is ascertained by the County or Probate Judge that the person committed has sufficient property wherewith to pay the expenses of his commitment, fifteen cents per folio.

For issuing writ of habeas corpus, and all services in relation to the same, two dollars.

FEES OF COUNTY RECORDER.

SEC. 10. For recording every instrument, paper or notice, for each folio, fifteen cents. County Recordists.

For copies of any record or paper, per folio, fifteen cents.

For filing every instrument for record and making the necessary entries thereon, fifteen cents.

For indexing every instrument, paper or notice, as required by law, twenty-five cents

For every certificate under seal, forty cents.

For every entry of discharge of mortgage or other instrument on margin of record, and indexing same, fifty cents.

For searching records and files of each year in his office, when required, twenty-five cents.

For abstract or certificate of title, when required, for each conveyance or encumbrance certified, twenty-five cents.

For recording every town plat, for every course, ten cents; for figures and lottering plats and maps, per folio, fifteen cents;

County
Recorders.

provided, the fees for recording any town plat shall not exceed the sum of one hundred dollars.

For taking and writing acknowledgments, including seal, for the first signature, fifty cents; for each additional name, twenty-five cents.

For recording marriage license and certificate, one dollar.

For filing and keeping each paper not required to be recorded, twenty cents.

For recording transcript and all other services in estray cases, one dollar.

For recording brands and marks, fifty cents.

FEES OF SHERIFF.

Sheriffs.

SEC. 11. For serving a summons and complaint, or any other process by which action or proceeding is commenced, on each defendant, one dollar.

For taking bond or undertaking in any case in which he is authorized to take the same, fifty cents.

For copy of any writ, process or other paper, when demanded or required by law, for each folio, fifteen cents.

For serving every notice, rule or order, fifty cents.

For serving a subpoena, for each witness summoned, twenty-five cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, one dollar and fifty cents; but no travelling fees shall be allowed on such attachment, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit and may be executed at the time of the service of the summons, unless for the distance actually travelled beyond that required to serve the summons. He shall be allowed such further compensation for his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, as the Court shall order; *provided*, no more than three dollars per diem shall be allowed to a keeper.

For serving an attachment upon any ship, boat or vessel, in proceedings to enforce any lien thereon created by law, one dollar and fifty cents; also, three dollars per day for each day while such ship, boat or vessel is in the actual custody of the Sheriff, and such further necessary expenses incurred in serving the process and resulting from such custody as are supported by the oath of the officer making such service and allowed by the Court.

For selling any boat, vessel, or tackle, apparel or furniture thereof so attached, or other goods attached, and for advertising such sale, the same fees as for sale on execution.

For advertising property for sale on execution, or under any judgment or order of sale, exclusive of the cost of publication, one dollar.

For commissions for receiving and paying over money on execution or other process, when lands or personal property has been levied on and sold, on the first one thousand dollars, two

per cent; on all sums above that amount, one and one half per cent. Sheriffs.

For commissions for receiving and paying over money on execution without levy, or when the lands or goods levied on shall not be sold, on the first one thousand dollars, one and one half per cent., and one per cent. on all over that sum.

The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution in the same manner as the sum therein directed to be made

For drawing and executing a Sheriff's deed, to include the acknowledgment, three dollars, to be paid by the grantee.

For serving a writ of possession or restitution, putting any person entitled into possession of premises and removing the occupant, three dollars.

For attending when required on any Court, in person or by deputy, for each day, to be paid out of the County Treasury, three dollars.

For holding each inquest or trial of right of property, to include all service in the matter, except mileage, three dollars.

For attending on Supreme Court by person or by deputy, to be paid out of the State Treasury, for each day, three dollars.

For making every arrest in a criminal proceeding, two dollars.

For summoning a grand jury, four dollars.

For summoning a trial jury in any case, two dollars.

For travelling, to be computed in all cases from the Court-house, to serve any summons and complaint or any other process by which action or proceeding is commenced, notice, rule, order, subpoena, venire, attachment on property, or to levy an execution, or execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, or in bringing up a prisoner on habeas corpus, or for service of any process in criminal cases, or for taking prisoners before a magistrate or to prison, for each mile necessarily travelled, in going only, he shall receive fifteen cents per mile; *provided*, that if any two or more papers be required to be served in the same suit at the same time and in the same direction, one mileage only shall be charged; and *provided* also, in serving a subpoena or venire, when two or more jurors or witnesses live in the same direction, travelling fees shall be charged only for the most distant.

For executing every sentence of death, twenty dollars.

For all services in Justices' Courts, the same fees as are allowed to Constables.

For delivering a prisoner at the State Prison, fifty cents per mile one way for the distance established by law from the county seat of his county to the prison; and for every additional prisoner taken at the same time, twenty-five cents per mile.

For delivering an insane person at the Asylum, fifty cents per mile one way for the distance established by law from the county seat of his county to the Asylum; and for every additional insane person taken at the same time, twenty-five cents per mile.

CORONER'S FEES.

- Coroners. SEC. 12. For summoning a jury of inquest, two dollars
 For swearing a jury, forty cents
 For issuing a subpoena for one or more witnesses, twenty-five cents.
 For issuing a warrant of arrest, forty cents.
 For each mile necessarily travelled in going to the place of the dead body, fifteen cents.
 Which fees, in all inquests, shall be paid out of the effects of the deceased, if any; if not, from the County Treasury.
 For swearing each witness, fifteen cents.
 For taking down testimony, per folio, fifteen cents.
 When acting as Sheriff, he shall receive the same fees as that officer for like services.

FEES OF COUNTY SURVEYOR.

- County Surveyors. SEC. 13. For the first mile actually run with compass and chain, two dollars; for each succeeding mile, one dollar and twenty-five cents.
 For each mile run with compass alone, one dollar.
 For each lot laid out and platted in any city or town, one dollar.
 For recording a survey, seventy-five cents.
 For calculating the quantity of every tract of land or any subdivision thereof (town lots excepted), fifty cents
 For travelling to the place of survey, for each mile, in going only, fifteen cents; and if he shall be required and duly notified, verbally or otherwise, to make other surveys while in the discharge of his official duty while in the field, he shall be entitled to mileage only from the place last surveyed by him.
 For ascertaining the location of every town lot in an old survey, measuring and marking the same, one dollar.
 For copies and certificates, per folio, fifteen cents.
 For erecting a monument at the corner of any survey, when required, one dollar.
 For erecting a monument when running a line at a variation or offset, when required, twenty-five cents
 For copy of plat of any survey and certificate required by any person, or to be transmitted to the Surveyor-General, one dollar, to be paid by the party requiring the survey.
 Expenses of assistants shall be an additional charge, to be agreed upon between the parties, or in cases of surveys ordered by the Court or Board of Supervisors, such compensation as shall be by them allowed.

FEES OF PUBLIC ADMINISTRATOR.

- Public Administrators SEC. 14. The fees of Public Administrator shall be four per cent. upon the amount of the estates administered by him, which percentage shall be the only compensation allowed for his services.

FEES OF INTERPRETERS AND TRANSLATORS.

SEC. 15. Interpreters and translators shall be allowed such compensation for their services as the Court shall allow, to be taxed and collected as other costs; but the same shall not exceed three dollars per day. Interpreters and translators.

FEES OF JUDGES AND CLERKS OF ELECTION.

SEC. 16. The Judges and Clerks of Election shall be allowed such compensation as the Board of Supervisors shall prescribe, not exceeding three dollars per day each, for the time they are necessarily employed, and not exceeding five days pay in any one year for each of the Judges, and six days for the Clerk, which shall be full compensation for all services required by law to be by them performed. Judges and Clerks of Election.

FEES TO JURORS.

SEC. 17. Grand and trial jurors shall receive two dollars per day for attendance upon a Court of record, and fifteen cents per mile for travelling from their residence to the place of trial. No juror who shall be summoned and excused from serving shall receive per diem, but mileage only; nor shall mileage be paid to any juror who shall live within two miles of the Court-house; nor shall any juror receive per diem who shall be summoned to complete a jury, but who for any cause shall be excused. In civil cases, the party in whose favor verdict is rendered, before the same be entered, shall pay the jury fees; but the same may be recovered as costs from the party losing the case; *provided*, that Clerks of Courts of record shall keep an account of all moneys received for trials by each jury [juror] during the term; and if the sum so received by such jury [juror] shall not amount to two dollars per day and mileage, he shall deliver to such juror a certificate of the time and mileage for which he is still entitled to receive pay, which shall be paid out of the County Treasury as other county dues. If in any trial, in a civil case, the jury be for any cause discharged without finding a verdict, the fees of the jury shall be paid by the plaintiff, but may be recovered as costs, if he afterwards obtains judgment; and until they are paid no further proceedings shall be allowed in the action. Jurors in a Justice's Court, in civil cases, shall receive two dollars per day, but no mileage—to be taxed against the party losing the action. Jurors.

WITNESS FEES.

SEC. 18. For attending in any civil suit or proceeding before any Court of record, referee, Commissioner, or Justice of the Peace, for each day, two dollars. Witnesses.

For travelling to the place of trial, for each mile, fifteen cents.

In cases of impeachment and contested elections, for travelling to the place of trial, ten cents per mile.

Witnesses.

No person shall be obliged to attend or testify in a civil action unless his fees shall have been tendered, or he shall not have demanded the same. No fees shall be allowed any witness in a criminal action or proceeding unless he shall attend before a magistrate, Grand Jury or Court as a witness on behalf of the people upon a subpoena, or by virtue of a recognizance; and if it shall appear that he has come from any place out of the county, or that he is poor, the Court, if the attendance of the witness be upon a trial, by an order on its minutes—or in any other case, the County Judge, by an order subscribed by him—may direct the Treasurer of the county to pay the witness a reasonable sum, to be specified in the order, for his expenses; and no person who resides without any county shall be obliged, in a civil action or proceeding, to attend as a witness in said county, unless the distance be less than thirty miles from his place of residence to the place of trial.

FEES OF JUSTICES OF THE PEACE.

Justices of the Peace.

SEC. 19. Each Justice of the Peace shall be allowed, in a civil action before him, for all services required to be performed by him before trial, two dollars; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, three dollars; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, three dollars.

For all services and proceedings in a criminal action or proceeding, whether on examination or trial, three dollars.

For taking bail after commitment by another magistrate, fifty cents.

For certificate and transmitting transcript and papers on appeal, one dollar.

For copies of papers or docket, per folio, fifteen cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage and returning a certificate thereof to the County Recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For administering an oath and certifying the same, twenty-five cents.

For issuing a commission to take testimony, fifty cents.

For all services connected with the posting of estrays, including the transcript for the Recorder, two dollars.

In cases before Justices of the Peace where the venue shall be changed, the Justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive two dollars; and the Justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

CONSTABLE'S FEES.

SEC. 20. For serving summons in civil cases, for each defendant, fifty cents. Constables

For summoning any jury before a Justice of the Peace, one dollar.

For taking a bond required by law to be taken, twenty-five cents.

For summoning each witness, fifteen cents.

For serving an attachment against the property of a defendant, one dollar.

For summoning and swearing a jury to try the right of property, and taking the verdict, one dollar and fifty cents.

For receiving and taking care of property on execution, attachment or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct and the expenses were necessarily incurred.

For collecting all sums on execution, two per cent., to be charged against the defendant in the execution.

For serving a warrant or order for the delivery of personal property, or for making an arrest in civil cases, one dollar.

For making an arrest in criminal cases, one dollar.

For every mile necessarily travelled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, fifteen cents; but when two or more persons are served or summoned in the same suit, mileage shall be charged only for the most distant, if they live in the same direction.

For making sales of estrays, the same fees as for sales on execution.

For all other services, the same fees as are allowed to Sheriffs for similar services.

For services performed by the several officers under the Act concerning water craft found adrift, and lost money and property, passed April fifth, eighteen hundred and fifty, they shall receive the fees as are prescribed in said Act.

FEES OF COURT COMMISSIONERS.

SEC. 21. For hearing and determining every ex parte motion for any order or writ, two dollars Court Commissioners.

For taking proof and reporting his conclusions thereon as to any matter of fact upon which information is required by the Court, two dollars.

For every day necessarily spent in the business of the reference for examining into the qualifications of sureties on bonds or undertakings, when an exception has been taken to their sufficiency, two dollars.

For taking and certifying each affidavit, and for the approval of each bond or undertaking, twenty-five cents.

For taking and certifying depositions, fifteen cents per folio.

And [said] fees to be paid by the party by whom or at whose instance the matter may be brought before such Commissioner;

or, if referred by the Court without motion from either party, or if by the consent of the parties, then by the plaintiff; the fees so paid to be taxed as costs, if the party paying the same be the prevailing party.

In delinquent tax cases referred to the Commissioner, for all services performed by him, one dollar.

Illegal fees. SEC. 22. The officers above named shall receive no other fees for any service performed by them in any action or proceeding, or for the performance of any service for which fees are allowed; and in case of any violation of the provisions of this Act, the party demanding or receiving any fees not herein allowed shall be liable to refund the same to the party aggrieved, with treble the amount as damages, besides costs of suit; and may be indicted, and, if found guilty, shall be fined in a sum not exceeding five hundred dollars, and be removed from office.

When payable. SEC. 23. The fees herein allowed shall be payable at the time the service is rendered; and any officer, when it is not otherwise expressly provided by law, may refuse to perform any service in any suit or proceeding in which there are any fees due (criminal proceedings excepted) from the person applying, until such fees are paid; *provided*, that if any person shall make an affidavit before the County Judge, setting forth that he has a good cause of action or defence and that he is unable to pay fees in advance, the County Judge may, in his discretion, make an order that the officer perform such service without any pay in advance, or may require such person to give security for the costs and then require such officers to perform such services, and it shall be the duty of such officers to obey the order of the County Judge.

Table of fees. SEC. 24. Every officer herein specified shall prepare and set up in his office a plain table of his fees as prescribed in this Act within two months of the time when the same goes into effect, in some conspicuous place, for the inspection of all persons, upon pain of forfeiting for each day a sum not exceeding twenty dollars, which may be recovered with costs by any person before any Justice of the Peace of the same county.

Pay for publication in advance. SEC. 25. When by law any publication is required to be made by an officer of any suit, process, notice, order, or other paper, the costs of the same shall be first tendered by the party, if demanded, for whom such order of publication was granted, before the officer shall be compelled to make such publication.

Execution for fees due. SEC. 26. If any Clerk, Sheriff, Justice of the Peace or Constable shall not have received any fees due to him for services rendered in any suit or proceeding, he may have execution therefor, in his own name, against the party by whom they are due, to be issued from the Court in which the action is pending.

Folio. SEC. 27. The term "folio," when used as a measure for computing fees, shall be construed to mean one hundred words, counting every figure necessarily used as a word. Any portion of a folio, when in the whole draft or paper there shall not be a complete folio, and when there shall be an excess over the last folio exceeding one half, shall be computed as a folio.

Mileage. SEC. 28. When a Sheriff, Constable or Coroner serves more than one process in the same cause, not requiring more than one journey from his office, he shall receive mileage only for the most distant service.

SEC. 29. Every officer, upon receiving any fees for official Receipts. 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 for three times the amount so paid.

SEC. 30. No fees shall be charged by any officer for adminis- Oath of office tering and certifying the oath of office.

SEC. 31. The Attorney-General or any District Attorney is Witness fees. authorized to cause subpoenas to be issued, and compel the attendance of witnesses on behalf of the State, without paying or tendering fees in advance to either officers or witnesses; and any witness refusing or failing to attend after being served with a subpoena may be proceeded against and shall be liable in the same manner as provided by law in other cases where fees have been tendered or paid.

SEC. 32. The Clerk of any Court before which any witness shall have attended on behalf of the State in any civil action shall give to such witness a certificate, under seal, of travel and attendance, which shall entitle him to receive the same from the State Treasury on the Controller's warrant.

SEC. 33. The provisions of the two preceding sections of this Act shall extend to all actions and proceedings brought in the name of the Attorney-General, or any other person or persons, for the benefit of the State.

SEC. 34. It shall be the duty of every officer in this Act Record of fees to be filed in office of Secretary of State. named, authorized to receive any fees for official services of himself or deputies, to keep a fee book, in which he shall enter an exact and full account in detail of all fees, commissions, or compensations of whatever nature or kind by him or his deputies earned, collected, or chargeable, with the date, the name of the payer, if paid, and the nature of the services in each case. In the first week of January and July, respectively, in every year, he shall file in the office of the Clerk of the Board of Supervisors a sworn statement, in writing, of the amount of fees earned, collected or chargeable by him or his deputies, for official services during the six calendar months ending on the last day of the previous month. If any person shall hold more than one office, he may keep a separate fee book for each office, and may make separate statements for each, or he may keep a joint fee book and make joint statements, at his discretion. The Clerk of the Board of Supervisors of the several counties of this State are hereby required respectively to make an abstract of the amount of fees returned to him as having been earned, collected or chargeable by the respective officers named in this Act, and shall forward the same, duly sworn and certified to, to the Secretary of State, in the month of January of every year, to be by him filed in his office.

SEC. 35. All and every officer of the several counties of this State, all local officers resident and officiating therein under the State laws, and all State officers within this State not named in this Act, who are authorized by law to receive any fees for official services of themselves or deputies, shall keep a fee book, in which they shall enter an exact and full account in detail of all

fees, commissions, or compensation of whatever nature or kind by them or their deputies earned, collected, or chargeable, with the date, the name of the payer, if paid, and the nature of the service in each case. Within two weeks after the close of their official term they shall deposit said book in the office of the Secretary of State. In the first week of January and July of every year they shall file in the office of the Secretary of State a sworn statement, in writing, of the amount of fees earned, collected, or chargeable by them or their deputies for official services during the six calendar months ending on the last day of the previous month.

Penalty for neglect.

SEC. 36. If any officer named in this Act shall refuse or willfully neglect to keep a fee book, or to file a sworn statement, or to make returns to the Secretary of State as herein required, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, and by a sentence of removal from office, if in office at the time of sentence; and on failure of any officer herein required to make returns to the office of Secretary of State, he shall, within thirty days thereafter, give information thereof to the District Attorney of the proper county, who shall without delay proceed to enforce the provisions of this Act.

Sections not applicable to San Francisco.

SEC. 37. All Acts and parts of Acts inconsistent or in conflict with the provisions of this Act are hereby repealed; *provided*, that sections four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty shall not apply nor have any force in the City and County of San Francisco.

Act to take effect in 1870

SEC. 38. This Act shall take effect and be in force from first January, eighteen hundred and seventy; but shall not be construed to affect the fees of any officer now elected until the expiration of the term for which such officer is elected.

CHAPTER CCCLXVII.

An Act to regulate salaries and fix the compensation of certain county officers.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To be paid in coin.

SECTION 1. Such salaries, compensation and fees shall be allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided; and such officers may lawfully demand, charge and receive the same in gold or silver coin.

Supervisors

SEC. 2. Supervisors, for all services required of them by law or by virtue of their office, shall receive five dollars per diem and twenty cents per mile in travelling from the place of their

residence to the Court-house; but such per diem shall not exceed, in the aggregate, to each Supervisor during any one year, the following sums: Pay of Supervisors.

In the Counties of Alpine, Amador, Del Norte, Fresno, Humboldt, Inyo, Klamath, Kern, Lake, Lassen, Marin, Merced, Mono, Monterey, San Bernardino, San Diego, San Luis Obispo, Santa Cruz, Santa Barbara, San Mateo, Stanislaus, Tehama and Tulare, the sum of one hundred and fifty dollars.

In the Counties of Calaveras, Colusa, Mariposa, Shasta, Siskiyou, Sutter, Trinity and Tuolumne, the sum of two hundred dollars.

In the Counties of Alameda, Butte, Contra Costa, Los Angeles, Mariposa, Mendocino, Napa, Plumas, Solano and Yolo, the sum of two hundred and fifty dollars.

In El Dorado, Nevada and Placer, three hundred and fifty dollars.

And in the Counties of Santa Clara, San Joaquin, Sierra, Sonoma and Yuba, the sum of three hundred dollars

And in the County of Sacramento, six hundred dollars.

Provided, that only one mileage shall be allowed at each term; and *provided* further, that no Supervisor shall 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; and the per diem during any one year, including committee duty, shall not exceed in the aggregate, to each member of the Board, the amount prescribed in this section.

SEC. 3. Assessments shall be made in all the counties by County Assessors; and in counties wherein Township and District Assessors now exist, elections for County Assessors shall take place at the general election in the year eighteen hundred and sixty-nine, who shall qualify and give bonds as is now or may hereafter be required by law. Assessors shall receive such compensation, not exceeding six dollars per diem for each day necessarily employed in making assessments, as the Board of Supervisors shall determine, not to exceed, however, in the aggregate, for services in any one year, the sums following, viz: County Assessors.
Compensation.

In the Counties of Alpine, Inyo, Lake and Mono, four hundred dollars.

In the Counties of San Bernardino, San Diego, Lassen, Del Norte and Klamath, six hundred dollars.

In the Counties of Amador, Colusa, Fresno, Humboldt, Kern, Marin, Sutter, Tehama and Trinity, eight hundred dollars.

In the Counties of Calaveras, Merced, San Luis Obispo, Santa Barbara, San Mateo, Stanislaus, Santa Cruz and Tulare, one thousand dollars.

In the Counties of Contra Costa, Mariposa, Mendocino, Monterey, Plumas, Shasta, Tuolumne and Siskiyou, twelve hundred dollars.

In the Counties of Butte, Sierra, El Dorado and Yolo, fifteen hundred dollars.

In the Counties of Los Angeles, Napa and Solano, eighteen hundred dollars.

And in the County of Yuba, two thousand dollars.

In the Counties of Alameda, Placer, San Joaquin and Sonoma, two thousand five hundred dollars

And in the Counties of Santa Clara, Sacramento and Nevada, three thousand dollars.

But no compensation shall be allowed until the Assessor shall file with the Board of Supervisors a statement, verified by his oath, of the number of days actually and necessarily spent by him and his deputies in the discharge of their official duties.

Superin-
tendents of
Public
Schools.

SEC. 4. Each County Superintendent of Public Schools shall receive such salary, together with reasonable travelling expenses, as may be allowed by the Board of Supervisors, which shall be paid out of the County General Fund; *provided*, such compensation shall not be less than a sum equal to twenty dollars for each district school in his county; and he shall be allowed, in addition to his salary, for postage and expressage, payable out of the County School Fund, a sum equal to fifty cents for each school district.

District
Attorneys.

SEC. 5. The District Attorney shall receive, for all services required of him by law or by virtue of his office, a salary at the rate per annum of five hundred dollars, and the following fees:

For each conviction for felony, when the punishment is death, twenty-five dollars; for each conviction for other felony, twelve dollars; for each conviction for misdemeanor, eight dollars; which said sums shall be assessed against the person convicted, and if the same cannot be collected from him, then it shall be considered a county charge and be audited by the Board of Supervisors.

For all collections on bonds or forfeited recognizances, eight per centum.

For every conviction under the Act to prohibit gaming and the Act to prohibit lotteries, raffles, gifts, gift enterprises and other schemes, to be collected out of the fine or fines imposed upon the party convicted, fifty dollars.

For services rendered in the collection of delinquent taxes, a compensation equivalent to ten per centum on the amount recovered, to be added thereto if paid before judgment; and if not so paid, then fifteen per centum to be added to and to constitute a part of the judgment; *provided*, that in no case shall the State or county be liable for such per centum.

For all amounts collected by him for the State or county by action, eight per centum on the amount collected; *provided*, that in no event shall the compensation in any one case exceed five hundred dollars.

Surplus.

Should the amount of fees, commissions and percentage received in any one year, added to the salary allowed by law to the District Attorney, exceed the sum of two thousand dollars, then any excess above that sum shall be paid by him into the County Treasury, and constitute a part of the Salary Fund thereof. Before any demand for fees, percentage or compensation, presented by the District Attorney to the Board of Supervisors for payment out of the Salary Fund or the funds

Affidavit.

of the county, shall be allowed, he shall make an affidavit that the services for which such fees, percentage or compensation is claimed was actually performed and the amount so demanded justly due; *provided*, however, that in the County of Sacramento

In Sacra-
mento Co.

the District Attorney shall receive from said fees, commissions and percentage a sum which, added to his salary, shall not exceed four thousand five hundred dollars.

SEC. 6. County Judges shall each receive an annual salary ^{County} as herein provided: ^{Judges.}

In the Counties of Alameda, Napa, Nevada, Placer, Sacramento, San Joaquin, Santa Clara, Solano, Sonoma, Siskiyou and Yuba, two thousand dollars.

In the Counties of Amador, Butte, Contra Costa, El Dorado, Los Angeles, Marin, Mendocino, Santa Cruz, Tulare and Yolo, fifteen hundred dollars

In the Counties of Calaveras, Colusa, Humboldt, Mariposa, Monterey, Plumas, Shasta, Sierra, Sutter, Tehama and Tuolumne, twelve hundred dollars.

In the Counties of Alpine, Del Norte, Fresno, Klamath, Kern, Lake, Lassen, Merced, Santa Barbara, San Luis Obispo, San Mateo, Stanislaus and Trinity, one thousand dollars.

In the Counties of Inyo and Mono, eight hundred dollars.

In the Counties of San Bernardino and San Diego, five hundred dollars.

SEC. 7. In all cases the mileage allowed by law to any Sheriff ^{Sheriffs.} shall belong to and be retained or collected by him for his own use and benefit.

And in the Counties of Alpine, Amador, Calaveras, Colusa, Del Norte, Fresno, Humboldt, Inyo, Klamath, Kern, Lake, Lassen, Marin, Mariposa, Merced, Mono, Monterey, Plumas, San Bernardino, San Diego, Santa Barbara, Santa Cruz, San Luis Obispo, San Mateo, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne and Yolo, the Sheriff shall be ex officio collector of taxes. He shall receive, to include the pay of deputies and jailer, in addition to mileage allowed by law, the fees, commissions and percentage as provided in the Act to regulate the fees of office, approved March [twenty-eighth], eighteen hundred and sixty-eight, and the percentage herein allowed for the collection of taxes, to the amount in the aggregate of thirty-eight hundred dollars per annum, which shall be in full compensation for all services rendered by him, or his deputies or assistants, as Sheriff and ex officio Tax Collector.

And in the Counties of Butte, Contra Costa, El Dorado, Los Angeles, Mendocino, Napa, Nevada, Placer and Yuba, the Sheriffs shall receive the fees, commissions and percentage as by law provided, to the amount of four thousand dollars, in full for the services of himself and deputies or assistants.

And in the Counties of Alameda, San Joaquin, Solano and Sonoma, he shall receive the fees, commissions and percentage allowed by law, to the amount of forty-two hundred dollars, in full for services of himself and deputies or assistants.

And in the Counties of Santa Clara and Sacramento he shall receive the fees, commissions and percentage prescribed by law, to the amount of forty-five hundred dollars, which shall be in full for the services of himself and deputies or assistants

For the collection of taxes, except school moneys, poll taxes, license taxes and foreign miners' license tax, the Sheriffs shall receive the following rates on all moneys collected and paid over by them, in each fiscal year (commencing on the first Monday

Sheriffs.

of March): Six per centum on the first ten thousand dollars; four per centum on all over ten and under twenty thousand dollars, and two per centum on all sums over twenty thousand dollars.

For the collection of poll taxes, he shall receive fifteen per centum of the total amount collected.

For every license sold, he shall be entitled to demand and receive, as a fee, the sum of fifty cents.

For the collection of money from foreign miners' licenses, he shall receive twenty per centum on the total amount collected.

He shall be entitled to receive the fees and percentages in this section named, anything in the ——— section of the Act to regulate fees of office, approved March twenty-eighth, eighteen hundred and sixty-eight, to the contrary notwithstanding; *provided*, however, that if the aggregate of such fees, commissions and percentage, exclusive of mileage, shall exceed the amounts allowed per annum to the Sheriffs of the several counties of the State, as herein prescribed, the surplus shall be paid into and form part of the Salary Fund of the county.

County
Treasurers.

SEC. 8. County Treasurers shall receive salaries as follows:

In the Counties of Alpine, Del Norte, Klamath, Lake, Lassen, Mono, San Bernardino, Inyo and San Diego, the sum of four hundred dollars each.

In the Counties of Fresno, Kern, Santa Barbara, San Luis Obispo, San Mateo and Trinity, the sum of six hundred dollars each.

In the Counties of Mariposa, Merced, Plumas, Shasta, Siskiyou and Stanislaus, the sum of eight hundred dollars each.

In the Counties of Amador, Calaveras, Colusa, Humboldt, Marin, Monterey, Santa Cruz, Sierra, Sutter, Tuolumne, Tulare, Tehama and Yolo, the sum of one thousand dollars each.

In the Counties of Butte, Contra Costa, El Dorado, Los Angeles, Mendocino, Nevada, Placer and Yuba, the sum of fifteen hundred dollars each.

In the Counties of Alameda, Napa, San Joaquin, Solano and Sonoma, the sum of two thousand five hundred dollars each.

In the Counties of Santa Clara and Sacramento, the sum of three thousand dollars each.

The County Treasurers included in subdivisions sixth, seventh and eighth of this section shall be ex officio collectors of taxes in their respective counties; but for making such collections, or for making out delinquent tax lists, or performing any other duty required of them by law, they shall receive no other compensation than is prescribed in this section.

County
Clerks.

SEC. 9. In the Counties of Alpine, Amador, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Inyo, Klamath, Kern, Lassen, Lake, Los Angeles, Merced, Mendocino, Marin, Mariposa, Monterey, Mono, Plumas, San Bernardino, San Diego, San Luis Obispo, Santa Cruz, Santa Barbara, Shasta, Sierra, San Mateo, Siskiyou, Sutter, Stanislaus, Trinity, Tehama, Tuolumne, Tulare, Yolo and Yuba, the County Clerk shall be ex officio Recorder, Auditor and Clerk of the Board of Supervisors, Equalization and Canvassers of his county; and in the Counties of Alameda, Butte, Napa, Nevada, Placer, Sacramento, San Joaquin, Santa Clara, Solano and Sonoma, the

County Clerk shall be ex officio Clerk of the Board of Supervisors, Equalization and Canvassers, and the County Recorder shall be ex officio County Auditor; *provided*, that in the County of Alameda a County Recorder shall be elected at the general election in eighteen hundred and sixty-nine, who shall qualify and give bonds, as is provided by law, and who shall enter on the discharge of his duties on the expiration of the term of office of the County Clerk elected in eighteen hundred and sixty-seven.

SEC. 10. County Clerks, to include all services rendered ex officio as Recorders, Auditors, Clerks of Boards of Supervisors, Equalization and Canvassers, and to include the pay of deputies and clerk hire, shall receive for compensation as follows: Compensation.

In the Counties of Alpine, Butte, Del Norte, Inyo, Klamath, Kern, Lassen, Lake, Mono, Plumas, San Bernardino and San Diego, all fees, commissions and percentages allowed by law for official services, to the amount of two thousand dollars.

In the Counties of Calaveras, Fresno, Humboldt, Marin, San Luis Obispo, Santa Cruz, Santa Barbara, Trinity and Tuolumne, to the amount of twenty-five hundred dollars.

In the Counties of Amador, Colusa, Contra Costa, Merced, Mendocino, Mariposa, Monterey, Shasta, Sierra, Siskiyou, San Mateo, Napa, Placer, Sutter, Stanislaus, Tehama, Tulare and Yolo, to the amount of three thousand dollars.

In the Counties of Alameda, Los Angeles, Nevada, San Joaquin, Solano, Sonoma and Yuba, to the amount of thirty-five hundred dollars.

In the Counties of El Dorado, Santa Clara and Sacramento, to the amount of four thousand dollars.

And when the fees, commissions and percentages shall exceed the amounts allowed for compensation to such Clerks, the surplus shall be paid into the Salary Fund of the county.

SEC. 11. County Recorders, to include services performed as Auditor ex officio, and to pay deputies and clerk hire, shall receive for compensation as follows: County Recorders.

In the County of Butte, the fees, commissions and percentage allowed by law for official services, to the amount of fifteen hundred dollars.

In the Counties of Napa, Nevada and Placer, to the amount of twenty-five hundred dollars.

In the Counties of San Joaquin, Solano and Sonoma, to the amount of three thousand dollars.

In the Counties of Alameda, Sacramento and Santa Clara, to the amount of four thousand dollars.

And when the fees, commissions and percentage of any Recorder shall exceed the amount of compensation prescribed in this section, the surplus shall be paid into the Salary Fund of the Treasury.

SEC. 12. County Assessors and Treasurers, for all taxes collected by them, shall receive the same fees as are allowed by law to Sheriffs, ex officio Collectors; which percentage, and the compensation allowed to the Auditor for making the assessment roll, shall be apportioned pro rata between the State and county. County Assessors and Treasurers.

SEC. 13. It shall be the duty of all officers in this Act named to complete the business of their respective offices to the time Official business.

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, for which he has received compensation or which it was his duty to perform, he shall be liable to pay to his successor the full value of such services, which may be recovered in any Court of competent jurisdiction.

Act not to
apply

SEC. 14. This Act shall not be held to reduce the salary or fees of any person now in office, but he shall for the present term receive the compensation now prescribed by law.

Unlawful to
receive other
official com-
pensation.

SEC. 15. None of the officers mentioned in this Act shall receive any other compensation whatever for any services that now are or may be hereafter required of them in the discharge of their respective offices. No office which is now or may be hereafter created, the duties of which, in whole or in part, shall be devolved on such officers, shall entitle them to receive any extra compensation therefor; *provided*, that all fees received by any of the officers herein named and heretofore applied to their own use, over and above the amount of compensation established by this Act, shall be paid into the County Treasury and constitute the Salary Fund of the county.

Salaries to be
audited
monthly.

SEC. 16. The County Auditor of each county shall audit monthly the salary of the County Judge, District Attorney and Treasurer, and draw his warrant in favor of each for his proportionate amount of salary on the Salary Fund; but in case the said fund shall be exhausted, then on the General Fund

Salaries paid
in fees.

SEC. 17. The Recorder, ex officio Auditor, and the County Clerk as such and as ex officio Clerk of the Courts of record and Clerk of the Board of Supervisors, Equalization and Canvassers, and also as ex officio Recorder and Auditor, or when not such Recorder and Auditor, and the Sheriff, shall receive the fees allowed by law; but should such fees, in the aggregate, exceed the amount of the compensation provided by this Act, then and in such case any excess above such compensation shall be paid into the County Treasury and be made a part of the Salary Fund; but in no event shall such salary become a county charge, nor shall it be held responsible for or pay the same when the fees received fail to amount to such salary.

Surplus.

Fees to be
paid into
Treasury.

SEC. 18. The officers named in sections seven, eight, nine, ten, eleven and twelve of this Act shall collect and safely keep all fees, commissions and percentage now allowed by law for services rendered by them in their several official capacities, and upon the first Monday of each month shall pay over the same to the County Treasurer, which shall become a part of the Salary Fund of the county; and any compensation or allowance made by the revenue or other laws of the State out of the State Treasury or funds to the Auditor, Treasurer or Collector, shall hereafter be retained in or be paid into the County Treasury as a part of the Salary Fund, except the mileage allowed by the State to the County Treasurer, which he shall be entitled to receive and retain for his own use.

SEC. 19. Any balance remaining in the Salary Fund at the end of the fiscal year shall be paid into the General Fund.

When Su-
pervisors to
allow pay of
officers.

SEC. 20. At any regular meeting of the Board of Supervisors, the officers to whom per diem or salaries are due may make out and present to such Board of Supervisors the account of their

services, as provided in this Act; and if it shall appear to the satisfaction of said Board that said officers have complied with the provisions of the same, they shall allow and order paid out of the Salary Fund of the county, or if there be no Salary Fund, then out of the General Fund, the amount severally due such officers.

SEC. 21. It shall be the duty of every officer in this Act named to exhibit the fee book which the law requires him to keep, to the Board of Supervisors at each regular quarterly meeting, or whenever the said Supervisors may require it, for examination and settlement of fees; and such officer shall verify the same by his oath, declaring it to contain a full, exact and correct account of all fees, commissions and percentages received by him or earned in his office for official services; and any officer who shall refuse or willfully neglect to exhibit his fee book, or to verify the same by his oath, shall be deemed guilty of a misdemeanor, and on conviction be punished by a fine not exceeding one thousand dollars, and by sentence of removal from office, if in office at the date of sentence.

Fee book to be verified on oath.

Willful neglect.

SEC. 22. Whenever the Treasurer or Sheriff of any county shall be ex officio collector of taxes, it shall be his duty to go himself, or to send a deputy, into every township in his county for one day in each year, to receive the taxes of taxpayers; and he shall give ten days notice of such visit in some newspaper of his county, if there be a newspaper published therein, and also by posting three handbills in each township of said county.

Collection of taxes.

SEC. 23. The City and County of San Francisco is excepted from the operations of this Act.

Act not applicable

SEC. 24. All Acts and parts of Acts in conflict with the provisions of this Act are repealed, so far as they affect the provisions of this Act, to take effect from the first Monday of March, eighteen hundred and seventy, when this Act shall go into operation.

Repealed.

CHAPTER CCCLXVIII.

An Act to amend section three of an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Section 3. Such Reporter shall receive as compensation for his services not exceeding ten dollars per day for taking notes, and not exceeding twenty cents per folio for transcription, to be paid by the party in whose favor judgment is rendered, and be taxed up by the Clerk of the Court as costs against the party against whom judgment is rendered. In cases where a tran-

Compensation.

Dist Court
Reporters.

script may be required by the Court, the expense thereof shall be paid equally by the respective parties to the action, or either of them, in the discretion of the Court; and no verdict or judgment shall be entered up, except the Court shall otherwise order, until the Reporter's fees shall be paid, or a sum equivalent thereto be deposited with the Clerk of the Court. In no case shall the transcript be paid for unless specially ordered by either plaintiff or defendant, or by the Court; nor shall the Reporter be required, in any civil case, to transcribe his notes until the compensation per folio therefor be tendered to him or deposited in Court for that purpose. In criminal cases, or capital offences, when the testimony has been taken down by order of the Court, the compensation of the Reporter shall be fixed by the Court and paid out of the Treasury of the county in which the case is tried, on the order of the Court.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLXIX.

An Act supplementary to and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Applies to
portion of
Sacramento
County.

SECTION 1. The provisions of the Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six, are hereby extended to all that portion of Sacramento County lying east of Thirty-first (31st) street, south of the American River, west of a line drawn due south from the mouth of Alder Creek to the Jackson road, and north of Jackson road within these boundaries.

SEC. 2. This Act shall take effect ten days after its passage.

CHAPTER CCCLXX.

An Act to re-district the County of Los Angeles and to provide for the election of Supervisors.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Districts.

SECTION 1. The County of Los Angeles shall be divided into five Supervisor districts, which shall be known and designated

as follows: District Number One, to consist of the election precincts of San Juan, Santa Ana and San José; District Number Two, of the precincts of Anaheim, Los Nietos and Old Mission; District Number Three, of the precincts of Azusa, San Gabriel Mission and El Monte; District Number Four, of the precincts of Half-Way House and Wilmington; and District Number Five, of the precincts of Los Angeles, San Fernando and La Ballena.

Sec. 2. Two of the Supervisors of said county elected at the last general election shall hold for one year from the first Monday of December, A. D. eighteen hundred and sixty-eight, and the other three shall hold for two years from the first Monday of December, A. D. eighteen hundred and sixty-eight; and at their regular meeting on the first Monday of May, A. D. eighteen hundred and sixty-eight, the said Board of Supervisors shall determine by lot which members shall hold for one year, and which shall hold for two years; and an election for members of said Board, to fill the places of the ones whose terms are then about to expire, shall be held on the first Wednesday of September, A. D. eighteen hundred and sixty-nine, and the members then chosen shall hold for two years, and until their successors are elected and qualified; and, in the same manner, an election shall be held on the first Wednesday of September, A. D. eighteen hundred and seventy, for three members of said Board, whose terms are then about to expire, who shall also hold for two years, and until their successors are elected and qualified. In like manner elections shall be held for Supervisors, so that two and three shall be chosen in each alternate year, on said day, to hold office for the same term; *provided*, that during the year when a Presidential election occurs, Supervisors shall be chosen at the same time that said election is held, to fill the places of those whose terms are then about to expire in that year. Each member of said Board shall be a resident of the district for which he is chosen. Vacancies occurring in said Board shall be filled by a special election to be ordered by the Board upon notice of ten days, and the Supervisor thus chosen shall hold for the remainder of the term.

Sec. 3. The Supervisors elected, as provided in this Act, shall enter upon the duties of their office on the first Monday of December next succeeding their election. Said Board shall be known as the "Board of Supervisors of Los Angeles County." They shall possess all the powers, and perform all the duties now conferred by law, and be subject to the same conditions now imposed upon Boards of Supervisors by the provisions of an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March twentieth, eighteen hundred and fifty-five, except as otherwise herein provided. The provisions of the Act known as the Registry Act shall not apply to elections held under this Act; but the laws regulating elections shall apply to all elections held by virtue of this Act, except where otherwise herein provided.

CHAPTER CCCLXXI.

An Act to provide funds to be applied to building a Hospital in the City and County of San Francisco.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bonds to be issued.

SECTION 1. The Mayor, Auditor and Treasurer of the City and County of San Francisco, by and with the consent of the Board of Supervisors of said city and county first obtained by ordinance, are hereby authorized and empowered to issue from time to time, as may be directed by the said Board of Supervisors and as may be necessary for the purposes herein named, bonds not exceeding in the aggregate the sum of two hundred and fifty thousand dollars

When payable.

SEC. 2. Said bonds shall be issued in such manner and at such times not inconsistent with the foregoing section, and made payable in the City and County of San Francisco, at the office of the Treasurer of said city and county, both principal and interest, at such times, not exceeding twenty years from the time of their issuance, as the Board of Supervisors may prescribe by ordinance. The interest on said bonds shall not exceed seven per cent. per annum, and shall be paid semi-annually; and both principal and interest shall be payable in United States gold coin.

By whom signed

SEC. 3. The said bonds shall be signed by the Mayor, Auditor and Treasurer of the City and County of San Francisco, and shall be known as the "Hospital Fund Bonds of the City and County of San Francisco."

Coupons.

SEC. 4. Said bonds shall have coupons attached to them for the semi-annual interest which may accrue upon them, signed by the Auditor of said city and county; and the faith and credit of the said City and County of San Francisco are hereby pledged for the redemption of the same and for the payment of the principal and interest thereof.

Sale of bonds

SEC. 5. Whenever said bonds or any portion of them are issued, the Treasurer and Auditor of said city and county are hereby authorized and empowered to sell the same to the highest bidder therefor, after having first advertised the same for three successive weeks in three daily papers published in said city and county. All money derived from the issue and sale of said bonds shall be appropriated and used for the sole purpose of building a Hospital in the City and County of San Francisco, the location, style and material thereof, the construction, and all contracts and plans relating thereto, to be determined by said Board of Supervisors, and in all cases to be approved, before the adoption or ratification of the same, by the Mayor, Auditor and Treasurer of said city and county. But no bonds authorized to be issued by this Act shall be sold for a less sum than seventy-five cents in gold coin on the dollar par value.

Proceeds.

SEC. 6. To secure the payment of the principal and interest of said bonds, the Board of Supervisors of the said City and

County of San Francisco shall, when deemed necessary by them, ^{Tax to} for the purpose in this section provided, levy an annual tax upon ^{redem.} all the taxable property in the said City and County of San Francisco; and a sufficient sum or sums shall be raised by such annual levies to pay the principal of said bonds when the same shall become due. And it shall be the duty of the Treasurer of said city and county to set apart annually, out of the moneys coming into the Treasury to the credit of the Hospital Fund, raised by said annual tax, a sum sufficient to pay the semi-annual interest on said bonds, and also to provide a Sinking Fund sufficient for the redemption of the same at maturity.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXXII.

An Act supplementary to an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Corporations formed under the Act of which this is supplementary may by their by-laws provide for the issue of general certificates of deposit, which shall be transferable, as in other cases, by indorsement and delivery; and also for the issue, when requested by the depositor, of special certificates acknowledging the deposit by the person therein named, of a specific sum of money, and expressly providing on the face of such certificate that the sum so deposited and therein named shall be transferred only on the books of the corporation; and payment thereafter made by the corporation to the depositor named in such certificate, or to his assignee, upon the books of the corporation, or, in case of death, to the legal representative of such person, of the sum for which such special certificate was issued, shall be valid, and shall discharge the corporation from all further liability on account of the money so paid.

May issue
transferable
certificates
of deposit.

Special
certificates.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby declared to be inoperative, so far as they do conflict herewith.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXXIII.

An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey, Alameda, Marin, Placer and Nevada.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- SECTION 1.** It shall be lawful for any person or persons to take or catch trout with hook and line between the first day of April and the fifteenth day of October of each year; but it shall not be lawful, and it is hereby made a misdemeanor, for any person or persons to cast, draw, or make use of any seine or net, hook and line, or other appliance or implement, for the purpose of catching or killing trout, at any other time or season of the year than between the first day of April and the fifteenth day of October, as above provided, in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey, Alameda, Marin, Placer and Nevada.
- SEC. 2.** It shall not be lawful, and it is hereby made a misdemeanor, for any person or persons to catch or kill trout in any of the streams, rivers, lakes or waters lying within the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey, Alameda, Marin, Placer and Nevada, with any seine or other net, or any spear, weir, fence, basket, trap, gill net, set net, or any poisonous, deleterious or stupefying drug, or other substance, or other implement or appliance, at any time and during any season; *provided*, that any person or persons may angle or catch trout with hook and line between the first day of April and the fifteenth day of October, as provided in section one of this Act.
- SEC. 3.** Any person or persons who shall violate the provisions of this Act shall, on conviction, be fined in any sum not less than ten dollars and not more than fifty dollars, with costs in addition. One half of the fine, in each case, shall be paid to the informer, should he demand the same, and the other half shall be paid into the Common School Fund of the county; and in case the one half shall not be demanded by the informer, the whole amount shall be paid into said fund; and in case default be made in the payment of such fine, the person or persons so convicted shall be imprisoned not less than five nor more than twenty-five days.
- SEC. 4.** It is hereby made the duty of the Justices of the Peace and Constables of their respective townships or counties to see to the enforcement of the provisions of this Act.
- SEC. 5.** Nothing in this Act shall be construed so as to prohibit or prevent Indians from taking trout in any of the streams, rivers, lakes or waters in any of the counties hereinbefore named, at any time, in the manner or by the means heretofore usually employed by such Indians.
- SEC. 6.** All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.
- SEC. 7.** This Act shall take effect and be in force from and after its passage.

Lawful fishing.

Unlawful.

In certain counties only hook and line to be used.

Penalty.

Officers to enforce law.

Indians excepted.

CHAPTER CCCLXXIV.

An Act to increase the number of Notaries Public for Mendocino County.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor is authorized and empowered by ^{Governor may appoint} this Act to forthwith appoint five Notaries Public for the County of Mendocino, in addition to the number now allowed by law.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLXXV.

An Act to appropriate money for contingent expenses of the Legislature.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated, out of any money in the General Fund in the State Treasury not otherwise appropriated, for the following purposes, ^{Appropriation.} namely: Four thousand dollars for the payment of the contingent expenses of the Senate, and six thousand dollars for the payment of the contingent expenses of the Assembly, for the seventeenth session of the Legislature.

SEC. 2. This Act shall take effect from its passage.

CHAPTER CCCLXXVI.

An Act supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, Anno Domini eighteen hundred and fifty, and Acts amendatory thereof and supplemental thereto.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every person who shall feloniously steal, take, and carry away, lead or drive away any horse, mare, gelding, colt, cow, steer, bull, calf, mule, jack or jenny, the property of another, shall be deemed guilty of grand larceny, and upon conviction thereof shall be punished by imprisonment in the State Prison for any term not less than one year nor more than fourteen years. ^{Penalty for stealing animals.}

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLXXVII.

An Act relating to the boundary line between the Counties of Plumas and Sierra.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Re-annexed. SECTION 1. All that portion of the territory of Plumas County lying south of Slate Creek is re-annexed to the County of Sierra and hereby declared to be a part of Sierra County.

SEC. 2. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCCLXXVIII.

An Act appointing Commissioners to examine into the practicability of making a new outlet for the flood waters of the Sacramento Valley.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appointed. SECTION 1. The Surveyor-General of this State, W. S. Green of Colusa County, and Amos Mathews of Yolo County, are hereby appointed Commissioners to examine into the practicability of opening a new outlet for the flood waters of the Sacramento River. The report of the Surveyor-General made to this Legislature on the nineteenth day of March, eighteen hundred and sixty-eight, is referred to said Commissioners, and they are required to report upon the suggestions made therein at the next regular session of the Legislature—it being the express understanding that no cost shall be made to the State by said Commission.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCLXXIX.

An Act to provide for the election of Supervisors in the County of Santa Cruz and for the division of said county into Supervisor Districts.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Districts. SECTION 1. The County of Santa Cruz is hereby divided into three Supervisor Districts, which shall be respectively known

and designated as "Supervisor District No. 1," "Supervisor District No. 2" and "Supervisor District No. 3." The Township of Pajaro shall be and constitute Supervisor District Number One. The Township of Soquel shall be and constitute Supervisor District Number Two. The Township of Santa Cruz shall be and constitute Supervisor District Number Three. The term of office of each of said Supervisors shall be three years, beginning on the first Monday of the month succeeding their election. The present Supervisors of the county shall hold their full term out. At the general election in eighteen hundred and sixty-eight there shall be elected a Supervisor in the district where the Supervisor resides, whose term will expire on the first Monday in March, eighteen hundred and sixty-nine; and in eighteen hundred and seventy-one there shall be elected a full Board, who shall be elected, respectively, from their several districts, and shall hold their office as follows: Supervisor of District Number One shall hold his office for one year, Supervisor of District Number Two shall hold his office for two years, and Supervisor of District Number Three shall hold his office for three years. When the said terms shall expire the Supervisors shall be elected in each year thereafter and hold their office for three years as herein provided.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXXX.

An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify and change the grade of streets in said City and County.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered, upon petition of the owners of three fourths of the property to be affected thereby—said property to be ascertained and indicated by said Board of Supervisors in the manner provided in the first subdivision of section two of this Act—to change and modify the grade of any street or avenue, or of any part of any street or avenue, in said city and county, as is hereinafter provided.

SEC. 2. The grade of any street or avenue, or portion of any street or avenue, the grade of which has been fixed by ordinance, shall not be altered or changed, except upon an adjustment of the benefits and damages; and the proceedings shall be as follows:

First—The Board of Supervisors, upon the receipt of a petition in conformity with the provisions of section one of this Act, shall publish in the official newspaper of said city and county a notice of their intention to make such [change]. Said

notice shall be published for thirty days, and shall describe the proposed change, and designate the limits within which the lots of land to be benefited shall be assessed to pay any damages that may be awarded by reason of the change.

Claims for damages.

Second—Within twenty days after the first publication of said notice, any person claiming that he or she would sustain damage by reason of such change shall file a petition with the County Clerk, addressed to the County Court, setting forth the fact of his or her ownership, the description and situation of his or her property, its market value, and the amount of damage, over and above all benefits, which he or she would sustain by reason of the proposed change, if completed, asking the appointment of Commissioners to assess such damage; which petition shall be verified by the oath of the petitioner, or his or her agent.

County Court to appoint Commissioners.

Third—On the filing of such petition, the said County Court shall take jurisdiction of the proceedings, and the County Clerk shall immediately give notice thereof to the President of the Board of Supervisors

Fourth—At the expiration of the time of publication of said notice, and at the time indicated by said notice, or at such other time to which it may be continued, the County Court shall appoint three citizens, who are freeholders in said city and county, and competent judges of the value of real estate therein, and not interested in said proceedings, as Commissioners, to assess the benefits and damages to each separate lot of land within the limits designated in the notice.

Fifth—The Commissioners shall be sworn by the County Judge, to make the assessments of benefits and damages, to the best of their judgment and ability, without fear or favor, and that they have no interest in the controversy, nor in any of the land within the limits designated, which oath shall be filed with the County Clerk as part of the proceedings. A copy thereof, and of the order of appointment, certified by the Clerk, may be delivered to said Commissioners as their authority.

Powers and duties.

Sixth—Said Commissioners shall visit and inspect the premises to be assessed and the premises for which damages are claimed, with a committee from their body, appointed for that purpose by the Board of Supervisors.

Seventh—Said Commissioners shall have power, and it is hereby made their duty, to examine, under oath, which any one of them is hereby authorized to administer, any witnesses produced before them by any party, touching the matters to be investigated, and such other witnesses as they may deem necessary to fully acquaint themselves with the actual amount of benefits and damages which will result to the respective parties interested in the proposed change

Eighth—Said Commissioners, having determined the damage which will be sustained by each petitioner, over and above all benefits by the completion of the proposed change, shall proceed to assess the whole amount thereof, together with the costs, charges and expenses of the proceedings, including the compensation to the Commissioners for their services, to be taxed and allowed by the County Judge, ratably, upon the several lots of land benefited within the limits designated in

said notice, so that the same shall be distributed according to the benefits produced by such change, as nearly as possible.

Ninth—Said Commissioners shall make their report in writing, and shall subscribe the same and file it with the County Clerk. In their said report they shall describe each piece of property which will sustain damage, stating the amount of the damages which it will sustain over and above all benefits; and they shall also give a brief description of each lot benefited within the designated limits, the name of the owner, if known, and the amount of benefit assessed against the same. In case the three Commissioners do not agree, the award agreed upon by any two of them shall be sufficient. On the filing of said report, the County Clerk shall notify the Board of Supervisors, in writing, of the fact, and thereupon the said Board shall by ordinance confirm or reject said report. If they confirm it, the grades of the streets shall be changed as contemplated, and the Clerk of the Board of Supervisors shall notify the County Court that the Board have confirmed the report. The County Court shall thereupon enter up judgment against each lot assessed for benefits, describing the same as accurately as can conveniently be done. Upon which judgment, an order of sale may issue by order of the Court, commanding the Sheriff of said city and county to collect the amount therein mentioned by sale of the lot assessed in the mode prescribed by law for the sale of real estate, the proceeds to be paid by the Sheriff to the Treasurer of the City and County of San Francisco, who shall place the same to the credit of the Street Department Fund; and the same shall be paid, and the Treasurer of said city and county shall pay the amount collected for damages into the County Court, which shall hold, invest and distribute the same in the same manner as provided in section nineteen of an Act entitled an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four. All such judgments shall be in favor of the City and County of San Francisco, and shall be a lien upon the lot until the same is paid; but no sale shall be made nor execution issue until the County Court shall determine that said work has been completed.

SEC 3. Before entering up judgment, the Court shall fix a day for hearing parties who may feel aggrieved by reason of any of the proceedings; but no objection shall be considered except such as are specifically set forth in writing by the parties; and all errors, omissions and irregularities not specifically set forth shall be deemed to be waived. Any party dissatisfied may, within thirty days after judgment against him or his lot, or the order to pay the damages assessed, appeal to the Supreme Court to review the matter complained of, and the appeal shall be taken in the manner and with the same effect as prescribed in, and in all respects be in conformity to, an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain pub-

lie improvements and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four, and all subsequent proceedings shall be in conformity therewith and with the same effect.

SEC. 4 All acts and proceedings under this law shall be liberally construed, and the judgments and proceedings of the County Court shall be construed like judgments and proceedings of Courts of general jurisdiction.

Fees.

SEC. 5. The Sheriff shall collect fees for the execution, in case an execution issues, as in other cases; but each party may pay to the Treasurer the amount of the judgment against him, and the Treasurer's receipt being produced to the County Court, satisfaction of the judgment shall be entered by the Clerk. The Clerk shall not charge any fees for the proceedings unless execution issues, in which case he shall be authorized to charge five dollars for each execution, to be collected by the Sheriff on the execution.

SEC. 6. This Act shall take effect from and after its passage.

CHAPTER CCCLXXXI.

An Act to provide for a drainage district in the County of Yolo.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Boundaries.

SECTION 1. That portion of Yolo County known as the Town of Washington, and commencing on the bank of the Sacramento River at the north line of C. C. Taylor's land, running thence westerly to Fifth street; thence southerly with Fifth street to the main road leading westerly from the Sacramento and Yolo bridge; thence with said road to Sixth street; thence southerly along Sixth street to and down the main county road leading down the river to a point just above Samuel Conrad's house; thence up the river bank to the place of beginning, shall be known hereafter as Washington Drainage District of Yolo County.

Board of Trustees.

SEC. 2. Wadsworth Hodgdon, William B. Todhunter and S. L. Hunt are hereby made Trustees of said district, one to hold office for one year, one for two years, and one for three years from the first Monday of May, eighteen hundred and sixty-eight, and until their successors are elected and qualified. Said Trustees shall file an oath in the County Clerk's office of Yolo County to faithfully perform the duties imposed upon them by the provisions of this Act, and shall on the first Monday of May, eighteen hundred and sixty-eight, or within ten days thereafter, hold a meeting and decide by lot who shall hold the short and who the long term, and shall elect one of their number President and one Clerk, whereupon the Board of Trustees shall be considered duly organized.

SEC. 3. The Board of Trustees shall, before the first Monday of June of each year, elect a Treasurer and an Assessor, who may be ex officio Collector—said Treasurer and Collector to file good and sufficient bonds with the Board of Trustees in double the amount of any tax levied in any one year, said bond to be approved by the President of the Board and filed with the Clerk thereof. On the first Monday of May, eighteen hundred and sixty-nine, and on the first Monday of May of each year thereafter, an election shall be held for one Trustee, said election to be conducted by the Board of Trustees and in other respects be conducted under the general Election Law of the State. Upon the votes being counted and the result being declared, the Clerk of the Board shall give notice to the one elected of his election. The new member shall, upon taking his seat, take the oath of office, such oath to be filed with the Clerk of the Board. In case of death or resignation of any member of the Board, the vacancy shall be filled at a special election to be called by the Board. In case of a vacancy occurring in the office of Treasurer or Assessor and Collector, the vacancy shall be filled by the Board.

SEC. 4. It shall be the duty of the Assessor to make out an assessment roll of all the real estate and improvements within the district, said roll to be completed by the first Monday of July of each year, and shall certify the same to the Board of Trustees, who shall give public notice of a day upon which they will meet as a Board of Equalization, and shall at such meeting complete said roll, and shall thereupon levee an assessment which will be equal to the amount to be expended in any one year; *provided*, that such levy shall not exceed five per cent. of the taxable property of the district. Thereupon the Board shall deliver the assessment roll so completed to the Collector.

SEC. 5. The Collector shall, upon receiving the roll, give public notice of such fact, and thereupon the taxes shall be due and receivable, and if not paid within thirty days thereafter shall be deemed delinquent, and the Collector shall return the assessment roll to the Board of Trustees, and said Board shall within ten days thereafter bring suit in the name of the district for such delinquent taxes, said suits to be in the form of suits for debt, and shall be for the amount of the delinquent taxes and for all costs of suit.

SEC. 6. The Board of Trustees shall determine what works for the protection of the district are necessary, and shall have prepared plans and specifications for such work, such plans and specifications to be filed in the office of the Clerk of the Board. For the purpose of procuring such plans the Board may employ a competent engineer; and the Board may employ an engineer to receive the said works when completed, if it appears to be necessary. Contracts shall be let to the lowest bidder after an advertisement of not less than ten days; *provided*, that all bids may be rejected if found too high and the work advertised again.

SEC. 7. The bills of contractors shall be presented to the Board of Trustees, and if allowed shall be approved by the President and countersigned by the Clerk of the Board, and shall thereupon be payable by the Treasurer; and such bills so

authenticated shall be the Treasurer's vouchers for such payments, and no bills shall be paid without such authentication.

Official records.

SEC. 8. The Clerk of the Board shall keep a correct record of all the proceedings in a well bound book to be procured for that purpose, which record shall be subject to general inspection—said records to be approved by the President of the Board. The Treasurer shall keep his accounts in proper books to be given him by the Board, and he shall be required to make a report on the first Monday of May of all moneys received by him and all moneys paid out, and for what purpose, and shall hand over to his successor in office all books and papers in his hands pertaining to the district. The Collector shall weekly hand over to the Treasurer all moneys received by him and take his receipt therefor.

Works to be constructed.

SEC. 9. The object of this Act is to give authority for the construction of a bulkhead and levee on the northern boundary of the district, or to extend such levee and bulkhead beyond the line of the district if deemed desirable by the Board of Trustees. Further, it is the intention to repair and maintain the present levee along the Sacramento River in said district, and to provide for securing the banks of the stream from being injured by currents of water, and to construct drains for carrying off the sillage or other standing water. The Board of Trustees shall be the general supervising authority of the district, and are authorized to receive works when completed, at their discretion. The Assessor and Collector shall receive such compensation as may be agreed upon with the Board. The Trustees shall receive no regular pay; but if the Board delegate supervising authority of any contracts to one member he shall receive pay therefor; *provided*, that the whole amount so paid in any one year shall not exceed one hundred dollars.

Compensation.

SEC. 10. This Act shall take effect from and after its authority.

CHAPTER CCCLXXXII.

An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an Act of the Legislature approved May third, one thousand eight hundred and fifty-two, and Acts supplementary thereto.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of one thousand seven hundred and sixty-five dollars and eighty cents, in legal tender notes of the United States, is hereby appropriated, out of any money in the General Fund not otherwise appropriated, to pay outstanding Indian war bonds and interest thereon, issued under an Act of the Legislature of the State of California approved May third, one thousand eight hundred and fifty-two, and Acts supplementary thereto, which are numbered, dated and are for the amount

hereinafter stated, to wit: Number four hundred and twenty-one, four hundred and twenty-two, four hundred and twenty-three, four hundred and twenty-four, dated August thirteenth, one thousand eight hundred and fifty-five, for one hundred and ninety-six dollars each; numbers three hundred and seventy-seven, three hundred and seventy-eight, three hundred and seventy-nine, for one hundred and fifty-five dollars and fifty-six cents each, dated May twenty-third, one thousand eight hundred and fifty-four; also, bonds numbered four hundred and thirty-two and four hundred and thirty-three.

Bonds to be redeemed.

Sec 2. All bonds mentioned in this Act shall be presented and surrendered to the Controller of State, whose duty it shall be to cancel and destroy the same; and upon such surrender, the said Controller of State shall draw his warrant in favor of the person so surrendering the same upon the State Treasurer for the full amount of such bonds and interest, the same to be paid in legal tender notes of the United States Government.

Cancelling.

Sec. 3 This Act shall take effect and be in force from and after its passage.

CHAPTER CCCLXXXIII.

An Act relating to roads in the County of Colusa.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The provisions of an Act entitled an Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa, approved March twenty-third, eighteen hundred and sixty-eight, are hereby extended to the County of Colusa.

Contra Costa law to apply to Colusa.

CHAPTER CCCLXXXIV.

An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1 Section fourteen of said Act is hereby amended so as to read as follows :

Section 14. The Board of Supervisors of San Mateo County

Rate of taxation. shall hereafter have power to levy and collect for county purposes, upon the whole amount of taxable property in the county, entered and appearing upon the assessment roll after the completion and equalization thereof each year, the following taxes:

For General Fund. For the General Fund, such rate or proportion as, upon the aggregate value of said roll as footed up, will produce an amount not exceeding eight thousand and five hundred dollars; for the School Fund, a rate, ascertained and fixed in the same manner, which will produce an amount not exceeding six thousand and five hundred dollars; the rate for the General Fund and the School Fund being ascertained and fixed in all cases by mathematical calculation, without allowing for delinquencies. The County Auditor shall calculate the rate and certify to its correctness, which certificate shall be attached to the assessment roll. The Board of Supervisors, if they should deem it necessary, shall have power to increase the rate of taxation for the General Fund and the School Fund, to such extent each year, successively, as will add five hundred dollars to each of said funds.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCLXXXV.

An Act authorizing Robert Betge and others to lay down and maintain a railroad in the City and County of San Francisco.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right granted. SECTION 1. The right is hereby granted to Robert Betge, Henry Winkle, Emile Kower, their associates and assigns, to lay down and maintain an iron railroad within the City and County of San Francisco, along and upon the following route, viz:

Route. Commencing at the intersection of O'Farrell and Market streets; thence westwardly, along O'Farrell street, to Larkin street; thence southerly, along Larkin street, to Market street; thence across Market street to Ninth street; thence southeasterly, along Ninth street, to Brannan street; thence westwardly, along Brannan street to Potrero avenue, crossing Mission Creek bridge; thence southerly, along Potrero avenue, to Twenty-fourth street; thence along the most feasible route by streets to the southern boundary line of the City and County of San Francisco in Visitacion Valley; *provided*, that if Potrero avenue should be extended either north or south, the said grantees shall have the right to lay a track in said extended portion of said avenue and run their cars thereon the same as upon other portions of said route; *provided*, that whenever any other railroad or company shall be granted the use of the same streets or any part thereof they shall pay for the use of the rails already laid an equal share of the cost of constructing and maintaining

the railroad on the street or part of the street thus occupied jointly, and thereupon shall be entitled to the joint use of such part of said railroad; but no such grant shall be made for more than five blocks in all; the said road to have a single or double track at the option of said grantees; the rails to be of the most approved pattern used on city railroads, with the proper and necessary switches and turnouts along the entire route; and the said grantees, their associates and assigns, to have the right to run cars on the said railroad, not exceeding twenty-four feet in length, at convenient hours of the day and night, for the transportation of passengers. Track.

SEC 2 The owners of said railroad shall pave, plank or macadamize, as the proper authorities of said city and county shall direct, the portion of the streets through which the said railroad shall run which shall form the track thereof, along its whole length, after said streets shall have been graded. Repair of streets.

SEC. 3. The gauge of said railroad shall not be more than five feet wide within the rails, with a space between the double tracks sufficient for the passage of the cars. It shall be laid as nearly as possible in the centre of each street and flush with the level of the street, and so as to offer as little obstruction as possible to the crossing of vehicles; and when the road herein provided for shall intersect any other railroad, the rails of each shall be so altered or cut as to permit the cars to cross without obstruction; and nothing in this Act shall be so construed as to prevent any other railroad company hereafter formed from crossing the road herein mentioned at any point in like manner. Gauge

SEC. 4. The rates of fare for each passenger upon said railroad shall not exceed four tickets for twenty-five cents, or at that rate for any larger quantity, from any point on said railroad to Twenty-fourth street; and from any point on said road to any point beyond Twenty-fourth street the fare shall not exceed double the rate in this section provided. Fare.

SEC. 5. The government of said city and county may, from time to time, after said road is opened for use, alter or reduce the rates of fare or other profits of said railroad; but the same shall not, without the consent of the said grantees, their associates or assigns, be so reduced as to produce less than twenty per cent. per annum in net receipts on the capital actually paid in, nor unless, on an examination of the amounts received and expended, they shall ascertain that the net income derived from all services [sources] for the year then last past shall have exceeded an annual income of twenty per cent. upon the capital paid in. Profits

SEC 6. The cars upon said railroad shall be of the most approved construction for the comfort and convenience of passengers, and shall be provided with sufficient brakes and other means of stopping the same when required. They shall be moved by horses or mules, and not otherwise, and at a speed not exceeding eight miles an hour; and in case of a violation of this provision, the owner or owners of said railroad shall be subject to a fine not exceeding one hundred dollars for each offence. Cars and speed

SEC. 7. Any person wilfully obstructing said railroad shall be deemed guilty of a misdemeanor, and punished accordingly. Obstructions

Duration of franchise.

Conditions.

City and county may buy after 15 years.

Appraisal.

Rights reserved.

License.

SEC 8. The franchises and privileges hereby granted shall be continued for the period of twenty-five years, to date from the completion of said railroad; *provided*, that said railroad shall be completed and passenger cars running thereon to Twenty-fourth street within three years from the first day of July, eighteen hundred and sixty-eight, and that the remaining portion of said railroad south of Twenty-fourth street shall be completed and cars running thereon within five years from said first day of July, eighteen hundred and sixty-eight; and *provided* further, that said grantees shall, within one year from the passage of this Act, commence the construction of said road.

SEC 9. The owners of said railroad are required to sell, transfer and convey the same, together with the cars that may be employed thereon, to the City and County of San Francisco, at any time after the expiration of fifteen years after the completion of the same, upon a demand being made to that effect by the said city and county, and upon the payment to said parties by said city and county of the appraised value of the same—said appraisal to be made by five Commissioners, in the manner following: The Board of Supervisors of the City and County of San Francisco shall appoint two Commissioners, and notify the grantees or their assigns of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners and notify the Board thereof. The four Commissioners so appointed shall elect a fifth; but in case of their inability to agree upon such fifth Commissioner within ten days, he shall be appointed by the County Judge of said city and county. In case of the failure of the grantees or their assigns to appoint Commissioners on their part, as above provided, or in case of their refusal to act, the County Judge shall have the power of appointing them. The said Commissioners shall make their appraisements and present their report within thirty days after the completion of the commission, and file the same in the office of the Clerk of the Board of Supervisors. A majority of said Commissioners shall constitute a quorum, and the award of the majority shall be final and binding on the parties. The amount of the award shall be paid by the Treasurer of the city and county to the grantees or their assigns within sixty days after the filing of said award, and thereupon the title to said railroad and cars shall vest in said city and county.

SEC. 10. Nothing in this Act shall be so construed as in any wise to prevent the proper authorities of the said City and County of San Francisco from sewerage, grading, paving, plank-ing, repairing or altering any of the streets hereinbefore specified; but all such work shall be done, if possible, so as not to obstruct the free passage of the cars upon the said railroad; and when the same shall not be possible, the said authorities, before the commencement of said work, shall allow to the owners of said railroad time sufficient to enable them to shift the rails or take other means so as to avoid such obstruction during the continuance thereof, which they the said owners are hereby authorized to do.

SEC 11. The owners of said railroad shall pay to the City and County of San Francisco the sum of fifty dollars per annum as a license, upon each car used by them upon said railroad,

which payment shall be made quarterly to the said city and county.

Sec. 12. The Board of Supervisors of the City and County of San Francisco, or their legal successors, are hereby authorized and empowered to grant to the said persons named in the first section of this Act, their associates and assigns, such additional rights, privileges and grants as said parties, their associates and assigns, may desire or deem necessary for the full and complete enjoyment of the franchises and privileges granted and created by this Act. Further
privileges.

CHAPTER CCCLXXXVI.

An Act to provide terminal depot grounds for the Terminal Central Pacific Railway Company.

[Approved March 23, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That, for the purpose of providing the terminal Central Pacific Railway Company with proper depot and commercial facilities at the western terminus of the road, there is hereby granted to said company, its successors or assigns, all of the submerged and tide lands situated in the Bay of San Francisco, and limited and described by the following boundaries, to wit: Beginning at a point four hundred (400) feet northwest of the northwest point of the Island of Yerba Buena; thence north twenty-two and a half ($22\frac{1}{2}$) degrees west, for one mile; thence due east for three thousand nine hundred and sixty (3,960) feet; thence south twenty-two and a half ($22\frac{1}{2}$) degrees east, until a point four hundred (400) feet from the northeast point of said island is reached; thence, parallel to and at a distance of four hundred (400) feet from the northern shore line of said island, to the place of beginning; *provided*, that said boundary line shall in no case pass without the depth of twenty-four (24) feet water at low tide, and that this tide channel, four hundred (400) feet in width between said island and the premises herein described, shall always remain a free and open highway; *provided*, the lands herein granted shall not exceed, for terminal purposes, one hundred and fifty acres; and if they do exceed such amount, the said boundaries, under the direction of the Commissioners, shall be circumscribed and reduced to correspond with the quantity of one hundred and fifty acres; also, the right to reclaim, improve and use the premises herein described for the railroad depot and commercial purposes deemed proper by the company, and necessary for carrying on the business of the company. Said company is also authorized to locate, occupy and hold, along the bridge line or lines that shall connect the hereinbe-

Bridges.

fore described premises and Oakland and the Alameda or Contra Costa County shore, a width of two hundred and fifty feet of the tide or submerged lands over which said bridge or bridges shall be built; *provided*, that the company shall construct on said bridge draws, with openings of not less than sixty (60) feet in the clear; and *provided*, that nothing in this Act contained shall be construed to impair or affect the rights of any other person or corporation; and *provided* also, the lands granted or to be conveyed by any patent issued under this Act are upon this express condition: That the said Terminal Central Pacific Railway Company shall establish its terminal depot and station on said lands, and shall use and continue to use said lands and right of way as a terminus, and for the purposes and business of said company; and if it shall fail so to do, any grant of said lands by virtue of this Act shall become void and of no effect, and said lands shall revert to the State. Said company shall not at any time hereafter demand or receive any wharfage, dockage or other considerations for the landing or unloading of vessels at said land hereby granted, or any part thereof; but the same shall be subject, in all respect, to the laws and regulations in relation to the collecting of wharfage and dockage for the City of San Francisco, and subject in all respects to the jurisdiction of the Board of Harbor Commissioners of the Harbor of San Francisco.

Conditions.

Map to be filed.

SEC. 2 The said company shall, within thirty days after this Act shall become a law, make a map of the premises herein granted, which, duly certified by the President and Secretary of the company, and under the company's corporate seal, shall be filed in the office of the Secretary of State, who shall deliver a copy thereof to the Surveyor-General; and the Governor, Surveyor-General, Attorney-General, Controller of State and the Mayor of Oakland are hereby constituted a Board of Appraisers, whose duty it shall be, at as early a day as possible after these maps shall have been filed, to appraise the hereinbefore described tracts thus granted at their fair market value at the date of the passage of this Act—but they shall not include in said appraisement any increase of value caused by the contemplated use of said premises for railroad and other purposes—which appraisement shall not average less than three dollars an acre. Said appraisement is to be signed by a majority of said Appraisers, and filed in the office of the Secretary of State, who shall deliver to said company a duly certified copy thereof; and said company, if they accept said appraisement, shall file such acceptance within six months from the passage of this Act, in the office of the Secretary of State.

Appraisement.

Further conditions.

SEC. 3. The said company, at the time of filing said acceptance of said appraisement, shall pay into the State Treasury the amount of said appraisement thus accepted by it, and shall also commence the improvement of said premises within one year from the date of such acceptance, and shall, within two years thereafter, expend on such improvements—not including the expense of its bridge or bridges—not less than one hundred thousand dollars; and, finally, shall, within four years after filing said acceptance, have constructed and put in full running order a first-class rail and ferry communication, accord-

ing to the provisions of its articles of incorporation, between the City of San Francisco, the premises hereinbefore described, Oakland and Vallejo After the appraised value shall have been paid into the State Treasury as aforesaid, and the said sum of one hundred thousand dollars shall have been expended in the improvement of said premises, and the ferry and rail communication between the City of San Francisco, the aforementioned premises, Oakland and Vallejo shall have been effected, the President of said company shall file in the office of the Secretary of State his affidavit setting forth said facts; thereupon the Secretary of State shall certify the fact of the filing of such affidavit to the Governor, whose duty it shall be to issue a patent for said premises to said company, its successors or assigns; *provided* that, at the time of the acceptance of said premises, said company shall execute to the State a bond, acceptable to the Governor and Secretary of State, in the sum of two hundred and fifty thousand dollars, that they will, within the time specified, faithfully fulfill the conditions hereinbefore named, upon the observance of which depends their title to the herein described grant.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCCLXXXVII.

An Act to amend an Act entitled an Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City and County of San Francisco, approved April second, eighteen hundred and sixty-six.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. The right is hereby granted to Edward Thomp- Franchise
kins, J. C. Birdsleye, Elijah Case, William F. Williamson, W. H. Ladd, J. W. Pierson, John Kirkpatrick and J. W. McManany, their associates and assigns, to lay down and maintain an iron railroad within the City and County of San Francisco, along and upon the following route, viz: Commencing at the intersection of Post and Montgomery streets, in said City of San Francisco; thence along and upon Post street to Dupont street; thence along and upon Dupont street to Market street; thence along and upon Market street to Fifth street; thence along and upon Fifth street to Townsend street; thence along and upon Townsend street to Fourth street; thence along and upon Fourth street to the bridge over Mission Bay; thence across Mission Bay, over and upon said bridge, to the new Potrero; thence across the Potrero in a southerly direction on Kentucky street; thence southerly, by the most practicable route, to the

Use of road
by other
companies.

Bay View Park race course; *provided*, that whenever any other railroad company shall be granted the use of the same street, or any part thereof, they shall pay one half the cost which has been expended in constructing such portion of said road, including the cost of grading, cutting, filling, bridging, and one half the cost of maintaining the same on the street or part of the street thus occupied jointly, and thereupon shall be entitled to the joint use of said railroad; but no such grant shall be made for more than five blocks in all; the said road to have a single or double track, at the option of said grantees; the rails to be of the most approved pattern used on city railroads, with the proper and necessary switches and turnouts along the entire route; the said grantees, their associates and assigns, to have the right to run cars on the said railroad at convenient hours of the day and night, for the transportation of passengers and freight; *provided*, that the said railroad shall not cross Mission Bay bridge, nor in any manner interfere with any improvements, structures or buildings, or the railroad or track of any person or company authorized by law, unless by and with the written consent of the owners thereof; *provided*, also, that but one railroad track shall be laid along or upon Dupont street between Post and Market streets.

Track.

SEC. 2. Section four of said Act is hereby amended so as to read as follows:

Rates of fare.

Section 4. The rates of fare on said road for each passenger shall not exceed twenty-five cents for three tickets, fifty cents for seven tickets, one dollar for sixteen tickets, and one dollar and fifty cents for twenty-five tickets; and it shall be lawful to charge one fare on said road from any point between the intersection of Post and Montgomery streets and the north side of Islais Bay, and one fare from any point between the north side of said bay and Bay View Park race course.

SEC. 3. Section five is hereby amended so as to read as follows:

Cars and
speed.

Section 5. The cars upon said railroad shall be of the most approved construction for the comfort and convenience of passengers, and shall be provided with sufficient brakes and other means of stopping the same when required. From the intersection of Montgomery and Post streets to the intersection of Townsend and Fifth streets, they shall be moved by horses and mules, at a speed not exceeding eight miles an hour; and in case of a violation of this provision the owner or owners of said railroad shall be subject to a fine not exceeding one hundred dollars for each offense. But from the intersection of Townsend and Fifth streets to the southern terminus of the road they may be moved by horses, mules or steam power; *provided*, however, that the Board of Supervisors of the City and County of San Francisco may at any time prohibit the use of steam in propelling said cars, either in whole or in part, along or upon the whole or any part of said road; and *provided* further, that permission to use steam upon any part of said road must first be obtained from the Board of Supervisors of said city and county, and the said Board of Supervisors shall have the right and power to determine the kind or style of dummy engine to be used on said road; and *provided*, that steam shall not be used

upon the road over Mission Bay bridge, unless by and with the consent of the owners of said bridge; *provided*, that the said railroad company shall be required to construct a draw in the bridge on Kentucky street, at its intersection with Tulare street, whenever parties interested shall pay the expense of constructing such draw and provide for maintaining the same.

SEC 4 Section seven of said Act is hereby amended so as to read as follows:

Section 7. The franchises and privileges hereby granted shall continue for the period of twenty-five years, to date from the completion of said railroad; *provided*, that said railroad, at least upon a single track, shall be completed and passenger cars running thereon within two years from the first day of July, eighteen hundred and sixty-eight, and the grantees shall, within one year from the passage of this Act, commence the construction of said road.

Duration of franchise.

CHAPTER CCCLXXXVIII.

An Act authorizing Elijah Beebe to construct a chute and moorings, and charge and collect toll for the use thereof.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Elijah Beebe and his assigns are granted the right to construct a chute and moorings at Beebe's Landing, in Mendocino County, and charge and collect such toll for the use thereof as shall be fixed by the Board of Supervisors of Mendocino County; *provided*, that said chute and moorings shall in no wise interfere with navigation.

Authorized.

SEC 2 The rights above granted shall extend for a term of twenty years.

SEC. 3. This Act shall be in force from and after its passage.

CHAPTER CCCLXXXIX.

An Act to provide for the transfer of certain funds in the County of Placer.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Treasurer of Placer County is hereby directed and empowered to transfer to the fund called the Railroad Fund, in the Act of April second, eighteen hundred and

From Toll
Road Re-
demption
Fund to Rail-
road fund.

sixty-three, authorizing said county to subscribe to the capital stock of the Central Pacific Railroad of California, the sum of four thousand and twenty-one dollars and sixty-two cents, now in the fund called the Toll Road Redemption Fund, created by the Act of April twenty-ninth, eighteen hundred and sixty-one, concerning roads and highways in Placer County; and he is also empowered and directed to transfer to said Railroad Fund the sum of two thousand two hundred and thirty-six dollars and eighty cents, now in the District Road Fund of Township Number Eleven of said county; and said moneys, when thus transferred, shall become a part of said Railroad Fund, and be in all respects treated as said Railroad Fund as [is] required to be treated by said Act of April second, eighteen hundred and sixty-three.

SEC. 2. From and after the passage of this Act all moneys coming into the Treasury of Placer County which would go into the said Toll Road Redemption Fund, under said Act of April twenty-ninth, eighteen hundred and sixty-one, shall be placed by said Treasurer in said Railroad Fund, and become a part of the same.

SEC. 3. All parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCCXC.

An Act to amend section three of an Act entitled An Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisor
Districts.

SECTION 1 Section three of an Act entitled An Act providing for the government of the County of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, is hereby amended so as to read as follows:

Section 3. The county is hereby divided into five Supervisor Districts, to wit:

The First consisting of the First and Second Wards of the City of Sacramento

The Second consisting of the Third and Fourth Wards of said city

The Third consisting of American, Brighton, Centre, Cosumnes, Lee and Sutter Townships.

The Fourth consisting of Granite, Mississippi and Natoma Townships.

The Fifth consisting of Alabama, Dry Creek, Franklin, Georgiana and San Joaquin Townships

The electors of each Supervisor District shall elect one person

who is a resident of the district as a Supervisor, and the five persons so elected shall constitute the Board of Supervisors, any three of whom shall be a quorum for the transaction of business. The Board of Supervisors shall organize by electing a President, who shall hold during the term of office. The Supervisors from the First and Second Districts shall be elected at the general election in eighteen hundred and sixty-nine, and shall hold office for four years and until their successors are duly elected and qualified. The Supervisors from Districts Numbers Three, Four and Five shall be elected at the general election in eighteen hundred and seventy-one, and shall hold office for four years, and until their successors are duly elected and qualified. The present Supervisors from the First and Second Districts shall hold office until the first Monday in October, eighteen hundred and sixty-nine, and until their successors are duly elected and qualified; and the present Supervisors from the Third, Fourth and Fifth Districts shall hold office until the first Monday in October, eighteen hundred and seventy-one, and until their successors are duly elected and qualified.

Election of Supervisors.

Term of office.

CHAPTER CCCXCI.

An Act to amend section eighteen of an Act entitled an Act to establish and maintain Public Pounds for the better securing of estrays and other stock in the County of Alameda, approved March thirty-first, eighteen hundred and sixty-six.

[Approved March 28, 1868]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eighteen of an Act to establish and maintain Public Pounds for the better securing of estrays and other stock in the County of Alameda, approved March thirty-first, eighteen hundred and sixty-six, is hereby amended so as to read as follows:

Section 18. The provisions of this Act shall not extend nearer than three miles of the County of Contra Costa, except in Oakland Township, in which said districts may be located within three quarters of a mile of the boundary of Contra Costa County; and no Pound District shall be established within three miles of the county boundary of Contra Costa County, except in said township. Amended.

Sec 2. This Act shall take effect immediately from and after its passage.

CHAPTER CCCXCII.

An Act to repeal parts of an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county, approved March thirty-first, eighteen hundred and sixty-six.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Repealed.

SECTION 1. So much of an Act entitled an Act authorizing the Board of Supervisors of Plumas County to aid in constructing certain wagon roads in said county, approved March thirty-first, eighteen hundred and sixty-six, as authorizes the Board of Supervisors of said county to issue the bonds of said county to aid in the construction of the Quincy and Indian Valley Road, and the Oroville and Beckwourth Pass Wagon Road, is hereby repealed; but nothing in this Act shall be construed as in any manner affecting the provisions of said Act, so far as the same apply in any manner to the issuance or payment of the bonds in aid of the construction of the Quincy and Laporte Wagon Road, or as affecting any provisions of said Act relating to said last mentioned road or the company owning it.

Proviso.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER CCCXCIII.

An Act amendatory of and supplemental to an Act concerning the officers of Calaveras County, and the collection of poll taxes, license taxes and foreign miners' taxes in said county, approved February twenty-sixth, eighteen hundred and fifty-nine, and an Act amendatory thereof, approved April second, eighteen hundred and sixty-six.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section six of said Act is hereby amended to read as follows :

Section 6. Each Collector shall keep a book in which he shall enter :

Record to be kept.

First—The name of all persons or firms who are engaged in any business, the carrying on of which is by law required to be done under a license from either State or county, and shall correct such list from time to time as any persons or firm shall cease to be engaged in such business, and shall add to such list the name of any person or firm who shall engage in any business, trade, occupation or profession for which, before engaging therein, they shall have procured a license.

Second—The name of each individual or company of foreigners,

specifying the number in such company who are engaged in mining and liable to pay a foreign miner's license tax, and shall correct such list monthly as any person or company shall cease to mine in or remove from his township, and shall monthly add to such list the name of any and all persons and companies, and the number in such company, who shall move into his township and engage in mining and are liable to pay said tax.

SEC. 2. Said book shall be the property of the county, and shall be open for public inspection at the office of the Collector on the Saturday after the first Monday in each month, from eight o'clock A. M. to five o'clock P. M., and shall be by said Collector delivered over to his successor in office. Said book shall be presented monthly to the Board of Supervisors, for inspection, by each Collector at the time of making the settlement provided in the seventh section of the Act of which this is amendatory.

SEC. 3. Each Collector shall monthly, and before making his settlement with the Treasurer, file with the County Auditor a statement, in writing, containing a list of the names of all persons or firms in his township doing business and liable to pay a license tax who have failed or neglected to pay such tax; also a list of the names of all persons or companies specifying the number in such company engaged in mining in his township who are liable to pay foreign miners' license tax and from whom he has been unable to collect such tax, and shall specify, in writing, opposite the name of such person or company, the reason for such tax not being collected; and it shall be the duty of the Board of Supervisors, every month, to compare the above statement with the book mentioned in section one of this Act. The monthly statement mentioned in this section shall be subscribed by the Collector, and sworn to before the Auditor, to be true and correct according to the best knowledge, information and belief of the Collector. Delinquents.

SEC. 4. It shall be the duty of the County Auditor, within five days after the filing of the statement mentioned in the next preceding section of this Act, to make out a list from said statement of all persons or firms who are doing business and are liable to pay a license tax and who have failed to pay the same, and the amount due from each, and certify said list to the District Attorney of the county; and the District Attorney shall immediately commence suit in any Court in the county having competent jurisdiction, for the recovery of the amount due; and in addition thereto, each and every person so returned by any Collector as delinquent shall be forthwith prosecuted by the District Attorney, in the name of The People of the State of California, before any Justice of the Peace of said county, and upon conviction of having been engaged in any business, trade, occupation or profession for which, before engaging therein, he or they should have procured a license, shall be fined Penalties. in a sum of not less than twenty-five dollars nor more than two hundred dollars, with cost of prosecution, for each and every offence; and upon the trial of any criminal action under the provisions of this section, the defendant shall be deemed not to have procured such license unless he produce the license, or

prove to the satisfaction of the Court or jury before whom the action is tried that such license had been procured and is destroyed or lost. All fines collected under the provisions of this section shall be paid in to the County Treasurer and be placed in the General Fund.

Neglect of
duty by
Collector.

SEC. 5. If any Collector shall neglect or refuse to keep a book as specified in the first section of this Act, or shall neglect or refuse to exhibit the same to the Board of Supervisors, monthly, as herein required, or shall neglect or refuse to make and file with the Auditor the statement specified in the third section of this Act, he shall be deemed guilty of a misdemeanor in office; and it shall be the duty of the County Auditor, whenever it may come to his knowledge that any Collector has neglected or refused to comply with the provisions of this Act, to immediately notify the District Attorney of such fact; and it shall be the duty of the District Attorney, in the name of The People of the State of California, to immediately prosecute such Collector for misdemeanor in office, in any Court having competent jurisdiction; and on conviction, the defendant shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the County Jail not exceeding six months; and immediately after such conviction the District Attorney shall notify, in writing, the Chairman of the Board of Supervisors that such Collector has been convicted of misdemeanor in office. The Board of Supervisors, at their next monthly meeting, shall declare the office of such Collector vacant, and shall publish the same, and proceed to appoint a Collector in the same manner as provided in section eleven of the Act of which this is amendatory.

Penalty

Books and
blanks.

SEC. 6. The Board of Supervisors of said county is hereby empowered and it shall be their duty to provide suitable books and blanks, to be furnished each Collector, for the purpose of carrying out the provisions of this Act.

SEC. 7. All Acts or parts of Acts inconsistent herewith are hereby repealed, so far as they conflict with the provisions of this Act.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXCIV.

An Act authorizing the Board of Supervisors of Lassen County to levy taxes for county purposes.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Taxes to be
levied.

SECTION 1. The Board of Supervisors of Lassen County are empowered to levy and cause to be collected, for the year one thousand eight hundred and sixty-eight, and each year thereafter, a tax not exceeding eighty cents on each one

hundred dollars of taxable property in said county, for general county purposes, which said tax shall be known and denominated the General County Fund; also, a tax not exceeding eighty cents on each one hundred dollars of taxable property in said county, for county contingent expenses, and which shall be known as and denominated the County Contingent Fund; and they are also authorized to levy, as aforesaid, a tax not exceeding twenty cents on each one hundred dollars of taxable property in said county, for school purposes, and which shall be called the School Fund; and also a tax not exceeding eighty cents on each one hundred dollars of taxable property in said county, for a Redemption Fund, and which shall be known as and denominated the Redemption Fund of Lassen County; all of which said taxes shall be levied, assessed and collected as is or may be provided by law for the levying, assessing and collecting other State and county taxes in said county.

Taxes to be levied.

SEC 2. From and after the first day of December, A. D. one thousand eight hundred and sixty-eight, it shall not be lawful for the Board of Supervisors of said county to make or audit any appropriation, for any purpose whatsoever, unless there be, at the time of making such appropriation, sufficient funds in the County Treasury to pay the same; but they may, and they are hereby authorized to transfer moneys, from time to time, as the need of said county may require, from the General County Fund to the County Contingent Fund, or from the County Contingent Fund to the General County Fund; and they are also authorized, when there is any surplus in either or both of said funds, not needed to pay outstanding claims or warrants allowed and audited by them after the first day of December, A. D. eighteen hundred and sixty-eight, [to] transfer such surplus from said funds, or either of them, to the Redemption Fund of Lassen County; and such surplus, when so transferred by order of the Board of Supervisors of Lassen County, shall be deemed a part of the Redemption Fund of Lassen County, and shall be paid out by the County Treasurer of said county as other money is paid out of said fund, in accordance with the provisions of the Act entitled an Act to provide for the payment of the debt of Lassen County, passed at the seventeenth session of the Legislature of the State of California, and approved March twelfth, eighteen hundred and sixty-eight.

Unlawful to make appropriations unless funds in Treasury.

Surplus.

SEC 3. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXCV.

An Act to authorize the improvement of the navigation of Walnut Creek, in Contra Costa County.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right of way
granted.

SECTION 1. For the purpose of improving the navigation of Walnut Creek, in Contra Costa County, the right of way over any of the public lands of this State is hereby granted to N. C. Fassett and William McCaulley, their associates and assigns, and they are authorized to open a channel from the present channel of Walnut Creek to the Suisun Bay, crossing a fractional portion of Section nine, Township two north, Range two west, of Mount Diablo meridian; *provided*, that the said work shall be completed within three years from and after the passage of this Act; and further *provided*, that nothing in this Act contained shall authorize any obstruction of the free navigation of the said channel, or any other navigable channel of Walnut Creek, by vessels of the classes navigating such waters in the State of California.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXCVI.

An Act to authorize the Controller to credit J. Hop. Woods, County Treasurer of Colusa County, with one hundred and eighteen poll tax receipts.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized.

SECTION 1. The Controller of State is hereby authorized and directed to credit J. Hop. Woods, County Treasurer of Colusa County, with one hundred and eighteen poll tax receipts for the year eighteen [hundred] and sixty-six, alleged by the said Woods to have miscarried in transmission.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCXCVII.

An Act granting certain parties the right to build a wharf in the County of Alameda.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Gideon Aughinbaugh, Wm. W. Chipman, Asher B. Bates, Edward McLean, and such others as they may associate with them, and their assigns, are hereby authorized to construct and maintain a wharf at the "Encinal San Antonio," in Alameda County, upon or near the locality of the wharf built in eighteen hundred and fifty-six and eighteen hundred and fifty-seven, by the above mentioned Chipman and Aughinbaugh, commencing at a point on the bluff bank of the Encinal San Antonio, Alameda County, near what is called "Bowman's Ditch," on the land of William W. Chipman, known as Acre Lots numbers twenty-one and twenty-two, of Washington Woodward's plan or survey; thence running southwestwardly to deep water at low tide in the Bay of San Francisco; *provided*, that said wharf shall not extend beyond the line of the main channel leading to San Leandro Creek, nor beyond ten feet of water at low tide, and shall not obstruct navigation. Franchise.

SEC. 2. There is hereby granted to the above mentioned parties and their associates the use of a strip of tide and submerged lands one hundred and fifty feet in width, on either side of the wharf to be built by the said Aughinbaugh and others as aforesaid, but not to conflict with the grant or franchise of the San Francisco and Alameda Railroad Company, made April twenty-fifth, eighteen hundred and sixty-three. Land granted.

SEC. 3. Should the said parties or their associates ever wish to collect toll or wharfage on said wharf, the rates thereof shall be fixed from time to time by the Board of Supervisors of Alameda County. Toll and wharfage.

SEC. 4. This franchise shall continue for the term of twenty years; *provided*, that if said wharf shall not be commenced within one year and completed to deep water within two years after the passage of this Act, then all the rights herein granted shall be forfeited. Conditions.

SEC. 5. This Act shall be in force from and after its passage.

CHAPTER CCCXCVIII.

An Act declaring navigable a certain creek in Sections Thirty-five (35) and Thirty-six (36), Township Three (3) south, Range Three (3) west, Mount Diablo meridian.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Declared
navigable.

SECTION 1. The creek running through the lands included in Tide Land Survey number sixty-eight and Swamp and Overflowed Land Survey number two hundred and forty-five, as the same appears on record in the State Land Office of California, in Sacramento, and in the County Surveyor's Office, Alameda County, is hereby declared a navigable stream from the mouth thereof, as far as the tide flows, free to all persons.

SEC. 2. This Act to take effect from and after its passage.

CHAPTER CCCXCIX.

An Act for the relief of C. D. Lyman.

[Approved March 28, 1868.]

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 money in the General Fund in the State Treasury not otherwise appropriated, and the Controller is hereby required to draw his warrant in favor of C. D. Lyman, for extra services in State Library for the present session of the Legislature.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCC.

An Act to authorize James Kenny and his assigns to construct and maintain a chute and landing at Cuffey's Cove, Mendocino County, and to charge and collect tolls for the use of the same.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right
granted.

SECTION 1. James Kenny and his assigns shall have the right to construct and maintain a chute and landing at Cuffey's Cove,

Mendocino County, and to collect such toll for the use of same as the Supervisors of said county shall, from time to time, establish.

SEC. 2. Said chute and landing shall be of sufficient capacity Description. to ship all the lumber, timber or other commodities usually shipped at said Cuffey's Cove; and said chute and landing shall be completed within two years from the passage of this Act.

SEC. 3. The said chute and landing, when constructed, shall be used for the accommodation of all persons who desire to ship therefrom, upon the payment of the legal toll.

SEC. 4. The franchise herein granted shall endure for the term [of] twenty years from and after the passage of this Act.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCI.

An Act to authorize and direct the municipal authorities of the several cities and incorporated towns of this State to execute certain trusts in relation to the town lands granted to the incorporated cities and towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven.

[Approved March 24, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the Board of Trustees, or other corporate authorities, of any city or incorporated town in this State, to enter at the proper Land Office of the United States such quantity of land as the inhabitants of any incorporated city or town may be entitled to claim, in the aggregate, according to their population, in the manner required by the laws of the United States and the regulations prescribed by the Secretary of the Interior of the United States, and by order entered upon their minutes of proceedings, at a regular meeting, to authorize the presiding officer and Clerk of such Board or other corporate authority, attested by the seal of such corporation, to make and sign all necessary declaratory statements, certificates and affidavits, or other instruments requisite to carry into effect the intentions of this Act and the intentions of the Act of Congress of the United States entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, and to make proof, when required, of the facts necessary to establish the claim of such inhabitants to the lands so granted by said Act of Congress.

SEC. 2. The corporate authorities of every city and incorporated town situate upon the public lands of this State, within three months after the passage of this Act, may, if they shall deem it necessary, cause an enumeration of the inhabitants of

Board of Trustees to enter land in U S Land Office.

Enumeration of inhabitants.

such city or town to be made by the Marshal thereof, and such enumeration shall be returned by said Marshal, within twenty days, to the City or Town Clerks, exhibiting therein the names of all heads of families and possessors or occupants of lots, lands or premises within such town site, alphabetically arranged, verified by his oath.

Survey.

SEC. 3. The said corporate authorities shall thereupon, and immediately thereafter, cause a survey to be made, by some competent person, of the lands which the inhabitants of said city or town may be entitled to claim under the said Act of Congress, located according to the legal subdivisions of the sections, and by the section lines of the United States, and the same shall be distinctly marked by suitable monuments. Such survey shall further particularly designate all streets, roads, lanes and alleys, public squares, churches, school lots, cemeteries and commons, as the same exist and have been heretofore dedicated in any manner to public use; and, by measurement, the precise boundaries and area of each and every lot or parcel of land and premises claimed by any person, corporation or association, within said city or town site, shall be designated on the map, showing the name or names of the possessor or occupant, and claimant, if other than the occupant, of each particular lot and parcel of land; and in case of any disputed claim as to lots, lands, premises or boundaries, the said surveyor, if the same be demanded by any person, shall designate the lines—in different color from the body of the plat—of such part of any premises so disputed or claimed adversely. A plat thereof shall be made in duplicate, on a scale of not of less than eighty feet to one inch, which shall be duly certified under oath by the surveyor, one of which shall be filed with the County Recorder of the county wherein the town is situated, and one shall be deposited with the City or Town Clerk. These plats shall be considered public records, shall each be accompanied with a copy of the field notes, and the County Recorder shall make a record thereof in a book to be kept by him for that purpose. The said surveyor shall number the blocks as divided by the roads and streets opened at the time of making such survey, and shall number the several lots consecutively in each block, and all other parcels of land within said town or city surveyed as herein provided, which said numbers shall be a sufficient description of any parcel of land in said plat, when mentioned by reference to such town plat; and such plats, field notes and records, and certified copies thereof, shall be prima facie evidence of the contents and correctness thereof in all the Courts of this State.

Official plate

Notice of survey

SEC. 4. Before proceeding to make such survey, at least ten days notice thereof shall be given, by posting within the limits of such town site not less than five written or printed notices of the time when such survey shall commence, and by publication thereof in any newspaper or newspapers published in the city or town, if one there be. The survey of said town lands shall be made to the best advantage and at the least expense to the holders and claimants thereof; and the said corporate authorities are hereby authorized to receive bids for such survey-

ing, and to let the same by contract to the lowest competent bidder.

SEC. 5. All streets, roads, lanes and alleys, public squares, cemeteries and commons, surveyed, marked and platted on the map of any town site, as prescribed and directed by the provisions of this Act, shall be deemed and considered, and they are hereby declared to be, dedicated to public use by the filing of such town plat in the office of the County Recorder, shall become the property of such town or city, and shall be subject to the control of the Board of Trustees or other municipal authority of such town or city. ^{Public property.}

SEC. 6. Each lot or parcel of said lands having thereon valuable improvements or buildings ordinarily used as dwellings or for business purposes, not exceeding one tenth of one acre in area, shall be rated and assessed by the said corporate authorities at the sum of one dollar; each lot or parcel of such lands exceeding one tenth and not exceeding one eighth of one acre in area shall be rated and assessed at the sum of one dollar and fifty cents; each lot or parcel of such lands exceeding in area one eighth of one acre and not exceeding one quarter of an acre in area shall be rated and assessed at the sum of two dollars; and each lot or parcel of such lands exceeding one quarter of an acre and not exceeding one half of one acre in area shall be rated and assessed at the sum of two dollars and one half; and each lot or parcel of land so improved, exceeding one half acre in area, shall be assessed at the rate of two dollars and one half for each half an acre or fractional part over half an acre; and every lot or parcel of land inclosed which may not be otherwise improved, or uninclosed, claimed by any person, corporation or association, shall be rated and assessed at the rate of two dollars per acre or fractional part over an acre; and where upon one parcel of land there shall be two or more separate buildings occupied or used ordinarily as dwellings or for business purposes, each such building, for the purposes of this section, shall be considered as standing on a separate lot of land; but the whole of such premises may be conveyed in one deed; which moneys so assessed shall be paid in gold and silver coin of the United States, and shall be received by the Clerk and be paid by him into the City or Town Treasury. ^{Assessment to pay expenses.}

SEC. 7. Every person, company, corporation or association, claimant of any town lot or parcel of land within the limits of such town site, shall present to the corporate authorities, by filing the same with the Clerk thereof, within six months after the plat shall have been filed in the office of the County Recorder, his, her or their affidavit, verified in person or by duly authorized agent or attorney, in which shall be concisely stated the facts constituting the possession or right of possession of the claimant, and that the claimant is entitled to the possession thereof as against all other persons, to the best of his knowledge and belief, to which shall be attached a copy of so much of the plat of said town site as will fully exhibit the particular lot or parcel of land so claimed, with the abuttals; and every such claimant, at the time of filing such affidavit, shall pay to such ^{Claims for land.}

Clerks such sum of money as said Clerk shall thereon certify to be due for the assessment mentioned in section six of this Act, together with the further sum of five dollars, in gold or silver coin of the United States, to be appropriated to the payment of the expenses incurred in carrying out the provisions of this Act; and the said Clerks shall thereupon give to such claimant a certificate, attested by the corporate seal, containing a description of the lot or parcel of land claimed, and setting forth the amounts paid thereon by such claimant. The corporate authorities of every such city or town shall procure a bound book for each, wherein the said Clerk shall make proper entries of the substantial matters contained in every such certificate issued by him, numbering the same in consecutive order, setting forth the name of claimant or claimants in full, date of issue and description of lot or lots claimed.

Record.

Deficit.

SEC. 8. If it shall be found that the amounts hereinbefore specified as assessments and fees for cost and expenses shall prove to be insufficient to cover and defray all the necessary expenses, the corporate authorities of every such city and town shall be and they are hereby authorized and empowered to estimate the deficiency and to assess such deficiency pro rata upon all the lots and parcels of lands in such town and to declare the same upon the basis set down in section six of this Act; which additional amount, if any, may be paid by the claimant at the time when the certificate hereinbefore mentioned, or at the time when the deed of conveyance hereinafter provided for, shall be issued.

Deeds to be given after six months.

SEC. 9. At the expiration of six months after the issuance of the certificate mentioned in the preceding section, if there shall have been no adverse claim filed in the meantime, the said Board of Trustees or other corporate authority shall execute and deliver to such claimant, or to his, her or their heirs, administrators or assigns, a good and sufficient deed of the premises described in the application of the claimant originally filed, which said deed shall be signed and acknowledged by the President or other presiding officer of the municipal Board of officers, and Clerk, and shall be attested by the corporate seal of such city or town. No conveyance of any such lands made as in this Act provided shall be deemed to conclude the rights of third persons; but such third persons may have their action in the premises, to determine alleged interest in such lands against such grantee, his heirs or assigns, to which they may deem themselves entitled either in law or equity; *provided*, that no action for the recovery of the possession of such premises or any portion thereof shall be maintained in any Court against the grantee named therein or against his, her or their assigns, unless such action shall be commenced within two years after such deed shall have been filed for record in the office of the County Recorder of the county where such lands are situate; and *provided*, that nothing herein shall be construed to extend the time of limitation prescribed by law for the commencement of actions upon a possessory claim or title to real estate, when such action is barred by law at the time of the passage of this Act; and *provided* further, that whenever mining claims shall have been located prior to the passage of this Act, and where

Adverse claims.

the same shall be prior in location to the claim of any occupant for other purposes, such mining rights, according to the metes and bounds so located and claimed, shall not in any manner be affected by the provisions of this Act; nor shall any sale be made, nor any title be conveyed by reason of any sale or pretended sale, of such lands so claimed for mining purposes until after the occupancy of such mining claims shall have been abandoned by the holders thereof.

Mining claims.

SEC 10. In all cases of adverse claims or disputes arising out of conflicting claims to lands or boundary lines, the adverse claimants may submit the decision thereof to the corporate authorities of such city or town by an agreement in writing specifying particularly the subject matter in dispute, and may agree that their decision shall be final. The municipal Board shall hear the proofs and shall order a deed to be executed in accordance with the facts; but in all other cases of adverse claim the party out of possession shall commence his action in a Court of competent jurisdiction within six months after the filing of the town plat in the office of the County Recorder. In case such action be commenced the plaintiff shall serve a notice *lis pendens* upon the President of the municipal Board, who shall thereupon stay all proceedings in the matter of granting any certificate or deed until the final decision of such suit; and upon presentation of a certified copy of the final decree of such Court in such action, the said Board shall execute and deliver a deed of such premises, in accordance with the decree. In case no such action be commenced within the time herein prescribed, the said Board shall deliver a deed to the party in possession, as provided in section nine of this Act.

Settlement of adverse claims.

SEC 11. The said Board shall give public notice by advertisement for four weeks in any newspaper or newspapers published in the said city or town, if any there be—and if there be no newspaper published in said city or town, then by publication in some newspaper having the most general circulation in such city or town—and not less than five written or printed notices posted within the limits of such town site, that the plat thereof has been filed in the Recorder's office. And if any person, company, association or other claimant of lands in such town shall fail, neglect or refuse to make application to the said Board for a deed of conveyance to the lands so claimed, and to pay the sums of money specified in this Act, within six months after the filing of said plat, the Clerk of said Board shall enter on his book the names of all such persons, with a description of the property or premises, and shall certify the same as delinquent for the amount of assessments certified to by such Clerk as due under section six of this Act; and at the expiration of thirty days after making such entries, if such application be not made and such assessment be not paid, the said Board shall proceed to advertise all such lots and parcels of land for sale, in the same manner as real estate is required to be advertised under execution.

Notice of filing of plat

SEC 12. At the time of sale mentioned in said advertisement, the Marshal of said city or town shall proceed to sell all such parcels of land so remaining delinquent, by public auction, to the highest bidder for cash, at some public place within the

Sale of delinquent lands.

limits of said town site; and he shall give to the purchaser at such sale a certificate of his purchase, setting forth therein the description of the premises sold, the amount paid, and that the same is subject to redemption, as prescribed in the next section; *provided*, that no sale shall be made for less than the whole amount of assessments and the costs of making the sale, which costs shall be divided pro rata among the several parcels offered for sale.

Redemption. SEC. 13. At any time within six months after such sale the original claimant shall be entitled to redeem such premises, by paying to the purchaser, or to the Clerk of the said Board for the purchaser, double the whole amount of the purchase money, in gold and silver coin; but in case no redemption be made, the purchaser, his heirs or assigns, shall be entitled to demand and receive from the said Board a deed of such premises, which deed shall be absolute as against the parties delinquent, and shall entitle the grantee, his heirs or assigns, to a writ of assistance from the District Court having jurisdiction of the premises.

Unclaimed lands. SEC. 14. If there shall be any unoccupied or vacant unclaimed lands within the limits of such town site, the said Board shall cause the same to be laid out and surveyed into suitable blocks and lots, and shall reserve such portions as may be deemed necessary for public squares and school-house lots, and shall cause all necessary roads, streets, lanes and alleys to be laid out through the same and dedicated to public use; and the said Board may sell the same in suitable parcels to possessors of adjoining lands, or to other citizens of said town, at a price not less than five dollars per acre or fraction of an acre in gold coin; and in case two or more claimants apply for the same tract, or parcel of the same tract, they shall sell the same by auction to the highest bidder. And if any such lands remain unsold at the end of six months after the filing of the town plat, the said Board shall have power and authority to sell such vacant lands at public or private sale in such manner and on such terms as they may deem advisable for the best interests of the town, and shall give deeds therefor to the several purchasers.

School lots. SEC. 15. All school lots and parcels of land reserved for school purposes shall be conveyed to the School Trustees of the school district in which such town is situate, without cost or charge of any kind whatever.

False oaths. SEC. 16. If any person shall falsely make oath to any affidavit required to be made by this Act, he or she shall be deemed guilty of perjury and upon conviction shall be punished accordingly.

Frauds. SEC. 17. If any guardian or administrator, or tenant, joint tenant, tenant in common, coparcener or partner in the possession of any of the lands mentioned in this Act, shall fraudulently procure, or cause, permit, suffer or allow any deed to be obtained therefor, for his or her sole benefit, or by his or her neglect allow the same to be done by others, such deed shall be null and void and shall convey no title; and an action may be brought by any party injured or aggrieved thereby, or claiming any interest in such premises, for the recovery of such interest, at any time within five years after the discovery of such fraud.

Con. SEC. 18. All moneys required to be paid by any person under

this Act shall be paid in gold and silver coin; except that for the payment of the price of the land to the Government of the United States, the municipal Boards shall be authorized and required to purchase, at the market price, so much in legal tender notes as may be requisite therefor. Legal tenders.

SEC. 19. All expenses necessarily incurred or contracted by the carrying into effect of the provisions of this Act shall become a charge upon the City or Town Treasury of each particular city or town ordering the work to be done, to be paid out of the Treasury, upon order of the corporate authorities; and all moneys paid for lands or to defray the expenses of carrying into effect the provisions of this Act shall be paid into the City or Town Treasury by the officers receiving the same, and shall constitute a special fund, from which shall be paid all expenses, and the surplus, if any there be, shall be paid into the General Fund. Expenses.

SEC. 20. No mere informality, failure or omission on the part of any of the persons or officers named in this Act shall invalidate the acts of such person or officer; but every certificate or deed granted to any person pursuant to the provisions of this Act shall be deemed, taken and considered as conclusive evidence that all preliminary proceedings in relation thereto have been correctly taken and performed; *provided*, that the City of Petaluma is hereby excepted and exempted from the provisions of this Act. Informality not to invalidate. Petaluma excepted.

SEC. 21. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCII.

An Act supplemental to an Act to authorize the City of Oakland to purchase land and erect a City Hall, and to issue bonds of said City and provide for the payment of the same, passed March nineteenth, eighteen hundred and sixty-eight.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. In addition to the bonds authorized to be issued under the above entitled Act, to which this is supplemental, the Council of the City of Oakland may issue bonds of said city, to an amount not exceeding eighteen thousand dollars, to the holder of any final judgment now existing in full force against said city, in payment and satisfaction thereof; said bonds to be similar in all respects to those authorized to be issued under the said Act to which this is supplemental; and all the provisions and guarantees of the said Act, so far as the same may be applicable, shall also apply to the said additional bonds hereby authorized to be issued. Bonds to pay judgments.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCIH.

An Act to supply deficient records in the County Clerk's office in the County of Sacramento.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Index to be made.

SECTION 1. The Board of Supervisors of the County of Sacramento are hereby authorized and empowered to appoint some competent person to make a complete index of the names of both plaintiffs and defendants, in all actions and proceedings commenced in the District Court of that county prior to the thirty-first day of January, eighteen hundred and sixty-seven; and said Board shall supply proper books for said indexes, to be kept as other books in said Clerk's office, and they shall allow and pay said person for said services a reasonable compensation therefor.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCIH.

An Act to amend an Act entitled an Act to enlarge the powers of the Board of Supervisors of the County of San Joaquin, passed March fourteenth, eighteen hundred and sixty-eight.

[Approved March 28, 1868]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five of said Act is hereby amended so as to read as follows :

Record.

Section 5. The said company shall keep a correct account of all costs of construction and keeping in repair of such roads, and all expenses of collecting tolls, together with the amount of tolls collected, which shall be verified by the oath of the toll gatherer or some responsible person, and presented to the Board of Supervisors at their regular meeting in February, in each and every year. The Board of Supervisors shall have the privilege of purchasing for the county any road so granted and improved, at the costs of the improvements, at any time during the continuance of the franchise.

Supervisors may purchase toll roads.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCC.V.

An Act concerning roads and highways in the County of Mendocino.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Mendocino County shall have power to locate, construct, repair, change the location of, and abolish roads. Powers of Supervisors.

SEC. 2. All roads shall be sixty-six feet wide unless for good cause the Board of Supervisors shall expressly order otherwise. Location of roads.

SEC. 3. For the purpose of locating a road the Board of Supervisors of said county may appoint three locators, whose duty it shall be to locate the road and mark the alignment by stakes or other conspicuous objects placed not more than forty rods apart. Any two of said locators may act.

SEC. 4. Said locators shall give notice to the occupants or claimants of the land through which said road is located (if such occupants or claimants are known to them) of the location of said road. They shall also make a written report to the Board of Supervisors, in which they shall accurately describe the location of the road and the persons notified, and of the land through which the road runs, the claimants or occupants of which are unknown to them; and the report shall also state the time when said road was located, and the said report shall be conclusive evidence of the facts mentioned therein.

SEC. 5. The owners of the land through which the road passes may at any time within thirty days after the location thereof file a complaint for damages with the Clerk of the Board of Supervisors. The complaint shall be verified, shall fully set forth the complainants' title and interest in the land, and shall conform in all respects to the requirements of a complaint in a suit in the District Court. Damages.

SEC. 6. At the next regular term after the filing of said complaint the Board of Supervisors shall summarily audit and pass upon the claim for damages, and if they think it just shall make an allowance, which shall be paid as other demands against the county.

SEC. 7. If the owners or claimants of the land shall not file their complaint within thirty days after said location, they shall be deemed to have waived all right to damages, and if they shall not bring suit within thirty days after the allowance of the Board of Supervisors they shall be deemed to have accepted the allowance.

SEC. 8. If the owners or claimants of said land refuse to accept the allowance of the Board of Supervisors, they shall, within thirty days thereafter, institute a suit against the county, and for that purpose shall demand the complaint filed with the Clerk of the Board of Supervisors, which complaint shall be filed in the Court where suit is brought, and shall be the complaint in the institution of said suit. Owners may sue.

SEC. 9. If the plaintiff recover more damages than allowed

by the Board of Supervisors the county shall pay the costs; but if he shall not recover more damages than allowed, he shall pay the costs.

Adverse
claims.

SEC. 10. Whenever in such suit a question arises involving the title, right to possession, or possession of real estate, the suit shall be transferred to the District Court (if not already there) as other suits of like character are thus transferred.

SEC. 11. The suits shall be conducted in all respects, and the same rules shall apply, as in other suits against the county, except as in this Act is otherwise provided.

SEC. 12. The District Attorney may answer the complaint in behalf of the county, but it shall not be necessary for him to verify said answer.

True loca-
tion.

SEC. 13. In the trial of any issue involving the location of any road in said county, the ground usually traveled over and used as such road shall be deemed to be the true location thereof and an actual survey thereof shall in no case be necessary.

SEC. 14. Whenever any person claiming damages on account of the location of a road shall be entitled to draw a warrant therefor, due compensation shall be deemed to have been tendered such person, and the ground occupied by such road shall become the property of said county.

SEC. 15. When the locators shall report their proceedings, the Board of Supervisors may make an order to establish said road on the line located, or may change the location thereof, or may order another review by the same or other locators; but in no case shall it be indispensably necessary to appoint locators to alter or change the location of a road.

Roads for
private
benefit.

SEC. 16. When application is made for a road principally for the benefit of one or a few individuals, the Board of Supervisors shall require such individuals to file a bond, with sufficient security in such amount as the Board may think fit, for the payment of all costs, expenses and damages in the locating, constructing and opening of said road; and such individual or individuals may also be required to deposit with the County Treasurer all such costs, expenses and damages in advance.

SEC. 17. When the Supervisors shall establish, alter, change or abolish any road, they shall cause a full description of the line to be entered on the minutes.

SEC. 18. No road shall be opened through any land having a growing crop thereon, without the owners consent, within five months after the location, unless said crop shall be sooner severed from the soil.

Road dis-
tricts.

SEC. 19. The Board of Supervisors of said county shall divide the county into convenient road districts, which may be defined either by metes and bounds, or other lines or landmarks.

Road
Overseers

SEC. 20. The Board of Supervisors shall appoint a Road Overseer for each road district, whose term of office shall commence on the first Monday in March after his appointment, and shall continue one year, or until his successor is appointed and qualified. No Overseer shall be appointed unless his appointment be recommended by at least twenty, or more than half (should the half be less than twenty), of the qualified electors in the district; *provided*, however, that at the regular February term the

said Board may appoint Overseers for any road without such Road Overseers. recommendation; but in all cases where there are recommendations, only those recommended shall be appointed.

SEC. 21. At the said February term in each year the Board of Supervisors shall appoint Overseers, whose terms are to commence on the first Monday of March following. The Board shall have power to appoint, under the restrictions in this Act named, Overseers whenever a vacancy occurs, who shall immediately enter upon the discharge of their duties.

SEC. 22. The Clerk of the Board of Supervisors shall issue a certificate of appointment and send the same by mail to the appointee, and shall also notify the appointee of the amount of bond required. The appointee shall qualify within ten days after receiving the certificate of appointment, by taking the necessary oath of office and filing the bond, the penal sum of which shall be fixed by the Board of Supervisors at the time of making the appointment; and if the appointee fail to qualify within ten days after receiving said appointment, his office shall be deemed vacant and another appointment shall be made.

SEC. 23. The Road Overseer of said county, in the execution Powers and duties of Overseers. of the orders of the Board of Supervisors, shall have power to open, construct, change the location of, repair and do all other things necessary to be done in, on, about or concerning the roads in their respective districts. They shall cause said roads to be kept in good repair and free of all obstructions, and shall have power to remove all obstructions and abate all nuisances, and may for that purpose at any time call out the able-bodied male inhabitants of their districts; and any person being so ordered out and refusing to obey shall be liable to a fine of fifty dollars and costs, to be recovered by a suit in the name of such Overseer, in any Court having jurisdiction. The fine shall go to the benefit of the Road Fund of said district, and shall be applied by said Overseer to the removal of nuisances or the construction or repair of roads.

SEC. 24. The Road Overseers shall construct all bridges, culverts and causeways necessary to be constructed, and shall keep the same in repair, and shall have power to take the necessary raw material from any land for the building of such bridges, culverts and causeways, or for the construction or repair of any road; but before taking such material he shall notify the owner thereof, and if the owner objects to the taking of said material, or cannot agree with the Overseer as to the compensation for said material, the Overseer shall summon three disinterested citizens of the district, who shall appraise the material and ascertain the value thereof, which the Overseer shall certify to the Board of Supervisors, which may be allowed by said Board if the same is just, and paid like all other demands against the county; but if the owner refuses to receive the compensation allowed by the appraisers, he may sue within five days thereafter for damages, in any Court having competent jurisdiction; and if he should fail to institute suit within five days from the time of appraisement, he shall be deemed to accept the amount of the appraised value.

Powers and
duties of
Overseers.

SEC. 25. The Overseer shall pay the owner of such material for the same if he has any funds in his hands belonging to his road district; and the Board of Supervisors shall allow no claim for such damages for the taking of such material to exceed fifty dollars out of the General Road Fund, unless they have made a prior appropriation therefor.

SEC. 26. The Road Overseer shall, in his report to the Board of Supervisors, state the amount of money in his hands, and the amount paid by him for said material; or if he has no funds for the payment of the same, he shall state it in his report.

SEC. 27. Whenever a warrant may be drawn for the payment of such materials, the price agreed upon or the money paid by said Overseer, such material may be taken and used, and shall become the property of the county.

SEC. 28. All suits brought for or in behalf of said road district, or for the benefit of said district, shall be brought in the name of the Road Overseer, and the costs of the suit shall be paid in like manner as costs in suits for delinquent taxes.

Liable to
road duty.

SEC. 29. All able-bodied men between the ages of twenty-one and fifty years in said county shall work on the roads not less than five nor more than ten days in each year, and in default thereof shall pay two dollars in United States gold coin for every day he shall not work, to be recovered by suit brought by the Overseer for that purpose. In case judgment is for the plaintiff it shall be for two dollars in United States gold coin for each day defendant failed to work, and for the costs of suit; and the money shall go to the Road Fund of the road district, and be applied by the Overseer to the construction and repair of roads.

Number of
days to be
fixed
annually.

SEC. 30. The Board of Supervisors shall, at their regular May term in the year eighteen hundred and sixty-eight, fix the number of days that shall be required of all liable to road duty, in each road district respectively, for the remainder of the road year, and shall at their regular February term each succeeding year thereafter so change the number of days thus required of all liable to road duty in the road districts respectively as they may deem proper; and they shall have power to fix the number of days work to be performed so as to make said number of days thus required in one district different from that required in another, if in their judgment they think proper; but said road duty shall not be fixed at less than five nor more than ten days to the man, in any road district, for the ensuing road year.

Further
powers and
duties of
Overseers.

SEC. 31. The Road Overseers shall have power to order out the hands in his district whenever he may deem it necessary, and shall state in said order the time and place when and where said hands must appear; *provided*, no person shall be required to work more than the number of days fixed for his district by the Board of Supervisors of said county.

SEC. 32. The road year shall commence on the first Monday in March.

SEC. 33. The Road Overseer shall expend any road money in his hands in any way he may think best for the interest of his district, except where such money shall have been specially appropriated by the Board of Supervisors for a particular object.

SEC. 34. The Road Overseer shall receive three dollars a day for each day necessarily engaged in the discharge of his official duties, to be allowed by the Board of Supervisors as other demands paid out of the Road Fund of said county; *provided*, however, that no Overseer shall receive, under any circumstances, more than fifty dollars for his services for any one year. Powers and duties of Overseers.

SEC. 35. A day's work shall be eight hours, for which time the person shall be actually engaged in labor; and any person not working full eight hours in any one day shall not be entitled to a credit for anything.

SEC. 36. The Overseer, in his annual report, shall state the name of each hand that worked and the number of days that he worked, and shall verify such statement, which verification shall also state that each hand included in the list worked eight hours for each day therein stated.

SEC. 37. When any hand shall fail to work on the road after having been duly ordered as aforesaid, the Overseer shall commence suit, as in this Act provided, at any time after ten days thereafter, unless the money is sooner paid; and if the Overseer shall not use due diligence in the collection of said money, or institution of suits, as aforesaid, he shall be liable, on his official bond, for all the amount owing by delinquents, and may be removed from office.

SEC. 38. The Road Overseer shall order the hands out to work on the roads at least five days before the time they are required to work, and the order shall state the number of days each hand is required to work; *provided*, however, that when there is an immediate and pressing necessity for repairing a road or removing an obstruction, or abating a nuisance, when such road shall be impassable, or when any immediate and urgent necessity exists for working such road, the Overseer shall only be required to make the order a reasonable time before the time required of the hand to commence work.

SEC. 39. The Board of Supervisors of said county shall cause a tax to be levied and collected, at the same time that other taxes are levied and collected for State and county purposes, not exceeding fifteen cents on one hundred dollars of property; and such tax shall constitute the Road Fund of said county. Such fund shall be appropriated by said Supervisors as will best conserve the interests of the county. Road tax to be levied.

SEC. 40. Any person obstructing any road in said county or suffering the same to be done, or any person placing a nuisance on any road or suffering a nuisance to remain on any road within said county, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred dollars, or imprisoned in the County Jail not exceeding three months, or by both such fine and imprisonment. Penalties.

SEC. 41. All fines collected under this Act shall be paid over to the Overseer of the road district where the offence was committed, and shall be expended by such Overseer for the benefit of the roads in his district. Fines.

SEC. 42. The Overseer shall have a right to demand of any employer of workmen in his district a complete and correct list of names of the men employed by him; and such employer refusing or neglecting to give such list when demanded of him Lists of employés.

shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of twenty dollars.

Implements

SEC. 43. At the time of ordering out hands, the Overseer shall, if he think necessary, require each hand to bring any tool or implement of which said hand may be the possessor and owner, with him, for the purpose of working said road; and such hand shall be allowed no credit for work unless he complies with this section.

Use of horses, wagons, etc.

SEC. 44. If, in the opinion of the Overseer, it is better for the interests of his district, and the work requires it, he shall request any person to give the use of his horses, oxen, wagons, carts, ploughs, or other thing necessary to work said roads, in lieu of the labor of any hand or hands; and in case such animals or things are furnished, the Overseer shall allow to such hand or hands a reasonable compensation for the use of the same, but in no case to exceed a sum equal to one dollar and a half for each day's work due from such hand or hands; *provided*, however, that it shall be optional in all cases with such hand or hands either to furnish such things or work.

Annual reports.

SEC. 45. Each Road Overseer of said county shall make a report to the February term of the Board of Supervisors of all of his proceedings during the year, in which report he shall distinctly state the name of each hand who has worked on the roads in his district, the number of days each hand has worked, the amount of fines received by him, the amount of money received from all other sources and from whom received, the amount of money expended by him, the number and dates of the days he was actually engaged in his official duties and the kind of service in which he was engaged, and the names of all delinquents who have not worked nor paid money in lieu thereof, and the reasons why he has not collected said money, which report shall be sworn to; and any Overseer failing to perform any duty required by this Act shall be deemed guilty of a misdemeanor, and, upon conviction, fined in any sum not exceeding one hundred dollars.

Compensation.

SEC. 46. The locators shall receive such compensation as the Board of Supervisors may deem reasonable, not, however, to exceed five dollars per day for every day they shall be actually employed.

SEC. 47. This Act shall take effect on its passage.

CHAPTER CCCCVI.

An Act to exempt certain property named herein from execution.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. No money, benefit, right, privilege or immunity accruing or in any manner whatever growing out of any life

insurance on the life of the debtor made in any insurance company incorporated under the laws of this State shall be subject to levy under attachment or execution, or under any original, mesne or final process whatever against such debtor, or to be taken, sequestered or reached by any proceeding supplementary to execution or other like proceeding; *provided*, however, this exemption shall not extend beyond such moneys, benefits, rights, privileges and immunities as have been or might have been secured by the payment of an annual premium not exceeding five hundred dollars.

Life insurance.

SEC. 2. This Act shall take effect upon its passage.

CHAPTER CCCCVII.

An Act to authorize the Supervisors of Colusa County to transfer moneys from one fund to another.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever there shall be any moneys in the Treasury of Colusa County to the credit of any particular fund for which there shall be no immediate demand, the Board of Supervisors of said county shall have the power to transfer said moneys to any other fund and make such provisions as they may deem expedient for the return of the same.

Authorized.

CHAPTER CCCCVIII.

An Act empowering the City Council of the City of Oakland to remove obstructions at the mouth of the San Antonio Creek, and to keep the channel of said creek open for navigation.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the bonds authorized to be issued under an Act to authorize the City of Oakland to purchase land and erect a City Hall, and to issue bonds of said city and provide for the payment of the same, passed March nineteenth, eighteen hundred and sixty-eight, the City Council of said city may issue bonds of said city to an amount not exceeding fifteen thousand dollars, for the purpose of removing obstructions at the mouth of the San Antonio Creek, so as to render the same navigable for vessels and steamboats of ordinary draft fre-

Bonds may be issued.

quencing said creek or navigating the same; said bonds to be similar in all respects to those authorized to be issued under the said Act, except that they may be for a lesser rate of annual interest, at the discretion of the said Council, and to be disposed of in the manner prescribed in the said Act; and all the provisions and guarantees of the said Act, so far as the same may be applicable, shall also apply to the said additional bonds hereby authorized to be issued.

Proceeds.

SEC. 2. The moneys arising from the sale of said bonds shall be paid into a special fund, to be called the San Antonio Creek Fund, which shall be wholly devoted to the purposes for which the said bonds are authorized to be issued; and the said Council is also authorized to raise annually by taxation, with its other taxes, a sum not exceeding five thousand dollars, to be paid into said fund and used for the purpose of keeping open the channel, so as to render the same navigable, as hereinbefore provided, and for no other purpose.

SEC. 3. This Act shall take effect immediately from and after its passage.

CHAPTER CCCCIX.

An Act authorizing and empowering the Supervisors of the County of Inyo to sell certain real estate belonging to said county.

[Approved March 28, 1868.]

PREAMBLE.

Preamble.

WHEREAS, One Thomas Edwards did, on the twenty-third day of March, in the year of our Lord one thousand eight hundred and sixty-six, deed to Joseph G. Payne, Samuel R. Warfield and L. F. Cooper, acting as Trustees for the County of Inyo, certain property, to wit: Two certain town lots in the Town of Independence, County of Inyo, and State of California, as is shown on the map of said town in the Recorder's office of the County of Inyo, being bounded and described as follows, to wit: Lots Numbers (5) Five and (7) Seven, in Block Number (26) Twenty-six, having a frontage of (100) one hundred feet on the eastern side of Jackson street, and extending easterly (130) one hundred and thirty feet to Dale street, and having a frontage on the westerly side of said Dale street of (100) one hundred feet—which said property, by the terms of said deed, was to be deeded to the Board of Supervisors of the County of Inyo by the Trustees aforesaid, and to be held by the said Supervisors as the property of said county for the purpose of thereon erecting the county buildings; and whereas, the said Trustees did, by a good and sufficient deed dated the fifth day of June, A. D. eighteen hundred and sixty-six, complete said trust by deeding the property hereinbefore described to the Supervisors of the County of Inyo; and whereas, certain other property has been deeded to said county, in the Town of Independence, by Thomas Edwards aforesaid, and the buildings

of the county are about to be erected thereon; and the Board of Supervisors of the County of Inyo, being desirous to convey to the said Thomas Edwards the said property by him conveyed to the said Trustees and hereinbefore described; now, therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Inyo are hereby authorized, directed and empowered, immediately after the passage of this Act, to make, execute, acknowledge and deliver, for the consideration of the sum of five (5) dollars, to be paid to them by Thomas Edwards, a good and sufficient quit-claim deed of all of their right, title and interest in and to the following described property, to wit: Lots Numbers (5) Five and (7) Seven, in Block Number (26) Twenty-six, in the Town of Independence, County of Inyo, and State of California, having a frontage of one hundred (100) feet on the eastern side of Jackson street, and extending easterly one hundred and thirty (130) feet to Dale street, and having a frontage on the westerly side of said Dale street of one hundred (100) feet, as the same is shown on the map of said town on file in the office of the County Recorder of the County of Inyo. Empowered to deliver deed.

SEC. 2. This Act shall take effect and be in force immediately.

CHAPTER CCCCX.

An Act to authorize the Board of Supervisors of Placer County to pay the claim of W. W. Price.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Placer County are hereby authorized and directed to appropriate, out of the Road Fund of Township Number Two of said County, the sum of three hundred dollars, to W. W. Price, for services heretofore rendered by said Price in building roads in said township. Said appropriation shall have the preference over all other claims on said fund. Claim to be paid.

SEC. 2. This Act shall take effect on its passage.

CHAPTER CCCCXI.

An Act to amend an Act entitled an Act for opening and repairing roads in the Counties of Sutter and Santa Cruz, passed April sixth, eighteen hundred and sixty, and the amendment thereto, passed May ninth, eighteen hundred and sixty-one.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five of said Act is amended so as to read as follows:

Tax to be levied.

Section 5. The Board of Supervisors shall have power, and it is hereby made their duty, to levy a poll tax on all able-bodied men between the ages of twenty-one and fifty years, of three dollars per annum, in gold or silver coin, which shall be collected by the District Assessor in the same manner that State poll taxes now are or may hereafter be required to be collected, and paid into the County Treasury to the credit of the respective Assessor Districts in which they were collected. The Assessor shall be allowed to retain ten per cent. on all amounts so collected. Also, to levy a property tax of not more than twenty-five cents on each one hundred dollars of taxable property in the county, as assessed by the County Assessors, which shall constitute a County Road Fund.

SEC. 2. Section six of said Act is hereby amended so as to read as follows :

Opening roads.

Section 6. The Board of Supervisors of the county may, on presentation of a petition to said Board praying for a county road to be laid out in the county and designating the points therein, appoint two proper persons of the county, together with the County Surveyor, to view out the road as petitioned for ; and it shall be the duty of these so appointed to proceed as soon as practicable to the place designated in the petition and lay out said road on the nearest and best route between the points designated in the petition or order of the Board, and report on its utility ; and said report shall be recorded by the Clerk in the record of said Board ; and if said Board shall be of the opinion that said road is necessary, they shall make an order to that effect and declare the same to be a public highway ; *provided* no objections be made. And it shall further be the duty of the Viewers so appointed to put up notice along said line or road that they have laid the same out, and that they will report the same to the Board at its next regular meeting. They shall also give either verbal or written notice to all parties residing on any of the land the said road may cross.

Sections of Act inapplicable.

SEC. 3. Sections nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen of said Act are hereby declared inapplicable to said County of Sutter.

SEC. 4. This Act shall take effect immediately.

CHAPTER CCCCXII.

An Act to amend an Act entitled an Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved the fifteenth day of April, A. D. eighteen hundred and fifty-eight, approved March twentieth, eighteen hundred and sixty-six.

[Approved March 23, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. Section nine of said Act is hereby amended so as to read as follows:

Section 9. For the care and maintenance of the children and the salaries of the Superintendent, teachers and other officers of said school, and for other purposes connected with said school, the Auditor of said city and county is hereby authorized and required to audit the demands of the Board of Managers, for an amount not exceeding three thousand dollars per month; and the Treasurer of said city and county is hereby authorized and required to pay the sums so allowed and audited, out of the General Fund of the City and County of San Francisco, not exceeding in all the said sum of three thousand dollars per month.

Expenses to be paid.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCXIII.

An Act to provide for the collection of a road tax and its application on the public roads in the County of El Dorado.

[Approved March 23, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the County Auditor to prepare, prior to the first Monday of March in each year, as many road tax receipts as may be necessary for the use of the county, which receipts shall be for the sum of two dollars; and he shall number and sign each receipt, commencing at number one, the first of March in each year; and shall issue to the revenue officers authorized by law to collect poll tax within the county, on demand, such receipts, taking his receipt therefor. It shall be the duty of the officer empowered to collect such tax to demand and receive during the year such road tax from each

Road tax receipts.

person within his district liable to pay a road tax, and he shall keep an accurate account of the collections made in each township, and shall at each monthly settlement pay to the County Treasurer, to the credit of such Township Road Fund, the amount actually collected therein, less ten per cent., which is hereby allowed for the collection of such tax. The County Treasurer shall open an account with each township, crediting the collections in favor of, and charging all warrants drawn against such funds.

Supervisors
to have
charge.

SEC. 2. The Supervisors shall have the general charge and control of the roads within the county, and it shall be their duty to appoint some suitable person within each township, a resident thereof, to expend upon the roads of such township the money collected and paid to the credit of such fund, and who shall be allowed a compensation to be fixed by the Board of Supervisors, not to exceed two dollars and a half for each day necessarily employed in the discharge of such duty; *provided*, the Supervisors may limit the number of days that any Road Overseer may charge against his Township Road Fund in any one year; and *provided* further, that all claims, before payment, shall be presented to and approved by the Board of Supervisors; but no allowance shall be made or warrant be drawn upon any Township Road Fund in excess of the money to the credit of such fund.

When prop-
erty tax may
be levied.

SEC. 3. If at any time a number of citizens, residents and taxpayers of any township within the county, not less than thirty in number, shall petition to the Board of Supervisors, asking to have a property tax levied in addition to the capitation tax, for the purpose of working the roads, the Board of Supervisors may, by an order entered on their minutes, order a tax levied against the real and personal property of each resident of the township so petitioning for such levy, not to exceed one day's labor, against the property of each person within the township who shall be seized of property to the assessed value of two hundred dollars; and *provided*, such tax shall not exceed one day's labor for each one thousand dollars assessed to each person and each fraction of one thousand dollars equalling two hundred dollars; *provided*, that no road tax shall be levied against the capital stock of any ditch or railroad company. The tax levied under this section may, at the option of the person assessed, be paid in labor under the direction of the Road Overseer, or may be paid in money at the rate of two dollars for each day assessed. The Road Overseer shall give to each person paying a property tax, whether paid in money or labor, a receipt therefor, to be furnished by the Auditor. It is hereby made the duty of the Road Overseers to furnish in detail to the Supervisors, at least as often as every three months, a statement of the amount of property tax collected, stating the amount collected in labor or money, and, generally, to make a detailed statement of all the transactions within his township, setting forth all collections and expenditures on account of the roads of his township, which statement he shall verify by oath or affirmation. The Supervisors may, in their discretion, demand a bond of each Road Overseer for the faithful discharge of his duties, not to exceed the sum of five hundred dollars.

Rate.

Proviso.

Duty of
Overseers.

SEC. 4. It shall be the duty of each Supervisor to visit and examine the condition of the roads within his district as often as once every two months during the year, and shall advise and direct the Road Overseer in relation to the application of labor on the roads, and shall hear and determine all complaints made in relation thereto. Each Supervisor shall be entitled to receive for his services, for such care and supervisions of the roads within their districts, a compensation not to exceed four dollars per day for the time actually employed in such duty, provided they shall present to the County Clerk such account in detail, who shall certify the same to the Auditor, who shall apportion to the different townships within his district such claim in proportion to the number of road tax receipts sold in each township for the preceding year; *provided*, that the compensation to each Supervisor shall not exceed fifty dollars in any one year for such service.

Duty of Supervisors.

SEC. 5. This Act shall take effect and be in force on and after the first Monday of March, A. D. eighteen hundred and seventy; and all laws in conflict with this Act shall be repealed from that date.

When Act to take effect.

CHAPTER CCCCXIV.

An Act to repeal an Act entitled an Act granting the right of way and to encourage the construction of a line of telegraph from San Francisco to Unionville, in Nevada Territory, passed April twenty-seventh, eighteen hundred and sixty-three.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The said entitled Act of April twenty-seventh, eighteen hundred and sixty-three, is hereby repealed.

Repealed.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCXV.

An Act to provide for the management and sale of the lands belonging to the State.

[Approved March 28, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

PART I.—GENERAL POWERS AND DUTIES OF OFFICERS.

SECTION 1. For the purpose of managing and selling any lands, the title of which is now or may hereafter be vested in

the State by reason of any grant from the United States, or to which the State is or may be entitled by virtue of her sovereignty, an office shall be established at the seat of Government, to be designated and known as the State Land Office of the State of California, the chief officer of which shall be known and designated by the title of Register of the State Land Office, and his duties shall be such as may be prescribed by law.

Deputies. SEC. 2. The Surveyor-General of the State shall be ex officio Register until otherwise provided by law; and the said Surveyor-General and Register shall have the power to appoint a deputy, who may, when necessary, perform all the duties pertaining to the two offices; but said deputy shall receive no compensation as such; *provided*, that the Surveyor-General shall have power to appoint any number of deputies necessary to perform all the field work required by law, and shall have the right to exact bonds of such deputies.

Duties of Register. SEC. 3. It shall be the duty of the said Register to keep separate, distinct and complete accounts and records in relation to each class of lands to which the State is or may be entitled; which accounts and records shall show the number of the survey or location, the date of the approval, the name of the locator, the description of the lands, by township, range, section and subdivision of section; the price per acre at which the same are sold, the amount paid, the date of said payment, the number and date of the certificate of purchase, and the date of the patent when the same shall have been issued. He shall also keep the proper plats of the above named lands, upon which all approved locations and surveys shall be designated by their numbers; and when certificates of purchase or patents shall have been issued, the same shall also be noted on the plats. But so long as the Surveyor-General performs the duties of Register, but one set of maps shall be required.

Issue certificates. SEC. 4. Whenever the Register shall receive from the County Treasurer of the proper county a statement showing that any applicant for any State lands has made the first payment of principal and interest, as hereinafter provided, he shall issue to the person or persons entitled thereto a certificate of purchase, which shall show the class of land purchased, the number of acres, the price per acre, the date of payment, the date from which interest shall be computed, the amount paid and the amount remaining unpaid; which certificate shall be received in any Court of justice in this State as prima facie evidence of title.

Prepare patents. SEC. 5. Whenever final payment shall have been made for any tract of land sold by authority of the State, the selection of which shall have been duly accepted and approved by the proper United States authorities, or when the tract so finally paid for (or reclaimed as hereinafter provided) shall be swamp and overflowed, salt marsh or tide lands, it shall be the duty of the Register of the State Land Office, upon the surrender of the certificate of purchase by the person or persons entitled to the same, to prepare a patent for said land and send the same to the Governor, together with a certificate, under his official seal, certifying that the laws in relation thereto have been fully complied with, that payment in full has been made to the State,

and that the party named in the said prepared patent is entitled to the same. The patent shall then be signed by the Governor, attested by the Secretary of State, sealed with the great seal of the State, and countersigned by the Register of the State Land Office; *provided*, that before any patent shall be issued, the Register of the State Land Office shall publish a notice, in some newspaper of general circulation, for four consecutive weeks, at the expense of the applicant, which shall not exceed four dollars for each notice of application, setting forth the name of the applicant, and describing the land for which a patent is applied; designating the county, township, range and section in which the same is situate, and the date upon which the patent will be issued, unless a protest in due form shall be previously filed; *provided*, the date of issuance of any patent shall not be less than thirty nor more than fifty days from the date of the first publication of this notice; and *provided* further, that no patent for lands taken in lieu of sixteenth and thirty-sixth sections shall issue until the land [shall] first have been relinquished to the State by authority of the General Land Office of the United States. The Register of the State Land Office shall record all patents in books to be kept in his office for that purpose, and shall then forward or deliver the same to the owners of the land or their agents.

Advertise
before issue.

Lands in lieu
of 16th and
36th sections

Record.

SEC. 6. The Register of the State Land Office shall, on or before the first day of May of each year, prepare and forward to the District Attorney of each county a statement embracing all the lands in the county upon which payments have not been made according to law. Said statement shall show the name of the purchaser, the number and date of the survey or location and of the certificate of purchase, the amount paid, the amount unpaid and the amount then due; *provided*, that no lands within any reclamation district shall be embraced in said statement after the receipt by the Register of the certificate of the Board of Supervisors, as provided in section forty of this Act, that works of reclamation have been commenced.

Furnish
statements
to District
Attorneys.

SEC. 7. The Register of the State Land Office shall have a seal of office, which he shall affix to all certificates issued by him; and any copy or extract of any document, paper or record belonging to his office, duly authenticated by him under his hand and seal, shall be received in evidence in all the Courts of justice in this State, in place of, and have the same force and effect, as the originals, if produced.

Seal of office.

SEC. 8. The Register of the State Land Office shall receive a salary of two thousand dollars per annum, payable the same as other State officers are paid; and he shall be entitled to demand and receive the following fees: For each certificate of purchase, duplicate or patent, three dollars; for certifying a contested case to District Court, ten dollars; for copies of papers in his office, fifteen cents per folio and fifty cents for the certificate with the seal attached; and such other fees as may be allowed by law. All fees received by the Register shall be paid into the State Treasury.

Salary and
fees.

SEC. 9. The said Register shall have the right to employ two clerks at an aggregate salary of three hundred dollars per

Clerks.

month, to be paid in like manner as other clerks in State departments.

Surveyor-General to examine surveys.

SEC. 10. It shall be the duty of the Surveyor-General to examine all surveys made under the provisions of this Act, and, if found correct, approve and return the same without delay to the County Surveyor making the same.

Locate grants.

SEC. 11. The said Surveyor-General shall be and is hereby constituted the agent of the State for the location in the several United States Land Offices of the unsold portion of the five hundred thousand acres of land granted to the State for school purposes, the unsold portion of the seventy-two sections granted to the State for a seminary of learning, the unsold portion of the ten sections granted to the State for the erection of public buildings, the sixteenth and thirty-sixth sections granted for the use of public schools, and lands in lieu thereof, together with the grant of one hundred and fifty thousand acres for the benefit of an agricultural college, in such manner as shall be hereinafter provided.

In conjunction with U. S. Land Officers.

SEC. 12. It shall be the duty of the Surveyor-General, whenever application shall be made to him, as hereinafter provided, for any portion of the lands described in the preceding section, to communicate immediately with the proper United States Land Office, and ask that the lands described in the application shall be accepted in part satisfaction of the grant under which it is sought to be located; and when the acceptance of the Register of the United States Land Office shall have been obtained, he shall give to the party applying a certificate, which shall authorize the County Treasurer of the county in which the lands are situated to receive payment thereon.

SEC. 13. The Surveyor-General shall, as soon as practicable after the survey of any township by the United States Surveyor-General, procure of the proper United States Land Office a statement of the condition of the sixteenth and thirty-sixth sections—whether the same or any portion thereof is covered by pre-emption, private grant or other incumbrance, so that it cannot be located by the State, or whether they are free from any claim other than that of the State.

Fees of U. S. officers.

SEC. 14. The several Registers and Receivers of the United States Land Offices shall present their accounts for services rendered the State in the matter of locations to the Surveyor-General, who, if he shall find the same correct according to fees allowed Registers by Act of Congress or by the Department of the Interior, shall certify the same to the State Board of Examiners, who shall audit and allow said accounts the same as other State indebtedness.

Conflict of title.

SEC. 15. It shall be the duty of the State Surveyor-General to represent the State in all cases of conflict of title between the State and the United States; and when he shall desire to take testimony under the provisions of the Act of Congress to quiet titles in California, passed July, eighteen hundred and sixty-six, he shall request the said United States Surveyor-General to set a time and place for hearing the same, and shall request that he shall name a place for said hearing, convenient of access to the witnesses in the case. If the United States Surveyor-General shall name any place other than his office, it

shall be lawful for him to charge the State with all his necessary travelling expenses in going from his office to the place [where] said testimony shall be taken and back to his office; and all accounts for such expenses shall be approved by the State Surveyor-General and paid like other State indebtedness; *provided*, that no more than one thousand dollars shall be allowed for any one year. In any case of conflict between the United States and the State or any purchaser under the State, when the Surveyor-General of the State shall deem it necessary, he shall request the Attorney-General to attend the trial on the part of the State; and it shall be the duty of the Attorney-General to so attend if not prevented by other official duties; and the actual travelling expenses of the said State Surveyor-General and the Attorney-General shall be audited by the Board of Examiners, and paid out of the General Fund; *provided*, the whole amount so paid shall not exceed five hundred dollars during any one year.

Attorney-General to attend trial.

SEC. 16. The Surveyor-General and the Register are each hereby authorized and required to issue all necessary instructions and to prepare and order printed all the blank forms necessary for the proper and complete operation of this Act.

Instructions and blanks.

SEC. 17. In all cases where a contest shall arise concerning the approval of a survey or location before the Surveyor-General, or concerning a certificate of purchase or other evidence of title before the Register, the officer before whom the contest is made may, when the question involved shall be as to the survey, or one purely of fact, or whether the land applied for is a part of the swamp or on overflowed lands of the State, or whether the same is included in any established and confirmed grant, the lines of which have been run by due authority of law, proceed to hear and determine the same; but when, in the judgment of the officer before whom the contest shall arise, a question of law is involved, or when either party shall demand a trial in the Courts of the State, he shall make an order referring said contest to the District Court of the county in which the land involved in the contest is situated, and shall enter said order in the proper record book of his office; *provided*, that the party protesting against the approval of a survey or location, or the issuance of a certificate of purchase or other evidence of title, shall in all cases make a sufficient *ex parte* showing to warrant, in the judgment of the Surveyor-General or Register, further proceedings in the matter, and shall prosecute his contest to judgment within six months from the date of the protest, unless for cause satisfactory to the Surveyor-General, the Register or the Court. Either party may bring an action in the District Court of the county in which the land in question is situated, to determine such conflict, and the proffer of a certified copy of the entry, made by either the Surveyor-General or the Register, shall give said District Court full and complete jurisdiction to hear and determine said conflict; and upon the filing with the Surveyor-General or Register, as the case may be, of a copy of the final judgment of said Court, that officer shall give his approval of the survey or location, or issue the certificate of purchase or other evidence of title, in accordance with said final judgment.

When approval of survey or location is contested.

District Court to have jurisdiction.

Duties of
County Sur-
veyor.

SEC. 18. It shall be the duty of the County Surveyor, immediately upon receiving an application for any survey required by this Act, to indorse the date of the receipt thereon, and note the same in a book to be furnished by the Surveyor-General and kept in his office for that purpose, in the regular order in which it is received, giving the name and address of the applicant, and the description of the land by township, range, section and subdivision of section, which book shall always be open for public inspection. He shall, within thirty days after receiving such application, if the lands are subject to sale, complete the survey, plat and field notes, which shall be recorded by him in a book kept in his office for that purpose; and duplicate copies thereof, together with a copy of the application, shall be forwarded to the Surveyor-General for approval. The said County Surveyor shall, immediately upon the receipt of an approved survey, record said approval; he shall mark all approved surveys upon the maps of his office, and all his said books and maps shall at all times be open to public inspection.

Surveys to
conform to
U. S. system

SEC. 19. All surveys made under the provisions of this Act shall be according to the instructions of the Surveyor-General, and shall be made according to the rectangular system adopted by the United States in the survey of the public lands, and shall conform, as near as practicable, to the lines of the public surveys; *provided*, that in salt marsh or tide land surveys the Surveyor-General may order a departure from said system.

If County
Surveyor de-
linquent.

SEC. 20. Whenever any County Surveyor shall neglect or refuse to make any survey of State lands as provided in this Act, or in case of a vacancy in the office of County Surveyor, the Surveyor-General may, when requested by an applicant for the purchase of lands, appoint some competent person to make said survey, and when approved, shall be as valid as if made by the County Surveyor.

Clerks.

SEC. 21. The Surveyor-General shall have power to employ two clerks at an aggregate salary not to exceed three hundred dollars per month, to be paid as other clerks in State departments.

Oaths.

SEC. 22. The Surveyor-General, the Register and County Surveyor, shall each have power to administer the oaths or affirmations required in matters pertaining to their respective offices.

Purchasers
to make pay-
ments.

SEC. 23. Whenever any survey or location of any State lands shall have been made or approved by the Surveyor-General, the purchaser shall, within fifty days from the date of said approval or location, present his copy of the same to the County Treasurer, who shall thereupon receive the amount, whether in full or in part, so provided by law, and the fee for the certificate of purchase, indorsing his receipt therefor upon the back of the said certificate of location or survey, which shall then be returned to the purchaser. All subsequent payments, whether of the balance of the principal or of the interest thereon, shall be paid to the County Treasurer in like manner, who shall indorse the same upon the back of the certificate of purchase. The Treasurer shall also direct the purchaser to take said certificate of location, or purchase, or survey, so indorsed, to the Auditor, who shall charge the amount named therein to the account of

the Treasurer, and make his check upon the indorsed receipt so charged.

SEC. 24. Upon the first day of every month (except the same shall fall on Sunday or other holiday, then on the day following) the County Treasurer shall make a report to the Register of the State Land Office of all moneys received for land during the preceding month, which shall show the number of the location or survey, the name of the purchaser and the amount paid since the date of his last report, whether as principal or interest, which amounts shall be entered in the columns belonging to the particular class of land upon which each payment has been made. The payment of the fee for the certificate of purchase shall also be entered in the proper column, and the Treasurer shall then send the report to the Auditor, who shall compare the items with the account of the Treasurer; and if the same shall be found to agree with his entries he shall countersign the report as correct and return it to the Treasurer. These reports shall be forwarded to the Register on or before the fifth day after they have been made up, and upon receipt thereof the Register shall enter the payment so reported to the credit of the purchasers by whom they have been made, in the books of his office. He shall further, as soon as possible thereafter, notify the County Treasurer of the receipt of his report, and of any error that may have been found therein—in that case returning the report for correction.

Reports of
County
Treasurers.

SEC. 25. At the end of the quarter it shall be the duty of the County Treasurer to make a report to the Controller of State, showing the amount which has been received during the quarter, either as principal or interest, upon each class of land; which report shall be referred to the Register of the State Land Office for examination and comparison with the books of his office. When the Register shall have certified to the correctness of the report it shall be returned to the Controller, who shall thereupon make his settlement with the County Treasurer; and the said County Treasurer shall then pay over to the Treasurer of State all moneys, Controller's warrants or other indebtedness of the State that he may have received in payment for said lands; *provided*, that the County Treasurer shall retain in his own hands all moneys arising from the sale of swamp and overflowed lands, and shall place the same to the credit of a fund to be known as the "Swamp Land Fund" of the county; and the same shall be subject to the order of the Board of Supervisors, except as may be hereinafter provided.

Swamp
Land Fund

SEC. 26. The Treasurer shall compute interest on all lands from the date of the approval of the survey, or the date of the certificate of location, to the first of January following such date; or if for lands already purchased, then up to the first of January following the day upon which the interest falls due; after which time all payments of principal or interest shall fall due on the first day of January.

Interest.

SEC. 27. The County Treasurer shall be entitled to receive and retain one per centum of all moneys paid in to him for lands, or for taxes on land under the provisions of this Act; and

Fees of Au-
ditor and
Treasurer.

the Auditor shall be entitled to one per cent. of all amounts certified to by him as provided in section twenty-four of this Act, which he shall receive from the Treasurer, and his receipt therefor shall be a sufficient voucher for the Controller of State in his settlement with said Treasurer; *provided*, that when the Auditor or Treasurer shall receive a salary as Auditor or Treasurer, the said percentage shall be paid into the County Treasury the same as other revenue for county general purposes.

PART II.—SWAMP AND OVERFLOWED, SALT MARSH AND TIDE LANDS.

Price per
acre.

SEC. 28. The swamp and overflowed, salt marsh and tide lands belonging to the State shall be sold at the rate of one dollar per acre in gold coin, payable, twenty per cent. of the principal within fifty days from the date of the approval of the survey by the Surveyor-General; the remainder of the principal shall be due and payable one year after the passage of any Act of the Legislature requiring such payment, or before, if desired by the purchasers; *provided*, that legal interest thereon be paid annually, in advance, from the date of such approval; *provided*, the bonds or warrants of districts having an outstanding indebtedness shall be received in payment for lands in such district at par.

Application
to purchase.

SEC. 29. Whenever any resident of this State desires to purchase any portion of the swamp and overflowed lands granted to the State by Act of Congress of September twenty-eighth, eighteen hundred and fifty, or any portion of the tide lands belonging to the State above low tide, he shall make affidavit, before any person competent to administer oaths, that he is a citizen of the United States, or has filed his intention of becoming a citizen; is a resident of the State, and of lawful age; that he desires to purchase said lands (describing them) under the laws of the State providing for the sale of the swamp and overflowed and tide lands of the State, and that he does not know of any legal or equitable claim to said land other than his own; and also, if the applicant be a female, that she is entitled to purchase and hold real estate in her own name under the laws of this State, which application and affidavit shall be filed in the office of the Surveyor of the county in which such lands, or the greater portion thereof, are situate. The County Surveyor shall, except when surveys have already been made, then make a survey of said lands, as provided in section eighteen of this Act; *provided*, that applicants for salt marsh or tide lands which shall be less than twenty chains in width, applying within ninety days after this Act goes into effect, shall, in addition to the above, set forth in said affidavit that he or she is the owner or occupant of the uplands lying immediately back of and adjoining said lands sought to be purchased; *provided*, that the owner or occupant of any such upland shall not be a preferred purchaser for more than one-fourth of a mile front on any bay or navigable stream; and any such application by such owner or occupant made within said ninety days shall be only for one-fourth of a mile frontage as aforesaid.

Survey.

Preferred
purchasers.

SEC. 30. Whenever the holders of certificates of purchase,

patents or other evidence of title representing one half or more of any body of swamp and overflowed, salt marsh or tide lands, susceptible of one mode of reclamation, desire to reclaim the same, they shall present to the Board of Supervisors of the county in which the said lands or the greater portion thereof are situated, at a regular meeting of said Board, a petition setting forth that they desire to adopt measures to reclaim the same, the description of the lands they propose to reclaim, by township, range, section and subdivision of section; the quantity sold and the quantity remaining unsold, the number of acres in the whole district and the number of acres in each tract sold, with the name (if known) of the owner thereof. The petition shall be sworn to by at least one of said petitioners, and shall be published for four weeks next preceding the hearing thereof, in some newspaper published in the county in which the lands, or the greater portion thereof, are situated; or, if there be no newspaper published in the county, then it shall be published in some newspaper having a general circulation in said county, and the usual affidavit of publication shall be filed with said petition; *provided* that, where a district shall be in more than one county, the Trustees shall, after the petition shall have been granted, forward a copy thereof to the Clerk of the Board of Supervisors of each of the counties in which any portion of said lands may lie, and the said Board of Supervisors to which the same shall be forwarded shall allow no other district to be formed within said first district, unless by consent of the Trustees thereof.

Reclamation

District formed.

Sec. 31. If the Board of Supervisors shall find, upon the hearing of said petition, that the statements therein set forth are correct, and that no land is improperly included or excepted from said district, they shall note their approval on the petition, which approval shall be signed by the President of the Board and attested by the Clerk. The petition shall then be recorded by the County Recorder in a book to be kept for the purpose of recording papers relating to the reclamations, and a certified copy thereof forwarded to the Register of the State Land Office. The Register shall thereupon forward to the County Treasurer a statement showing the names of all owners of land in the district who have paid in full for their lands, and the amount deducted therefrom on account of moneys drawn from the State or County general Swamp Land Fund.

Petition approved.

Sec. 32. After the hearing and approval of the said petition by the Board of Supervisors, or previously, if they shall so elect, the said petitioners shall ordain and establish such by-laws as they shall deem necessary to effect the work of reclamation and keep the same in repair, and shall elect or appoint three of their number, by the votes or signatures of the holders of certificates of purchase or patents representing at least one half the land sought to be reclaimed, to act as a Board of Trustees to manage the same. The by-laws thus adopted shall be signed by the holders of certificates of purchase or patents representing at least one half of the land so to be reclaimed or benefited, and shall be recorded by the County Recorder in the same book and immediately following the petition. The Board of Trustees thus formed shall have power to elect one of their number to

District by-laws.

Trustees.

To have full powers. act as President thereof, and to employ engineers and others to survey, plan, locate and estimate the cost of the work necessary for reclamation, and the land needed for right of way, including drains, canals, sluices, water gates, embankments and material for construction; and to construct, maintain and keep in repair all works necessary for the object in view. After any district now formed shall organize under the provisions of this Act, the Supervisors of the county shall turn over to the Trustees all the books and papers in their possession relating solely to that district; *provided*, that until such organization, said districts now formed shall proceed under the laws now in force.

Report to Supervisors. SEC. 33. The Board of Trustees shall report to the Board of Supervisors of the county, or, if the district shall be in more than one county, then to the Board of Supervisors in each county in which the district may be situated, the plans of the work and estimates of the cost, together with estimates of the incidental expenses of superintendence, repairs, etc.; and said Board of Supervisors to whom the report shall be made shall appoint three Commissioners, who shall jointly view and assess upon each and every acre to be reclaimed or benefited thereby a tax proportionate to the whole expense and to the benefits which will result from such works, which said tax shall be collected and paid into the County Treasury or Treasuries (as the case may be) in the manner hereinafter provided, and shall be placed by the Treasurer to the credit of the district, and shall be paid out for the work of reclamation upon the order of the Trustees when approved by the Board of Supervisors of the county; *provided*, that if a district shall be in more than one county the tax upon all lands shall be paid into the Treasury of the county in which the particular tract may be situated.

Assessments
Deficiency. SEC. 34. In case the tax levied shall be insufficient to pay for the reclamation or for the necessary repairs, the said Supervisors shall, upon revised estimates furnished by said Trustees, make additional levies sufficient for the purpose.

Assessment lists. SEC. 35. The Commissioners appointed by the Board of Supervisors, as hereinbefore provided, shall make a list of the amount due from each owner of land in the district and of the amount assessed against the unsold land, and shall file the same with the County Treasurer; or, if the district shall be in more than one county, then lists shall be filed with the Treasurer of each county for the lands in that county. The Treasurer shall thereupon credit each purchaser who has paid in full for his land with eighty cents per acre, less the amount deducted by the Register of the State Land Office, as provided in section thirty-one of this Act. The lists thus prepared shall remain in the office of the Treasurer for thirty days, or longer if ordered by the Board of Trustees, and during the time it shall so remain in the office of the Treasurer any person assessed can pay the amount so assessed against him to said Treasurer without cost; but if at the end of said thirty days, or of said longer time fixed by the Trustees, if all of said tax has not been paid, the Treasurer shall return said list to the District Attorney, who shall proceed at once against all delinquents in the same manner as is provided by law for the collection of State and county taxes, and all costs shall be collected of said delinquents.

SEVENTEENTH SESSION.

Sec. 36. The work necessary for reclamation may be executed by contract or by days work, or by both modes, as may be adjudged by the Board of Trustees most conducive to economy, security and perfection in the work to be done; but the said Board shall keep accurate accounts of all expenditures, which, with any and all contracts that may be made by them, shall be open to the inspection of any person interested in the district, or their agents and attorneys, and to the Board of Supervisors.

Work for reclamation.

Sec. 37. The purchaser of any tract of land which may be unsold in any reclamation district at the date of the recording of the by-laws, as hereinbefore provided, shall take the same, subject to all the provisions of said by-laws, and the assessments levied in pursuance thereof, and shall have all the rights and privileges enjoyed by the original signers of said by-laws; *provided*, that he or she shall pay into the County Treasury twenty per cent. of the principal, one year's interest on the remaining eighty per cent., and any assessment due upon the land so purchased, for the cost and expense of reclamation, with interest thereon until paid, from the date such assessment became due. But if such land shall remain unsold for four years after the filing of said by-laws, it shall be exempt from any assessment levied under the same during that time.

Purchasers governed by by-laws.

Exempt.

Sec. 38. The Trustees of any reclamation district in which the by-laws shall have been recorded, as provided in section thirty-one, shall have power to acquire right of way for canals, drains, embankments and other work necessary to the reclamation, and shall have power to take materials for the construction, maintenance and repair thereof from lands outside of as well as within the limits of the district; and if the said Trustees shall fail to procure the consent of the owner or owners of the lands or material needed, the said Board of Trustees, or the President acting in their behalf, shall file in the office of the Clerk of the County Court of the county in which the lands or material requisite are situated, a petition, in which shall be stated the number of the district to be reclaimed, a description of the land or material required for its reclamation, the names of the owners of the lands or material required, and that the said Trustees have endeavored to obtain the consent of the owners thereof for the use or possession of the same, but have failed to obtain such consent; whereupon the said Court, or the Judge thereof, shall set a time for the hearing of the same. The mode of proceeding shall then be the same as that prescribed in sections twenty-five to thirty-eight, inclusive, of an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, passed May twentieth, eighteen hundred and sixty-one, as amended April twenty-seventh, eighteen hundred and sixty-three, for condemning lands for railroad purposes; and wherever the railroad company is referred to in said sections it shall be construed to refer to the said swamp land district; and upon the filing of said petition the said Trustees may enter upon and take possession of, and make use of the property so applied for; *provided*, they serve upon the owners thereof a copy of said petition; and *provided*

Right of way.

Material.

Railroad law applicable.

further, that they shall be held responsible for all damages that may at any time be awarded for such possession and use.

Owners to
act as
trustees.

SEC. 39. Whenever any district of swamp and overflowed, salt marsh or tide lands, susceptible of one mode of reclamation, shall be entirely owned by parties who desire to reclaim the same, and who desire to manage the reclamation without the intervention of Trustees or the establishment of by-laws, said owner or owners shall file the petition as provided in section thirty of this Act; and in addition thereto shall state that he, she or they intend to undertake the said reclamation on his, or her or their own responsibility. If the said petition shall be granted, the said owner or owners of said lands shall have all the rights, immunities and privileges granted by this Act; and in all proceedings the name or names of the said owner or owners shall be used instead of the names of the Trustees.

Work pro-
gressing.

SEC. 40. Whenever the Supervisors of any county in which any reclamation district shall have been formed or organized under the provisions of this Act shall certify to the Register of the State Land Office that works of reclamation have been commenced and are in progress upon a plan and in conformity with the requirements hereinbefore provided, the payment of interest by purchasers in said districts shall be suspended; but if the said works are not completed and accepted as hereinafter provided, within four years from the date of the filing of said petition required by section thirty, then interest for the whole time shall be charged and collected by the said Register, the same as if there had been no such suspension.

Work com-
pleted.

SEC. 41. After the work of reclamation, as contemplated in this Act, shall have been completed, the Trustees, or the owners of the land, if there have been no Trustees for the district, shall file in the office of the County Recorder of the county in which the original petition was filed, a sworn statement that said work has been completed; and the Recorder shall forward a certified copy thereof to the Register of the State Land Office. When said statements shall have been filed, the Supervisors shall order the Treasurer to pay over to the Trustees any moneys he may have credited to purchasers on full payments, as provided in section thirty-five of this Act.

Three years
after com-
pletion.

SEC. 42. Three years after the filing of the statement that the lands embraced in any district have been reclaimed, the Board of Supervisors of the county in which the district or the larger portion thereof is situated shall, upon the application of the Trustees, or the owners of the land, if there be no Trustees, appoint three Commissioners, who shall proceed to examine the work done, and the lands embraced in the district; and if they shall find that the lands have been successfully reclaimed they shall return and file with the County Recorder a sworn statement to that effect, which statement shall be by him recorded, and a certified copy thereof forwarded to the Register of the State Land Office; *provided*, that any land shall be considered as reclaimed which has been successfully cultivated for three years. The Register shall thereupon credit each purchaser in the district so reclaimed with payment in full for said lands, and the said purchasers shall each be entitled to a patent therefor; and the said Register shall forward to the Treasurer of the

Full pay-
ment.

county in which any portion of said district may be situated, a statement showing the amount of money paid into the Treasury by each purchaser of land in said district prior to the formation of the district, or by the parties purchasing after the formation of the district; and the said Register shall deduct therefrom the proper proportion of the amount drawn from the Swamp Land (State or County) General Fund, and the amount to be credited to the purchasers and paid over to the Trustees, as hereinbefore provided, and shall order the balance paid over to said purchasers; and the said statement of the Register, signed by each purchaser, shall be the voucher for the County Treasurer.

SEC. 43. Swamp and overflowed, salt marsh or tide land districts now formed may proceed at once to organize under the provisions of this Act, and it shall be the duty of the Clerk of the Board of Supervisors of any county in which the greater portion of any swamp land district shall be, immediately after this Act goes into operation, to call a meeting of the land-owners of such district by publishing a notice for four weeks in some newspaper published in the county, or if there shall be no paper published in the county, then by posting at least three notices in the district, for the election of Trustees and the establishment of by-laws; and the holders of certificates of purchase or patents, or their agents, representing one-half the land sold, shall form a quorum for the transaction of business at such meeting; and the Trustees elected at said meeting shall have power, and it shall be their duty, to carry out and complete all unfinished business commenced by the Board of Supervisors, and do all other things authorized by the by-laws of the district or by this Act; *provided*, that in any district now in debt the Trustees shall have power to do nothing to impair or destroy any debt or obligation of the district without the consent of creditors. The Trustees of any such district, however, shall have the power to make any arrangement with the said creditors for the surrender of any indebtedness at less than par, and to levy any tax on the district for that purpose, provided the same shall be authorized by the by-laws of the district.

Districts may organize at once.

Districts in debt.

SEC. 44. If any district now in debt shall levy a tax upon the lands of the district, as provided in the preceding section, and shall redeem bonds or warrants of the district with the proceeds thereof, the Trustees of said district shall have power to select any unsold lands in the district and pay for the same with said bonds or warrants at par, and the Register of the State Land Office shall issue to the said Trustees a certificate of purchase (and when all the conditions of this Act shall have been complied with, a patent) for the same; and the said Trustees shall have power to deed the said lands in fee to any person upon the payment by the said person, into the fund of the district, of the price agreed upon.

Levy tax.

SEC. 45. If the holders of certificates of purchase or patents for lands within any district formed under previous laws, and in which the lands have not been thoroughly reclaimed, desire to have their lands set off from said district, they shall, in addition to the petition required in section thirty of this Act, show to the Board of Supervisors that their lands are capable of an independent reclamation. If the district from which they seek

Lands partially reclaimed.

to be set off shall not be in debt, then said lands may at once be set off; but if the district shall have an outstanding indebtedness, then the Board shall, either in their own proper persons or by Commissioners appointed for that purpose, determine what proportion of the debt the tract so sought to be set off shall be entitled to pay; and upon the payment by the said petitioners of the amount so awarded, the said lands described in said petition shall be constituted a district, and shall be subject to all the conditions and restrictions of this Act; and the amount so paid by the petitions shall be a charge against the district so formed, and shall be collected and paid the same as funds for reclamation.

District, how designated.

SEC. 46. All districts organized under the provisions of this Act shall have a State number, and the Register of the State Land Office, upon the receipt of a copy of a petition, as hereinbefore provided, shall number the same, and shall send their number to the County Recorder of the county from which the copy came; and the said Recorder shall immediately number the petition upon record in like manner, and the said district shall thereafter be known and designated by said number; *provided*, that districts now organized shall be known by the number they now have. No member of any Board of Supervisors, or any Clerk of said Board, shall receive any compensation other than their regular salary for services performed under this Act; *provided*, that the Board of Supervisors of Sacramento County may, if they shall deem the same advisable, employ a Clerk to attend to matters pertaining to swamp lands, and shall pay such Clerk by orders on the Swamp Land Fund of the district for which work is performed not to exceed five dollars for each day actually engaged.

Swamp Land Clerk in Sacramento county.

Statement by Register.

SEC. 47. On or before the first day of June, of the present year, the Register of the State Land Office shall prepare a statement of the amount of moneys paid into the general Swamp Land Fund of the State by purchasers of swamp and overflowed, salt marsh or tide lands in each county of the State; and after deducting therefrom the amount expended out of the general Swamp Land Fund exclusive of district reclamation, show the amount remaining in the said general fund to the credit of each county, and shall file the same in the office of the Controller of State. The Controller shall thereupon draw his warrant on said general Swamp Land Fund in favor of the County Treasurer of each of said counties for the amount with which his said county may be credited. Any County Treasurer may draw said money from the State Treasury upon said warrant, and transfer it immediately to the County Treasury, or he may use said warrant in his settlement with the State Treasurer. In case any of said warrants shall be used in a settlement by a County Treasurer, the State Treasurer shall transfer the amount of the warrant from the Swamp Land Fund to the General Fund. Immediately after notification by the Board of Supervisors that all contractors are fully paid for work contracted prior to the passage of this Act, the Controller of State shall certify to the Board of Supervisors of each county in which a swamp land district may be situated, the amount of the assets unexpended standing on the books of the Controller, and belonging to such district, specify-

Controller to draw warrants.

Assets unexpended.

ing particularly the nature of such assets, whether of coin or otherwise; and upon receiving said certificate, the Auditor and Treasurer of the county, under the direction of the Board of Supervisors, shall place said assets on their books to the credit of the proper Swamp Land District Fund. The Controller shall also forward to the proper Board of Supervisors all books relating to swamp land districts received by him from the Board of Swamp Land Commissioners.

SEC. 48. The balance of the principal on all lands in districts having an outstanding indebtedness, which have been sold for five years, shall be due and payable one year after this Act goes into effect; and on all lands in such districts which have been sold less than five years, the said balance shall be due and payable on the first of January following the expiration of five years from the date of said sale; *provided* further, that no action of the land holders shall have the effect to stay the payment upon any lands provided for by this section. Payment for lands held five years.

SEC. 49. If any person shall at any time or in any manner lower or alter any levee to facilitate crossing, or shall cut, destroy or in any other manner whatever injure or destroy any levee, or tide-gate, or embankment or other work constructed for the purpose of reclamation, or in any manner whatever diminish the height, width or strength of any levee or embankment of a district, or cross-levee within a district, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than ten days nor more than six months, or by both such fine and imprisonment; and in every case of conviction the sum of fifteen dollars shall be charged as costs, and be paid to the District Attorney for his own use; and all fines collected under this Act shall be paid into the Levee Fund of the district. Penalties for injuring levees.

SEC. 50. Any person owning or occupying lands upon the banks of any river, creek or other stream where the lands lying back of said stream are lower than the bank thereof, shall be held responsible for all damages which may be sustained by the owners or occupants of said lower lands by reason of any cut or embrasure made in the bank of said stream by the said owner or occupant of said bank. Said damages may be proven and recovered in any Court of competent jurisdiction according to the civil practice of said Court; *provided*, that in case said cuts were made for the purpose of irrigation, and head gates and culverts have been made which competent persons have considered sufficient to restrain the water, and where great diligence has been made to prevent damage, the said facts may be plead and proven in mitigation of damages, and shall be taken into consideration by the Court or the jury in determining the same. Occupants of land on banks of streams.

PART III.—SCHOOL LANDS.

SEC. 51. The unsold portion of the five hundred thousand acres granted to the State for school purposes, the unsold portion of the seventy-two sections granted to the State for a seminary Price per acre.

of learning, the unsold portion of the ten sections granted to the State for the erection of public buildings, the sixteenth and thirty-sixth sections granted for school purposes, and lands selected in lieu thereof, shall be sold at the rate of one dollar and twenty-five cents per acre, in gold coin, payable twenty per cent. of the principal within fifty days from the date of the certificate of location issued to the purchaser by the Surveyor-General; the balance, bearing interest at the rate of ten per cent. per annum, in advance, shall be due and payable within one year after the passage of any Act of the Legislature requiring such payment, or before, if desired by the purchaser.

Affidavit of purchasers.

SEC. 52. Whenever any resident of this State desires to purchase any portion, not less than the smallest legal subdivision of a sixteenth or thirty-sixth section of any township in the State, which has been surveyed by authority of the United States, he or she shall make an affidavit, before any officer authorized to administer oaths, that he or she is a citizen of the United States (or, if a foreigner, that he has filed his intention of becoming a citizen), a resident of the State, of lawful age; that he or she desires to purchase said lands (giving a description thereof by legal subdivision) under the provisions of this Act; that he or she has not entered any portion of any sixteenth or thirty-sixth section which, together with that now sought to be purchased, shall exceed three hundred and twenty acres; that there is no occupation of said lands adverse to any that he or she may have; or, if there shall be adverse occupation, then he or she shall state that the township has been sectionized and subject to pre-emption three months or over; and that said adverse occupant (giving his or her name) has been in such occupation for more than sixty days; and if the applicant be a female, she shall state that she is entitled to purchase and hold real estate in her own name under the laws of the State; which application shall be forwarded to the Surveyor-General of the State.

Occupants of 16th and 36th sections to file applications.

SEC. 53. Every occupant of a sixteenth or thirty-sixth section shall be protected in his or her occupancy for six months after the passage of this Act; and after the expiration of that time, any person settling upon a sixteenth or thirty-sixth section shall have sixty days after such settlement in which to file the application required in the preceding section. All applications filed in the Surveyor-General's office prior to the expiration of said six months shall be retained until the end of that time before approval; and after the expiration of said six months all applications shall be retained in said office for sixty days before approval. If two or more shall claim the same land, the contest shall be determined as provided in section seventeen of this Act; but no person shall have a right to purchase by reason of any settlement or improvement, unless application shall have been made within the time above prescribed. Whenever any resident of the State desires to purchase any of the other lands mentioned in section fifty-two of this Act, except the sixteenth and thirty-sixth sections, he or she shall make an affidavit, before any officer authorized to administer oaths, that he or she is a citizen of the United States (or if a foreigner, then that he has filed his intention of becoming a citizen), a resident of the State, of lawful age; that he or she desires to purchase said lands (giving a

Applicants for other lands.

description by legal subdivisions) under the provisions of this Act, and that there is no improvements of any kind on said land other than those of the applicant; and if the applicant be a female, then that she is entitled to purchase and hold real estate in her own name under the laws of the State; which application shall be forwarded to the Surveyor-General.

SEC. 54. Warrants issued in pursuance of an Act to provide for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress, that the people of the State of California may avail themselves of the benefits of the eighth section of the Act of Congress approved April fourth, eighteen hundred and forty-one, chapter sixteen, entitled an Act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights, the following provisions are hereby enacted, approved May third, eighteen hundred and fifty-two, shall be taken in payment of any part of the said grant in the above title described; *provided*, that the said warrants shall be paid directly to the Register of the State Land Office, and shall be by him cancelled, before a certificate of purchase shall issue for the said lands. Land warrants.

SEC. 55. Each application for school lands under the provisions of this Act shall be accompanied by a fee of five dollars. The Surveyor-General, in addition thereto, shall demand and receive the same fees allowed the Register of the State Land Office for like service, and all fees collected by him shall be paid into the State Treasury. Fees.

SEC. 56. It shall be the duty of the Board of Examiners created by an Act approved April twenty-first, eighteen hundred and fifty-eight, entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, whenever it shall appear to said Board that the Treasurer of State has received into the Treasury the sum of ten thousand dollars or upwards, paid in as purchase money for any portion of the five hundred thousand acres granted to the State for school purposes, for the sixteenth and thirty-sixth sections, or lands in lieu thereof, and as often thereafter as the like sum shall have been paid in as aforesaid, to purchase bonds of the civil funded debt of the State issued since the first day of January, A. D. eighteen hundred and fifty-eight, or that may be hereafter issued, to the amount said money paid in as aforesaid will purchase at the lowest price at which they may be purchased, after advertising for two weeks in one daily newspaper published in the City of San Francisco, and one in the City of Sacramento, for sealed proposals for the sale of said bonds. The said Board shall open said proposals at the time and place specified in said publication, in the presence of the Treasurer and Controller of State, and accept only of such proposals as offer bonds at the greatest discount to the amount of funds in the Treasury, paid in as purchase money for school lands, will purchase. Said Board shall audit the amount due said bidder or bidders for his or their bonds, which amount shall be certified to the Controller of State by said Board; the Controller shall then draw his warrant on the Treasurer for the amount audited by said Board, and said Board of Examiners shall deliver said warrants Moneys received for school lands to be invested in State bonds.

State School
Fund.

to the persons in whose favor they are drawn; and the bonds so purchased shall be delivered to the State Treasurer, who shall keep said bonds as a special deposit in his custody, marked "School Fund," to the credit of said School Fund; *provided*, however, that no bonds shall be purchased at more than par value. All interest paid into the Treasury under the provisions of this Act shall be subject to the order of the State Board of Education. It is further *provided*, that if at any time the Board of Examiners shall have at their disposal the sum of ten thousand dollars or upwards, to be invested as contemplated in this Act, for the benefit of the State School Fund, and they shall deem it for the best interests of said fund, the said Board are hereby authorized and empowered to become bidders for the purchase of California State bonds, should the Treasurer of State have advertised at such times for the sale and disposal of bonds under any law already passed or that may hereafter be passed by the Legislature of this State; the bids of the said Board to be made according to law, and to be received by the Treasurer of State in the same manner and under the same restriction as if received from individuals; and if upon the opening of said bids it is found that the Board of Examiners are entitled to receive the amount of their bid, or any portion thereof, the Treasurer of State shall deliver to the said Board the amount of bonds to which they are entitled under the provisions of his advertisement, and the Controller of State shall draw his warrant in favor of the Treasurer for the amount of the bid of said Board accepted by said Treasurer of State, and the bonds so awarded and delivered to the Board of Examiners shall be at once placed to the credit of the State School Fund, to be held by the State Treasurer as a special deposit for said School Fund.

Agricultural, Mining
and Mechanical Arts College.

SEC. 57. All moneys, securities or other property arising from the sale of the seventy-two sections granted to the State for a seminary of learning, and from the sale of the ten sections granted to the State for the erection of public buildings, whether as principal or interest, shall be paid out of the State Treasury or delivered over, on the order of the Board of Directors of the Agricultural, Mining and Mechanical Arts College, or to such other corporation or Board as shall be appointed to succeed or represent them.

Delinquent
purchasers.

SEC. 58. All persons who have purchased any portion of either of the grants mentioned in the preceding section on a credit are hereby required to pay the principal and any interest that may be due within one year after the passage of this Act. All amounts remaining unpaid at the end of that time shall be included in the delinquent list provided in section six of this Act; and the District Attorney shall proceed against such delinquents as provided in sections sixty-five, sixty-six, sixty-seven and sixty-eight of this Act.

Duplicates
for lost war-
rants.

SEC. 59. Any person making application for a duplicate school land warrant, in lieu of one alleged to have been lost or destroyed, shall make satisfactory proof, by affidavit of himself or others, to the Register of the State Land Office, that the party applying therefor is the bona fide owner of such warrant, that the same has not been located, and of the facts establishing the loss or destruction of the same, and shall file with the Reg-

ister of the State Land Office a good and sufficient bond, in form joint and several, with two or more sureties, to be approved by said Register, payable to the State of California in double the value of said school land warrant, conditioned that the said warrant alleged to have been lost or destroyed shall not be presented for location; and in any case where, for want of a proper acknowledgment of an assignment of the original, or partial destruction or defacement thereof, or for any other cause, it cannot be made available, the applicant shall make affidavit that he is the owner of the warrant, together with affidavit of any other person or persons, to the satisfaction of the Register, showing the fact of the assignment and that such warrant has not been located, and shall file the original warrant for cancellation with the Register of the State Land Office. The said Register shall certify that the applicant is entitled to a duplicate school land warrant in lieu of the one proven to have been lost or destroyed, or presented for cancellation, and upon presentation of such certificate to the Governor he shall prepare and deliver to the said applicant a duplicate warrant bearing the same number as the original warrant, having the word "Duplicate" written across the face thereof, which said warrant when so issued shall be of the same validity and have the same force and effect as the original. The Register of the State Land Office shall in no case give the certificate above required until he shall be satisfied that the original has not been located, or, if located, that the lands so located have not been and will not be charged to this State by the Federal Government as a portion of the five hundred thousand acres of land granted to this State for internal improvements.

Duplicates
for lost
warrants.

SEC. 60. The Board of Directors of the Agricultural, Mining and Mechanical Arts College, or such corporations as may be appointed by law to succeed them, shall have power to order the selection of the grant of one hundred and fifty thousand acres of land granted to the State for the use of an agricultural college, and dispose of the same at such price and in such manner as they shall deem best for the interests of the college; and it shall be the duty of the Surveyor-General, as the agent of the State, to select the lands in the United States Land Offices, according to the instructions of said Board or corporation; and it shall be the duty of the Register of the State Land Office to issue certificates of purchase and patent to purchasers who comply with the conditions ordained by the said Board or corporation, in the manner prescribed in sections four and five of this Act; and the said Board or corporation shall invest any and all moneys accruing from the sale of said lands as they shall deem best, subject only to the conditions of the Act of Congress granting said lands.

Lands for
Agricultu-
ral College.

PART IV.—MISCELLANEOUS PROVISIONS.

SEC. 61. If any person, being the legal holder of a certificate of purchase for any State lands, shall claim that said certificate has been lost or destroyed, the Register of the State Land Office shall proceed to take such ex parte testimony as he shall deem expedient concerning the loss of the same; *provided*, that

Duplicates
for lost cer-
tificates.

said party so applying shall, before the hearing of said matter, publish a notice in some newspaper published in the county where the said land is situated; or if there be no newspaper published in the county, then in some newspaper of general circulation in the county, for at least four consecutive weeks, describing the certificate and the lands for which the same was issued, by legal subdivisions, and giving the name of the person to whom it was issued, and the person then claiming to own it. If the said Register shall be satisfied of the loss or destruction of said certificate, he shall issue to the legal owner thereof a duplicate certificate, which shall have the word "Duplicate" plainly written across the face thereof with red ink. Said duplicate, when issued, shall have all the force and effect of an original. If there shall be a contest as to the issuance of a duplicate certificate, the Register shall hear and determine said contest, or transfer the same to the proper Court, as provided in section seventeen of this Act.

Death of
patentee

SEC. 62. In all cases where patents for lands have been or may hereafter be issued, in pursuance of any law of this State or of the United States, to a person who has died or shall hereafter die before the date of such patent, the title to the land designated therein shall inure to and become vested in the heirs, devisees or assignees of such deceased patentee as if the patent had issued to the deceased person during life.

If lands sold
not State
property.

SEC. 63. In the event of any of the lands sold by the State proving to be within the boundaries of a grant, or otherwise not the property of the State, the holder or assignee of the certificate of purchase or patent shall be entitled to receive in exchange therefor a certificate from the Register of the State Land Office that such amount has been paid. This certificate shall specify the kind or class of land upon which the said amount was paid, and the locator may present and the County Treasurer and State Treasurer shall receive the said certificate as payment for its amount, either principal or interest, upon any lands of the same class which the same purchaser or assigns may afterwards desire to locate or may already have located.

Location
abandoned.

SEC. 64. Whenever a purchaser of any State land upon a credit desires to abandon the location or entry made by him, he shall do so by acknowledgment and reconveyance of his title to the State, and shall surrender the certificate of purchase, or, if the same has been lost, send to the Register an affidavit of the fact.

Delinquent
purchasers.

SEC. 65. Upon receipt of the delinquent list aforesaid from the Register of the State Land Office, as provided in section six, the District Attorney shall add thereto a notice that if the said amount due shall not be paid in fifty days after the date thereof, he will commence suit to foreclose the interest of said purchasers in the said lands, and shall publish said list, with said notice appended, for four consecutive weeks immediately following the date of the notice; or if there shall be no newspaper published in said county, then he shall post copies of the same in at least five public places in the county. After the expiration of

To be sued.

the fifty days, the District Attorney shall, in the name of The People of the State of California, commence an action in the District Court against all purchasers or holders of certificates of

purchase who have not either paid said amount so due, together with the cost of publication, or surrender the title to the State, as provided in the preceding section, to obtain a decree of foreclosure of the interest of the purchaser or holder of the certificate of purchase in the land, and to annul said certificate of purchase. If the name of the holder of the certificate be not known, he may be sued under a fictitious name, and service of the summons may be had by publication in some newspaper published in the county for four weeks; or if no newspaper be published in the county, then by posting one copy of the summons for four weeks at the Court-house door of the county, and two copies in public places in the township where the land is situated.

SEC. 66. When a decree shall have been obtained, and within twenty days after the entering up of said decree, the District Attorney shall cause a certified copy of said decree to be filed in the office of the Register of the State Land Office, and another certified copy in the Recorder's office of the county in which the land is situate. The holder of the certificate of purchase may, at any time before the expiration of the twenty days provided for filing a certified copy of the decree in the office of the Register of the State Land Office and Recorder of the county, pay to the Sheriff, for the State, the amount due the State and the costs of suit that have accrued up to time of payment; whereupon the District Attorney shall dismiss the suit, and the purchaser or holder of the certificate of purchase shall be restored to his rights in the land, the same as if no neglect or forfeiture had been made. The District Attorney shall be entitled to receive ten dollars for each suit brought.

Decree obtained.

May redeem within twenty days.

SEC. 67. After the decree of the Court foreclosing the interest of the purchaser or the holder of the certificate has been entered, and the certified copies filed in the offices of the Recorder of the county and the State Land Register, the land shall be subject to entry and sale, and a certificate of purchase may be issued, in the same manner as if the land had never been entered and sold. Upon the obtaining of a decree foreclosing the interest of the purchaser or of his assigns in the land, and annulling the certificate of purchase, the expenses and cost shall be taxed by the Court against the defendant, and execution shall issue thereon; but if there be not sufficient property belonging to defendant found to satisfy the same, and the execution returned not satisfied, then the same shall be paid from the twenty per cent. of the principal of the purchase money, or from the interest paid by the purchaser at the time of the original location and entry of the land; *provided*, that the total cost shall not be taxed at a sum in any case to exceed thirty-two dollars; *provided* further, that the cost of the publication required in section sixty-five shall not be a part of the thirty-two dollars; but the same shall, if it cannot be collected of the purchaser, if the lands described be swamp and overflowed, salt marsh or tide lands, be paid out of the Swamp Land Fund, on the order of the Board of Supervisors; or if any class of school lands, then out of the General Fund of the State.

Land again subject to sale.

Cost of suit.

Publishers to be paid.

SEC. 68. Any person having a good and sufficient conveyance to the whole or any portion of the lands described in any certifi-

Subsequent purchasers may defend suit.

cate of purchase, to annul which suit shall have been commenced as above provided, but to whom the certificate has never been surrendered, shall have a right to defend said action; and if he or she shall show, to the satisfaction of the Court, that he or she is entitled to any portion of the lands described, and if the holder of said certificate does not come forward and pay the amount due, then the Court shall order the certificate annulled, and a new one to issue to the defendant by the payment, in open Court, by the defendant, of the amount due the State upon the whole tract; and the said defendant shall thereupon be entitled to two certified copies of said decree, one of which he shall file in the County Recorder's office, and the other with the Register of the State Land Office.

Certificates subject to sale and transfer.

SEC. 69. Certificates of purchase and all rights acquired thereby shall be subject to sale and transfer, by deed or assignment, executed and acknowledged before any officer authorized by law to take acknowledgments of deeds, or before said Register; but all such sales or transfers shall, when recorded by the County Recorder, be reported by him to the Register, to be entered in the books of his office; and the said Recorder shall be entitled to receive from the purchaser or transferee, for so reporting the same, a fee of fifty cents in addition to that already allowed for recording.

Fee.

Lands excluded.

SEC. 70. All the swamp and overflowed, salt marsh and tide lands within one mile of the State Prison at San Quentin, within five miles of the City and County of San Francisco, and within five miles of the corporate limits of the City of Oakland, are hereby excluded from the provisions of this Act; *provided*, that this Act shall not be construed to authorize the sale of any lands below low tide.

Acts repealed.

SEC. 71. An Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress, that the people of the State of California may avail themselves of the benefits of the eighth section of the Act of Congress approved April fourth, eighteen hundred and forty-one, chapter sixteen, entitled an Act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights, the following provisions are hereby enacted, approved May third, eighteen hundred and fifty-two; an Act entitled an Act to provide for the selection of lands donated by the United States, for the support of common schools, and for the erection of public buildings, approved May seventh, eighteen hundred and fifty-five; an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land donated to this State for school purposes, and the seventy-two sections donated to this State for the use of a seminary of learning, approved April twenty-third, eighteen hundred and fifty-eight; an Act entitled an Act authorizing the location and protection of school lands, approved April thirtieth, eighteen hundred and fifty-seven; an Act entitled an Act to provide for the sale of the sixteenth and thirty-sixth sections of land donated to this State for school purposes by Act of Congress passed March third, eighteen hundred and fifty-three, approved April twenty-sixth, eighteen hundred and fifty-eight; an Act entitled an Act to provide for the issuance of patents to lands

located with State school land warrants, and for lands purchased under the Act of April twenty-third, eighteen hundred and fifty-eight, approved April sixteenth, eighteen hundred and fifty-nine; an Act entitled an Act to provide for the location of school land warrants upon unsurveyed lands, and for the issuance of title for the same, approved April eighteenth, eighteen hundred and fifty-nine; an Act entitled an Act to provide for the sale of the swamp and overflowed lands belonging to this State, approved April twenty-eighth, eighteen hundred and fifty-five; an Act entitled an Act to provide for the authentication of certain evidence in relation to swamp and overflowed lands heretofore sold by this State, approved March thirteenth, eighteen hundred and fifty-eight; an Act entitled an Act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April twenty-first, eighteen hundred and fifty-eight; an Act entitled an Act for the relief of the purchasers of lands from the State of California, approved April eighth, eighteen hundred and fifty-nine; an Act entitled an Act making certificates of purchase or of location evidence of title, approved April thirteenth, eighteen hundred and fifty-nine; an Act entitled an Act to give effect to patents for lands issued in the name of deceased persons, approved February thirteenth, eighteen hundred and sixty; an Act entitled an Act to extend the time for the payment of the principal of the purchase money on lands sold by the State on a credit, approved February fifth, eighteen hundred and sixty-one; an Act entitled an Act to provide for the annulling of certificates of purchase of lands sold on a credit and declared forfeited for non-payment of interest or principal, and for the relief of purchasers of swamp and overflowed lands, approved April ninth, eighteen hundred and sixty-one; an Act entitled an Act in relation to the entry of lands in certain cases, and to provide for the issuance of patents therefor, approved April twenty-ninth, eighteen hundred and sixty-one; an Act entitled an Act to provide for the reclamation and segregation of swamp and overflowed, and salt marsh and tide lands donated to the State of California by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one; an Act entitled an Act to provide for the sale of the marsh and tide lands of this State, approved May fourteenth, eighteen hundred and sixty-one; an Act entitled an Act to provide for the reclamation of the salt marsh and tide lands, approved April twenty-seventh, eighteen hundred and sixty-three; an Act entitled an Act to suspend the laws allowing the sale of unsurveyed lands, and relating to the issuance of patents, approved April first, eighteen hundred and sixty-four; an Act entitled an Act in relation to Swamp Land District Funds, approved April fourth, eighteen hundred and sixty-four; an Act entitled an Act creating a State Land Office for the State of California, approved April tenth, eighteen hundred and fifty-eight; an Act entitled an Act to authorize the Register of the State Land Office to issue duplicate certificates of purchase to school, or swamp and overflowed, and salt marsh and tide lands, when the originals have been lost or destroyed, approved April fifteenth, eighteen hundred and sixty-two; an

Acts
repealed.

Acts
repealed.

Act entitled an Act fixing the salary of the Register of the State Land Office, approved April twenty-eighth, eighteen hundred and sixty; an Act entitled an Act in relation to the Register of the State Land Office, approved April third, eighteen hundred and sixty-two; an Act entitled an Act to provide for the sale of certain lands belonging to the State, approved April twenty-seventh, eighteen hundred and sixty-three; an Act entitled an Act to provide for the issuance of patents to lands located with State school land warrants, and for lands purchased under the Act of April twenty-third, eighteen hundred and fifty-eight, approved April sixteenth, eighteen hundred and fifty-nine; an Act entitled an Act to provide for the selection of the lands donated to the State of California by Act of Congress approved July second, A. D. eighteen hundred and sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts, and all lands that may be granted to the State for like purpose, approved April second, eighteen hundred and sixty-six; and all Acts amendatory of or supplemental to any of the foregoing Acts, and all other Acts or parts of Acts in conflict with the provisions of this Act, are hereby repealed; *provided*, however, that the provisions of this Act shall not in any manner affect any legal or equitable claims, now existing on any of the lands hereinbefore described, in favor of any claimant under the State, nor affect any suit or proceeding which is now pending respecting the same, arising out of any claims now made; but the Courts of the State may proceed and adjudicate upon said rights, and patents or other evidences of title may issue for the same to the parties entitled thereto, under any existing laws of this State, the provisions of this Act to the contrary notwithstanding.

SEC. 72. Immediately after the passage of this Act the State Printer shall print two thousand copies of the same in pamphlet form, and deliver them to the Register of the State Land Office for distribution to State and county officers.

CHAPTER CCCXVI.

An Act amendatory of and supplemental to an Act to provide for the construction of a telegraph line in and through the State of California between the City of San José and San Bernardino, approved March twentieth, eighteen hundred and sixty-six.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time
extended.

SECTION 1. The time mentioned in section three of said Act in which to complete said line of telegraph is hereby extended two years.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCXVII.

An Act to authorize the County of Contra Costa to donate bonds to the Martinez and Danville Railroad Company, and to provide for the payment of the same.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A special election shall be held in the County of Election. Contra Costa, and the polls opened at the several places of holding elections therein, at such time as the Board of Supervisors shall designate, for the purpose of submitting to the qualified electors of said county the proposition for the County of Contra Costa to donate certain sums of money to the Martinez and Danville Railroad Company; *provided*, that the Board of Supervisors shall not order said election until two hundred citizens and taxpayers of Contra Costa County shall have signed a petition and presented the same to the Board, asking for said election.

SEC. 2. Upon receiving a petition signed and made as in the Notice. first section of this Act provided, it shall be the duty of the Board of Supervisors of said county to cause a notice to be published for at least fifteen days previous to said election, in one or more newspapers published in said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon.

SEC. 3. The proposition so to be submitted to said electors Proposition to be submitted. is as follows: "The Martinez and Danville Railroad Company, a company organized to build a railroad from Martinez to Danville and to the boundary line of the county, in Amador Valley, ask the County of Contra Costa to make a donation to aid in the construction of said road, as hereinafter provided. The Martinez and Danville Railroad Company, a company organized to build a railroad from Martinez to Danville, propose to build a railroad from Martinez, by way of Pacheco and Alamo, to Danville and to the boundary line of Contra Costa County, in Amador Valley, and the proposition is, Will the county donate, as asked, to the company building said road?"

SEC. 4. The donation so asked by the said Martinez and Danville Railroad Company is as follows: That the Treasurer of the County of Contra Costa shall deliver to the said Martinez and Danville Railroad Company the bonds of said county, proposed as hereinafter provided, as follows, to wit: Fifty-four thousand dollars of said bonds to be delivered upon the completion of the railroad so proposed to be built by said company from Martinez to the Town of Danville, in said county; eighteen thousand dollars of said bonds to be so delivered on the completion of each section of six miles of said road, commencing at Martinez; and on the completion of each consecutive section of six miles (being in all three sections), the amount of eighteen thousand dollars in bonds to be delivered to said company. The donation to be made to the said railroad company or its assigns is as follows: The Treasurer of the County of Contra Costa shall Donation asked.

deliver to said Martinez and Danville Railroad Company, or its assigns, the bonds of said county, prepared as hereinafter provided, as follows: Eighteen thousand dollars of said bonds to be so delivered on the completion of each six miles of the railroad so proposed to be built, commencing at Martinez.

Ballots.

SEC. 5. Ballots shall prepared to be used in said election, and by the voters deposited in a ballot box, whereon shall be written or printed: "Donation for the railroad—Yes;" or "Donation for the railroad—No." If, on canvassing the vote at said election and ascertaining the result, a majority of the ballots so cast contain the words, "Donation for the railroad—Yes," then said proposed donation shall be deemed to be and shall be made to said Martinez and Danville Railroad Company, and not otherwise.

If donation made, bonds to be issued.

SEC. 6. If a donation is so made to said company, the Board of Supervisors of said county are hereby authorized, empowered and directed, immediately after the result is known and ascertained, to make and execute, in the name of said county, the bonds necessary to make the donation voted. Said bonds shall be of one thousand dollars each, and shall be payable to the order of the President of the company entitled thereto under the provisions of this Act. Said bonds shall bear interest at the rate of eight per cent. per annum, and the principal thereof shall be made payable on a day to be named therein, which shall be twenty years from their date, at the office of the Treasurer of the County of Contra Costa, both principal and interest to be payable in the gold coin of the United States, dollar for dollar. The interest accruing on said bonds shall be due and payable on the first day of January of each year, so long as said bonds are outstanding unpaid, at the Treasurer's office in said county.

How prepared.

SEC. 7. Said bonds shall be prepared and signed by the Chairman of the said Board of Supervisors, the Auditor and the Treasurer of the said county, and when prepared and signed shall be forthwith presented to the Clerk of the County of Contra Costa, who shall countersign the same official and cause the seal of said county to be affixed to or impressed upon each of said bonds so countersigned. Coupons for the annual interest shall be attached to each bond, so that they may be moved without mutilation of the bond, and they shall be signed by the Treasurer of the County of Contra Costa. When any interest shall be paid on a bond under the provisions of this Act, the County Treasurer shall receive the detached coupons for the interest then due and paid, and shall cancel and file the same in his office, and report the same to the Board of Supervisors.

When delivered.

SEC. 8. Said bonds shall be dated and bear date of the day on which they shall be delivered to the company, in accordance with the provisions of this Act. Said bonds shall be delivered to the company entitled to the donation and complying with the conditions and limitations prescribed by this Act. They shall be so delivered in amount, and at the time and upon the conditions, specified in section four of this Act, and when so delivered shall be due and payable from said county to said company, or its assigns, in accordance with the provisions of this

Act and with the terms of said bonds. The said Treasurer shall take receipts for the same when delivered and report the same to the Board of Supervisors, who shall cause a minute of the same to be entered upon their records.

SEC. 9. The said Board of Supervisors shall, previous to making the duplicate or general assessment list for said county, in each year, levy a tax to be styled, "Railroad Interest and Sinking Fund Tax," sufficient to raise the amount of interest required to be paid, and to provide a Sinking Fund for the payment of the said principal sum as shall have been donated under the provisions of this Act; and for every year, until said bonds issued under this Act shall be paid and liquidated, the said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected shall be paid to the County Treasurer, to be kept in a separate fund to be known as the Railroad Fund, to be by him applied to the payment of the interest, as herein provided, and for the redemption and payment of said bonds, under the direction of the Board of Supervisors.

Tax to be levied.

SEC. 10. Said Board of Supervisors, Auditor and Treasurer of said county shall make arrangements for the payment of interest on said bonds when the same shall fall due, at least thirty days before the time of payment, and in the event said Railroad Fund is insufficient, the said Treasurer shall draw on the common or General Fund of said county for said purposes; and in the event these funds prove inadequate, the said Supervisors are authorized and required to make such contracts and arrangements, or loans, as may be necessary for the payment of said interest and the protection of the faith of said county.

Payment of interest.

SEC. 11. Whenever, at any time after the payment of the interest on said bonds, there shall be in the fund so raised for the payment of the principal and interest of said bonds, a sum of money amounting to five thousand dollars, over and above the amount required for the payment of the annual interest, the said Board of Supervisors shall advertise in a newspaper published in said county, for a period of four weeks, for sealed proposals for the redemption of said bonds, and ten days from the time of the expiration of such publication the said Board of Supervisors shall open said sealed proposals, and the Treasurer shall pay and liquidate, so far as the funds then on hand shall extend, such bonds presented under said proposals as shall be offered at the lowest value; *provided*, the same shall not be redeemed beyond their par value; and provided there be no proposals for less than their par value, then the payment of said funds on hand shall be made on said bonds, according to the number of their issue, and the Board of Supervisors shall give four weeks notice in such newspapers of the number of bonds to be so paid; after which time said bonds shall cease to bear interest, and all money remaining in said fund after the redemption and payment of the whole of said outstanding bonds shall be turned over to the common General Fund.

Redemption of bonds.

SEC. 12. Whenever any bond shall have been paid and deemed, the said Treasurer shall mark the same "Cancelled," and deliver it to the County Auditor, to be filed and disposed of by him as shall be directed by the Board of Supervisors. The

Cancelling.

County Treasurer shall open and keep an account of all moneys collected and paid out for the interest and redemption of said bonds, called Railroad Interest and Redemption Account, and shall settle and vouch the same as often as required by the Board of Supervisors.

Rights under
this Act
may be
transferred.

SEC. 13. At any time before or after said election, the said Martinez and Danville Railroad Company may, by an affirmative vote of subscribers who have subscribed a majority of the subscription of stock now subscribed in said company, assign and transfer to any other railroad company all of the rights and privileges under and by virtue of this Act, and of the said vote of the qualified electors, and said vote of said majority may be made and expressed by the signatures of said majority to an instrument purporting to assign and transfer said rights and privileges. In case such assignment and transfer shall be made, the company to whom it shall be made shall be placed, substituted and be in the place and stead of the said Mar-Martinez and Danville Railroad Company, and have and own the same rights and privileges and advantages, and subject in every respect to the same conditions.

Manner of
conducting
election.

SEC. 14. Said election shall be held in the same manner as the other elections, and like qualifications of electors shall be required; but no printing of the Great Register or poll list shall be required, but copies of the Great Register and poll lists used at the last judicial and general elections may be used, discarding such names as may not be entitled to be thereon. Copies of the names of those registered since printing of the Great Register, or who may hereafter be registered in time for said election, may be written and sent to each precinct, and in such copy sent it shall be necessary to name only those entitled to vote at that precinct. And the officers of said county are hereby authorized and directed to register for said election and place upon the poll lists all persons not on the Great Register and poll list who are entitled to vote; but persons whose names are on the poll lists of the last general and judicial election shall not be compelled to have their names put on said lists again, but the said lists may be used. Officers of election shall be appointed for said election as provided by law. Returns of said election shall be made within five days after the said election, and so soon as the returns are in; and within fifteen days after said election the Board of Supervisors shall canvass said votes and declare the result.

SEC. 15. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXVIII.

An Act making an additional appropriation for translating into Spanish the several State documents ordered during the present session of the Legislature.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one thousand dollars is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to pay for translating into Spanish the several State documents ordered during the present session of the Legislature; *provided* that the appropriation made for that purpose on the ninth day of March, A. D. eighteen hundred and sixty-eight, be found by the State Board of Examiners not to be sufficient to cover the full amount due for said translations; in which case the sum hereby appropriated shall be used, otherwise to remain in the General Fund. Appropriation.

SEC. 2. The Controller of State is hereby authorized and required to draw his warrants, payable out of the General Fund, in case that said former appropriation should be insufficient for the payment of said translations. Warrants.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCCCXIX.

An Act to extend the police powers of the President and Trustees of the City of San Diego.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In addition to the powers heretofore conferred upon the President and Trustees of the City of San Diego, they shall have power, by ordinance, resolution or order: Additional powers conferred.

First—To establish, open, grade or otherwise improve and regulate streets, alleys and lanes, and the sidewalks upon the same, and to keep in repair bridges and public squares.

Second—To provide for the prevention or summary removal of nuisances to public health, the prevention and regulation of contagious diseases, the prevention and removal of all nuisances and other obstructions in the public streets, squares, buildings, grounds or highways, and for cleansing the same.

Third—To provide for the ornament and good order of the city.

Fourth—To construct a well on the public square.

Fifth—To regulate the police and police force of the city.

Additional powers conferred.

Sixth—To prevent cattle or other animals from running at large within the limits of "Old Town" or of "New San Diego;" to establish a Pound and appoint a Poundkeeper and prescribe his duties, and provide for the public sale by the Poundkeeper (and prescribe his duties and to provide for the public sale by the Poundkeeper) of such animals as shall be impounded, in the same way and upon like notice that personal property is sold by execution under the laws of the State; *provided*, said Trustees shall allow, by the proper order, the owner or owners of such property so impounded to 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 shall allow him or them, upon proof[of] ownership of the property sold, duly made before the President of said Trustees, and upon payment of costs and expenses of impounding and selling, to have return of the purchase money arising from such sale or sales.

Seventh—To prevent the keeping of gunpowder, in a larger quantity than ten pounds, in any store or dwelling.

Eighth—To prevent the discharge of firearms, pistols or cannon within described limits.

Ninth—To prevent the immoderately riding or driving of any horse, or other animal, upon the highways within the city.

Tenth—To license theatres, shows and exhibitions where money is charged for admission.

Eleventh—To prevent sheep, goats and hogs from running at large and from trespassing within three miles of the public square of said city.

Twelfth—To prevent the appearance of any person upon any highway or public place in a state of drunkenness or intoxication, or in any private house or grounds, to the annoyance of any person legally therein.

Violation of ordinances.

SEC. 2. Said President and Trustees shall have power to affix penalties to the violation of any or all ordinances. Such penalties shall be by fine not exceeding fifty dollars; and in case the fine is not paid, then they may direct that the person so fined may be imprisoned at the rate of one day for every three dollars of the fine imposed; or in lieu of imprisonment, or any part thereof, they may direct that the person or persons so fined shall labor, under the direction of the Sheriff of the county or other officer, either upon the public streets, public grounds or buildings, or in such other places as may be deemed advisable for the benefit or revenue of the city.

Justices of the Peace to have jurisdiction.

SEC. 3. Justices of the Peace of the Township of San Diego dwelling within said city shall have jurisdiction of all complaints for violation of any of the ordinances aforesaid; and the Sheriff of the County of San Diego and Constables of said township shall be conservators of the peace within said city, and they shall execute all orders, warrants or other process which shall be delivered to them by any Justice of the Peace under the provisions of this Act.

Fees.

SEC. 4. Justices of the Peace, the Sheriff and Constables, for services rendered under this Act, shall receive the same fees which they are entitled to receive by law for similar services in criminal cases; and when said fees cannot be made out of the defendant, then said fees shall be paid by the Treasurer of said

city, out of any moneys in his hands being the proceeds of any fines and penalties.

SEC. 5. This Act shall not be construed so as to authorize said President and Trustees to contract any debt against said city. Trustees not to contract debt.

SEC. 6. All ordinances, resolutions or orders, as aforesaid, shall be published by posting the same in writing at three public places within said city ten days before the day on which they may take effect. Publication.

SEC. 7. The President of said Trustees, semi annually, shall make out a statement, in writing, of the amount of all fines recovered and received under this Act, with the amount thereof expended, and the objects of said expenditure, and forward said statement to the Secretary of State of this State. Annual statements.

CHAPTER CCCCXX.

An Act for the relief of W. B. Ross, Sheriff of Kern County.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Controller of the State is hereby authorized and required to receipt and release to W. B. Ross, Sheriff of Kern County, for the receipt of thirteen foreign miners' licenses, at four dollars each, the same having been lost. Released from payment.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCXXI.

An Act to amend an Act entitled an Act to fix the terms of the County Court and Probate Court of the County of Sonoma, approved March tenth, eighteen hundred and sixty-six.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of said Act is hereby amended so as to read as follows :

Section 1. The regular terms of the County Court in and for the County of Sonoma shall be held at the county seat of said county, commencing on the first Monday of January, April, July and October in each year. It shall be lawful to summon the trial jurors to attend said terms of said Court on the second County Court.

Probate
Court

Mondays of said months of January, April, July and October, for the trial of issues which may be for trial at said terms. The regular terms of the Probate Court in and for said county shall commence to be holden at the county seat of said county on the first Monday of every month in each year.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. This Act shall take effect from and after the first day of July, eighteen hundred and sixty-eight.

CHAPTER CCCXXII.

An Act to confer additional powers on the Trustees of the City of Sacramento.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

May close
stores on
Sunday.

SECTION 1. The Trustees of the City of Sacramento are hereby authorized to prohibit by ordinance the keeping open of any meat market or grocery store within the city limits, for business purposes, during any portion of the Sabbath day.

SEC. 2. This Act shall take effect on and after its passage.

CHAPTER CCCXXIII.

An Act to make certain Acts take effect immediately.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Titles of
Acts.

SECTION 1. An Act entitled an Act amendatory of and supplementary to an Act to authorize the Board of Supervisors of the County of Los Angeles to take and subscribe the sum of one hundred and fifty thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February first, eighteen hundred and sixty-eight, approved March twenty-fifth, A. D. eighteen hundred and sixty-eight; and an Act entitled an Act amendatory of and supplementary to an Act to authorize the Mayor and Common Council of the City of Los Angeles to take and subscribe seventy-five thousand dollars to the capital stock of the Los Angeles and San Pedro Railroad Company, in the County of Los Angeles, and to provide for the payment of the same, and other matters relating thereto, approved February

first, eighteen hundred and sixty-eight, approved March twenty-fifth, eighteen hundred and sixty-eight, shall both take effect and be in force from and after their passage.

CHAPTER CCCCXXIV.

An Act to amend an Act entitled An Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one, and to amend an Act supplementary to the aforesaid Act, approved April fourth, eighteen hundred and sixty-four.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one, is hereby amended so as to read as follows:

Section 2. Such persons shall severally subscribe articles of association, in which shall be set forth the name and object of the corporation; the time, not to exceed ten years, for which the same is limited to exist; the amount of the capital stock and the number of shares into which it is proposed to be divided; the number of Directors and other officers, their terms of office and duties; and such other regulations as may be necessary to enable the corporations to carry on its business and accomplish its objects, and how amendments thereto may be made.

SEC. 2. Section three of said Act is hereby amended so as to read as follows:

Section 3. A certificate, in writing, duly signed and acknowledged by three or more of the persons proposing to form such corporation, before some officer competent to take the acknowledgment of deeds, in which shall be set forth the corporate name of the association, its objects, the amount of the capital stock and of the fund to be raised, the number of shares, the time of its existence, not to exceed ten years, the number of Trustees or Directors who shall manage the concerns of the association for the first three months of its existence, and their names, and the name of the city, town or county in which the office or principal place of business is to be located, shall be filed in the office of the County Clerk of the county in which the office or principal place of business is intended to be located, and a copy thereof, duly certified under the hand and seal of such County Clerk, in the office of the Secretary of State of the State of California; and thereupon the persons who have subscribed the said certificate, and such other persons as shall become members of such association, and their successors, shall be a body corporate by the name specified in said certificate,

Articles of Association.

Certificates to be filed.

Powers and
privileges.

and shall possess the power and privileges, and be subject to the provisions of an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, and the various Acts amendatory of and supplemental thereto, so far as the provisions therein contained are consistent with the provisions of this Act, and no further; and they shall, by their corporate name, be capable in law of purchasing, holding and conveying any personal property or estate whatever which may be necessary to enable said association to carry on the operations named in such certificate.

SEC 3. Section two of an Act supplementary to said Act, approved April fourth, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

Sale of for-
feited stock.

Section 2. Whenever, after publication of notice for thirty days, as provided for in section four of the Act to which this is supplementary, any shares of stock shall be declared forfeited by resolution of the Board of Trustees, it shall be lawful for the Trustees to advertise the same for sale, giving the name of the subscriber and the number of shares, by notice of not less than three weeks, to be published at least once a week in one newspaper of general circulation in the city, town or county where the office or principal place of business of such corporation is located, or in case no newspaper shall be there published, then in the newspaper published nearest to the place where said office or principal place of business shall be carried on as aforesaid, and such sale shall be made at auction under the direction of the Secretary of the company. At such sale the corporation may be a bidder, and the shares shall at such sale be disposed of to the highest and best bidder for cash. No defect in the organization of the corporation, and no informality or irregularity in the proceedings respecting the sale, shall affect the validity thereof; *provided* notice shall have been given by publication as herein provided. After said sale is made, the Secretary shall, on receipt of the purchase money, transfer to the purchaser the shares sold, and, after deducting from the proceeds of such sale all instalments then due and all expenses and charges of sale, shall hold the residue of said proceeds subject to the order of the delinquent subscriber.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCCCXXV.

An Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, passed March twentieth, eighteen hundred and fifty-five.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fourth of said Act is hereby amended so as to read as follows:

Section 4. The regular meeting of the Boards of Supervisors shall be held at the county seats of their respective counties on the first Monday of May, August, November and February of each year, and shall continue from time to time until all the business before them is disposed of; and meetings shall be held by them to canvass the election returns in their respective counties, at such times as are or may be prescribed by the laws regulating elections; *provided*, that in the County of Santa Clara the regular meetings of the Board of Supervisors shall be held on the second Monday of February, April, June, August, October and December of each year.

Regular meetings.

In Santa Clara County.

SEC. 2. This Act to take effect from and after its passage.

CHAPTER CCCCXXVI.

An Act authorizing the Board of Supervisors of Humboldt County, in a certain contingency, to issue bonds of that county for fifty thousand dollars, for the purpose of raising a fund to construct a wagon and turnpike road from some point near Hydesville, in that county, to the southern boundary line of that county, and from near the Town of Arcata, in that county, to Redwood Creek; to authorize the electors of said county to vote on the matter of the issuance of said bonds; to provide for the payment of the interest thereon and the principal thereof.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby made the duty of the Board of Supervisors of Humboldt County to submit to the qualified voters of said county, on the day and at the same times and places the Presidential election is held in said county, on — of November, A. D. eighteen hundred and sixty-eight, the proposition for said county to issue, as hereinafter set forth, the bonds of said county to the amount of fifty thousand dollars, for the purpose of raising a fund to construct a wagon and turnpike road in said county from some proper point not remote from the village of Hydesville, in said county, to be designated

Elections.

by the Board of Supervisors, and thence southerly and easterly to a point on the south boundary line of said county, and in the direction generally of Long Valley, in Mendocino County, so that a continuation of said road in the same general direction would strike or intersect said Long Valley; and also to construct a wagon and turnpike road from some proper point, to be designated by the Board of Supervisors of said county, not remote from the Town of Arcata, in said county, to Redwood Creek, in the general direction of Hoopa Valley.

Notice.

SEC. 2. It shall be the duty of said Board of Supervisors to cause a notice to be published in the newspapers published in said county at the time, for not less than three weeks prior to the day appointed for said election, calling the attention of the voters of said county particularly to the provisions of this Act, relative to the issuance of said bonds; and said Board shall also cause a reasonable number of copies of this Act to be circulated throughout said county for not less than thirty days prior to said day of election.

Ballots.

SEC. 3. The ballots cast at said election by those who are in favor of the issuance of said bonds shall have legibly written or printed thereon the words, "Bonds to issue—Yes;" and the ballots cast at said election by those who are opposed to the issuance of said bonds shall have legibly written or printed thereon the words, "Bonds to issue—No;" and a majority of the ballots cast, as aforesaid, for or against the issuing of said bonds, shall conclusively determine the question as to whether the said bonds shall be issued or not.

If majority
vote in
favor, bonds
to issue.

SEC. 4. If at said election a majority of the votes of said county voting upon the proposition, as aforesaid, of whether said bonds shall issue or shall not issue, shall vote, as aforesaid, the words "Bonds to issue—Yes," then, and in that event only, the said Board of Supervisors of Humboldt County are hereby empowered and directed, with reasonable dispatch, to take proper steps to have such bonds printed and prepared. Said bonds, when issued as in this Act provided, shall pledge the faith and credit of said Humboldt County, absolutely and in all events, for the payment of the principal and interest thereof, in gold coin, dollar for dollar, of the mintage of the Government of the United States of America. The principal mentioned therein shall be paid, as aforesaid, at the County Treasury of Humboldt County, on the first day of January, A. D. eighteen hundred and eighty-four, in gold coin, unless sooner redeemed or paid off pursuant to the provisions of this Act. The interest on said bonds shall be at the rate of ten per cent. per annum, and shall be payable half yearly, in gold coin, on the first day of January and June of each year, at the County Treasury of the County of Humboldt. The bonds herein mentioned shall, in the aggregate, amount to fifty thousand dollars, exclusive of the interest, and no more; but no bonds shall be prepared or issued for a sum less than one hundred dollars or for more than three thousand dollars, or for any hundreds of dollars and a fractional part of a hundred.

SEC. 5. As soon after said bonds shall have been prepared as practicable, the said Board of Supervisors shall meet at their usual place of assembling, when, all being present, each of said

bonds shall be signed by each of said Supervisors, with the exception of the President of said Board, and the Clerk of said Board. Said County Clerk and the County Treasurer of said County, at the time and in the presence of said Board, shall enter in books to be by them respectively prepared for such purpose, an account of the bonds so signed at said meeting as aforesaid, giving the amount of each bond, and leaving separate columns for the entry thereafter, and as hereinafter provided, of the numbers, dates, names of the purchaser or purchasers or contractors, and the amounts paid for each bond. Said Board shall keep in their minutes a full and accurate account of all proceedings had at said meetings, and shall have recorded therein the entries so made by said Treasurer and County Clerk. None of the bonds mentioned in this section shall be dated, numbered or signed by the President or Clerk of said Board of Supervisors at said meeting. Said bonds shall be kept in the charge or custody of said Board, or such person or association as said Board may by order direct, until the same are sold or disposed of, as hereinafter provided for.

Record to be kept.

SEC. 6. Coupons for said interest on said bonds shall be attached to each of said bonds in such a manner that the same may be removed without mutilation to the bond; and each of said coupons shall be signed by the County Treasurer at the time the bond to which it is attached is sold and issued as hereinafter provided. When said County Treasurer shall pay, as by this Act provided, any interest upon any of the bonds issued under the provisions of this Act, it shall be his duty at the time to detach the coupons for the interest so paid, and note in a book by him to be kept for that purpose, the number, amount and date of the bond on which said interest was so paid by him, and the name of the person or persons, his or their agent or attorney, to whom said interest was at that time paid by him. Said County Treasurer shall then write across the face thereof the words, "Paid, this the ——— day of ———, A. D. 18—," and shall then sign his name thereto as County Treasurer and fill in the dates in said blanks as the fact may be. He shall thereupon deliver said coupons to the County Clerk, who shall deliver to said Treasurer his receipt therefor, to be by him filed in his office of County Treasurer. Said County Clerk shall file said coupon so delivered to him in his office and enter a memorandum in a book by him kept for that purpose, of the fact of its reception, and make a report thereof to the Board of Supervisors, in writing, at their next regular meeting, or at any meeting called by them for any purpose.

Coupons.

SEC. 7. If at said election provided for and mentioned in sections one, two and three of this Act a majority of the voters of said county voting upon said proposition shall vote, as in this Act provided, for the issuance of said bonds, then it shall be the duty of said Board of Supervisors, as soon after the result of said election shall have been ascertained by said Board to be in favor of issuing of said bonds as practicable, or as the Board may deem proper, not to exceed one year from the time that the result of such election is declared, to cause a survey to be made for a public wagon and turnpike road from some proper point not remote from the village of Hydesville, in said county,

Survey.

Survey.

to be designated by said Board, and thence southerly and easterly to a point on the south boundary line of said county, and in the direction, generally, of Long Valley, in Mendocino County, so that a continuation of said road in the same general direction would strike or intersect said Long Valley; and said Board, as aforesaid, shall also cause a survey to be made for said wagon and turnpike road from some proper point as aforesaid not remote from the Village or Town of Arcata to Redwood Creek, and in the direction, generally, of Hoopa Valley. For the purpose of surveying as aforesaid said proposed roads, the said Board shall secure the services of some competent civil engineer skilled in the surveying and construction of roads, who may employ the requisite assistants and laborers to aid him in said work. Said engineer [shall], as soon after he shall be notified so to do by said Board as practicable, proceed diligently to survey and lay off said roads, and to prepare field notes and full estimates of the probable cost of the construction of the same, with other relevant data; for which service a reasonable compensation shall be allowed him by said Board, to be agreed on and reduced to writing or entered on the minutes of the proceedings of said Board, before said survey is commenced; *provided*, it shall be lawful for said Board, instead of directing as in this section provided the survey of said roads, to accept any survey heretofore made of said proposed roads, or either of them; and *provided*, if at any time before the making of said survey and its approval by said Board it should be necessary to raise any money for the purpose of such survey or the preparing of said bonds, or other matters of like sort herein mentioned, the same shall be appropriated out of the General or County Fund of said county, in the discretion of the Board; and if there should be no money, or insufficient money actually at such time being in either of said funds, or both, then the said Board are directed to make some satisfactory arrangement to procure the same from other parties; *provided*, that if any money is appropriated out of either of said funds, under this section, the same shall be paid back into the proper fund from the proceeds of the sale of the first bonds sold under this Act; and if said temporary supply of money is obtained by said Supervisors by loan from any person, then it shall be the duty of said Board to repay the same, with the agreed interest, not to exceed two and a half per cent. per month, out of the first moneys coming into their hands or under their control from the first sale of any bonds; and *provided* further, that no more than eight hundred dollars shall be raised in any of the ways mentioned for the purposes or any of the purposes named herein prior to the making of said survey.

Expenses.

SEC. 8. When said survey shall have been completed, if said Board direct such survey to be made, and the field notes, estimates of probable cost of the construction of said road, and other relevant data made out and compiled by said civil engineer, the same shall be presented to said Board of Supervisors, who shall at once convene to act on the same; and if the action of the said engineer be approved and accepted, an order shall be entered, stating that fact, on the minutes of said Board. When said survey and the several other matters herein men-

tioned shall have been so approved therefor, the said Board of Supervisors, with Dr. M. Spencer and Robert Porter, of said county, or in case said M. Spencer or Robert Porter shall fail to act, then some other citizens of said county, to be selected by said Board of Supervisors, shall be and are hereby constituted a Board of Commissioners, whose duty it shall be to superintend the construction of said road, [and] shall organize as such as soon as practicable after the event named. The President of the Board of Supervisors shall be President of the Board of Commissioners, and the Clerk of the Board of Supervisors shall be Clerk of the Board of Commissioners. Each of the members of the Board of Supervisors, and said M. Spencer and Robert Porter, or other persons as aforesaid selected, shall have one vote, and a majority of the whole and entire Board of Commissioners shall decide. It shall be the duty of said Board of Commissioners, and they are hereby authorized :

Board of
Commis-
sioners.

First—To instruct by resolution the Board of Supervisors of Humboldt County when to sell any of the bonds heretofore and herein mentioned, specifying what amount of bonds shall be sold [at] one time, and shall also fix the lowest rates for one dollar at which bids for the purchase of said bonds may be received.

Powers and
duties of
Commission-
ers.

Second—They shall construct said roads, or direct the same to be done, in the most economical manner for the interests of the county, and may let the construction of the same, or any designated part thereof, by contract to the lowest bidder, after due and fair notice, according to such regulations, not in conflict with law, as they may prescribe; and in all cases when any portion of the work is done by contract, it shall be the duty of said Board to require ample security for its faithful performance. No more than forty per cent. of the contract price shall in any case be paid before the contract is completed and the work accepted and pronounced by said Commissioners to be satisfactorily done.

Third—Whenever, after the acceptance and approval of the said survey, field notes and estimates, heretofore mentioned, or the acceptance of any other survey thereof, before that time made, and the organization of said Board of Commissioners pursuant to this Act, it shall be deemed by said Board of Commissioners necessary to sell any bonds mentioned in this Act, the said Board of Commissioners shall, by order duly entered on their minutes, direct the said Board of Supervisors to sell such parts thereof, in no case exceeding the amount of ten thousand dollars at any one time, as said Commissioners in such order shall specify. Said Commissioners shall also in said order fix the rate per dollar at which bids can be received and accepted; *provided*, no sale of said bonds shall be made for any other kind of currency than gold and silver coin of the mintage of the United States; and *provided*, no sale of any portion of said bonds shall be made until after the publication by said Board of Supervisors for the space of not less than four weeks in such newspapers as are designated by the Board of Commissioners; and *provided* further, that it shall be lawful for said Board to issue, as in this Act directed, the proper bonds of said county to the contractors for the construction of said road, directly and without sell-

ing the same, as in this Act prescribed, in all cases when the said Board shall deem it to be the interest of said county so to do.

Sale of bonds SEC. 9. Whenever said Board of Commissioners shall, by order, as prescribed in the last section of this Act, direct the said Board of Supervisors to sell and dispose of any portion of said bonds, the said Board of Supervisors shall publish a notice twice a week, for not less than four weeks, in the Daily Evening Bulletin and the Alta California newspapers, published in the City of San Francisco, inviting sealed proposals for the purchase of said bonds, the notice to state that bids will be received at the office of the Board of Supervisors of Humboldt County, at Eureka, until three weeks after the last publication of said notice, stating in such notice what day of what month that day will be, the amount of bonds to be disposed of, the rate of interest they are to draw from the date of purchase, and that no bids will be received for the purchase of a less sum than one hundred dollars, nor for a greater rate of discount than ten per cent.—the same as fixed by said Board of Commissioners—and that the payment for the same must be made in gold and silver coin of the United States. Parties proposing to purchase bonds offered as aforesaid must state in writing the amount they propose to purchase and the rate per cent. they are willing to pay in gold and silver coin, as aforesaid, each proposal to be accompanied with a responsible guarantee that the bidder will take the amount of bonds proposed and pay for the same on the delivery of the bonds, if his bid is accepted, in accordance with the terms of his bid. As soon after the time named in said notice for the closing of said bids as practicable, the said Board of Supervisors shall open publicly the whole of said bids or proposals, in the presence of the County Treasurer and County Judge, and shall proceed to consider such proposals, and shall accept such, being in form, as propose to purchase said bonds for the most advantageous discount—such discount, in no case, to be greater than hereinbefore provided for. Upon the acceptance of any bid, and notification by said County Treasurer to the bidder of the acceptance of his bid or proposal, such bidder shall, with reasonable dispatch, pay to the Treasurer of said county the amount of the purchase money for the bonds proposed to be purchased, in gold and silver coin of the United States. Upon the payment of said amount of purchase money into the hands of said County Treasurer—and in all cases when contractors for the construction of said road shall have agreed with said Board to receive said bonds in payment for their contract, at the time of the completion of said contract—the said President of the Board of Supervisors shall sign his name officially to the requisite and proper bonds, mentioned in section five of this Act, in presence of the County Clerk and County Treasurer. Said County Clerk and County Treasurer shall then attest the same with their official signatures, respectively, and affix the proper dates and numbers to said bonds, entering at the time, in the columns kept for that purpose in the books respectively kept by them, as mentioned in section five of this Act, the numbers, dates, names of purchaser or purchasers or contractors, and the amount paid for each bond, or on what

Proposals.

Payment.

contract the same was issued. Said bond or bonds shall then be delivered to such purchaser or purchasers, or contractor, as the case may be, his or their agents, as the case may require. Said County Treasurer shall then pass the amount of money so received from said purchaser or purchasers when the same are sold, as herein set out, to the credit of a fund, hereby established, called "Humboldt Wagon and Turnpike Road Fund;" and if any bidder whose bid shall be accepted shall fail to pay the money or accept the bonds, as provided in this section, he shall forfeit all right to his bid, and shall, with his guarantees, be liable to an action, by the County Treasurer of said county, for the benefit of said fund, for any damage resulting from such failure to comply with the conditions of his bid, in pay[ing] over the purchase money or accepting said bond.

Proceeds to
form Road
Fund.

SEC. 10. The right of way is hereby granted to said county, for the purpose of constructing said roads, along the routes mentioned in the preceding sections of this Act; and said roads shall be so constructed as to be adapted to the purpose of transportation of merchandise on wagons and teams of all classes, with bridges, culverts and other appurtenances to the same; and for the purposes of making repairs on the said roads, or either of them, after its completion, and for no other purpose, the said Board of Supervisors, if they see fit, may at any time after said roads or either of them is completed, authorize and direct the collection of tolls for the use of the same, or any part thereof, under such lawful regulations as they may direct; *provided*, such tolls shall in no case be collected after the same shall amount to a sum as large as the estimated cost of repairs thereon for any one year; and *provided*, that if the General Government should hereafter make any special grants of lands to said county for road purposes, no tolls shall be charged or recovered from said Government for any purpose or at any time for the use of said roads or either of them; and *provided*, it shall not be lawful for the Board of Supervisors of Mendocino County, or any other county, or any authority thereof, to incorporate any road company of any description that shall have power or the right to collect any tolls whatever on any road therein, now or hereafter to be established, connecting directly and only with the road in this Act mentioned.

Right of way

Tolls for
repairs.

SEC. 11. The Board of Supervisors of Humboldt County, if the voters of said county vote for the issuance of said bonds as herein provided, are hereby empowered and directed, at their regular meeting appointed or authorized by law for the levying by the said Board of general taxes for county purposes in each year, commencing in the year A. D. eighteen hundred and sixty-nine, and continuing the same thereafter from year to year, as long as it may be necessary, to levy a tax upon all the taxable property in said county, payable in gold and silver coin of the United States, sufficient to pay the whole amount of interest on the said bonds hereinbefore mentioned, whether sold or unsold. This tax shall be designated as the "Bond Interest Tax," and shall be collected as other taxes in said county are collected. It shall be paid into the County Treasury and shall there constitute a fund to be designated as the "Bond Interest Fund." And said Board of Supervisors are hereby empowered and di-

Tax to pay
interest.

Tax to
redeem
bonds.

rected, at their regular meeting appointed or authorized by law for the levying of taxes for county purposes in each year, commencing in the year A. D. eighteen hundred and sixty-nine, and thence continuing from year to year as long as it may be necessary for that purpose, to levy a special tax, payable in gold and silver coin, not to exceed fifteen cents on the one hundred dollars worth of taxable property in said county, for the purpose of raising a fund for the liquidation of said bonds, which shall be called the "Bond Redemption Fund." The said taxes shall be levied and collected in the same manner and by the same persons, and under the same rules and regulations, that the general laws direct for the collection of State and county taxes, and when collected shall be paid to the Treasurer of said Humboldt County, to be applied:

First—The Bond Interest Fund, to the payment of any interest falling due on said bonds or any of them outstanding.

Second—The Bond Redemption Fund, to the redemption of said bonds, as hereinafter provided.

Surplus of
interest tax.

SEC. 12. If there should be collected as interest tax in any one year a sum greater than is required to pay the interest on said bonds, as by this Act prescribed, then such surplus shall be passed over into the said Bond Redemption Fund; and if the Bond Interest Fund should at any time be inadequate for the purposes for which it is created, then it shall be the duty, on the direction of the Board of Supervisors, for the County Treasurer to supply the deficiency, if practicable, from the Bond Redemption Fund; *provided*, that publication for the redemption of said bonds is not at such time being made, as hereinafter provided.

Deficiency.

Payment of
interest.

SEC. 13. It shall be the duty of said Board of Supervisors to make arrangements for the payment of the interest on said bonds when the same falls due, at least thirty days before the time of payment; and in the event that the Bond Interest Fund and said Bond Redemption Fund are insufficient for that purpose, such deficiency shall be made good out of the General Fund of said Humboldt County; and in the event that the General Fund of said county is insufficient for that purpose, then the said Board of Supervisors of Humboldt County are empowered and required hereby to promptly make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith and credit of said Humboldt County.

Redemption
of bonds.

SEC. 14. Whenever at any time there shall be in said Bond Redemption Fund a sum of money amounting to three thousand dollars or upwards, the said Board of Supervisors shall advertise in some newspaper published in said county, to be designated by the said Board, best calculated to give the greatest publicity (and to be published for a space of not less than four weeks) for sealed proposals for the redemption of bonds issued under this Act; *provided*, said Board may cause a like notice, for the length of time they may deem proper, to be published in some daily newspaper published in the City of San Francisco; but said notice, if published in said city, shall not conflict with the terms of any other publication or authorization of publication provided for by this Act. Bids for the redemption of bonds issued

under this Act shall be received up to the time specified in the said notices for the opening of such sealed proposals, which shall not be less than twenty days from the date of the last publication of said notice in any newspaper office; and at same time and place, to be exactly specified in said notice, such time to not be more than thirty days from the date of the last publication of said notice, as aforesaid, the said Board of Supervisors shall open the sealed proposals duly received and shall pay and liquidate, as far as the Bond Redemption Fund then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and *provided*, should there be no proposals made for less than par value, then the payment of said Bond Redemption Fund then on hand shall be made on bonds then outstanding according to their issue, commencing with the lowest number unredeemed, of which the said Board of Supervisors shall give four weeks notice by publication in some newspaper best calculated to give publicity of the numbers, amounts and dates of the bonds to be so paid, after which time such bonds shall cease to draw interest; and *provided*, whenever there may be sufficient moneys in such Bond Redemption Fund for the extinguishment of all the outstanding bonds issued under this Act, it shall be the duty of said Board of Supervisors to advertise in like manner, for the space of four weeks, for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw interest.

If no proposals for less than par value.

When interest to cease.

SEC. 15. Whenever any bonds shall have been paid and redeemed by the said Board of Supervisors, they shall at once mark the same "Cancelled," over their signatures, in plain, bold handwriting, extending across the middle of the face thereof, and cut the same half in two, by two cuts, near the middle thereof, and one inch or more apart, and shall then immediately deliver the same to the County Treasurer, taking his receipt therefor, who shall, upon receiving the same, mark them with the word "Dead," in red ink, in plain, bold letters, and file the same in his office of County Treasurer.

Cancelling.

SEC. 16. The said Board of Supervisors, and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall, in all things herein required of them, be subject to all the liabilities and penalties to which they are subjected in the performance of any other duties of their respective offices. The Board of Supervisors may allow themselves and the other Road Commissioners herein named a reasonable compensation, not to exceed three dollars per day for each day's services actually performed, and the fees of the other officers shall be as by law established for like service—all to be paid out of moneys arising from the sale of said bonds, and not otherwise; but not more than one hundred dollars shall be paid in the aggregate to any one of said Board of Commissioners for service rendered by them under this Act.

Liabilities and compensation.

SEC. 17. It shall be a felony, punishable by imprisonment in the Penitentiary for a period not to exceed five years, for any member of the Board of Supervisors or of the Board of Road Commissioners by this Act created, or for any officer of the

County officers not to be interested in contracts.

County Government, or any of their deputies, to be interested or concerned in any contract made by the Board of Supervisors, or said Board of Commissioners by this Act created, in relation to any of the matters in this Act named; *provided*, it shall be lawful for said Board of Supervisors or said Board of Commissioners to employ Robert Porter, herein named as one of the Board of Road Commissioners, as a civil engineer in and about said proposed road.

Official bonds SEC. 18. It shall be lawful, and it is hereby made the duty of said Board of Supervisors, to require bonds of said County Treasurer and County Clerk, in such sum as said Board shall designate, for the faithful performance of all duties assigned said officers, respectively, under this Act; and said Board may in like manner require bonds of all persons employed by said Board under this Act in any way for the faithful and proper discharge of the duties incumbent upon such persons.

When road completed. SEC. 19. Whenever said road, for the construction whereof this Act provides, shall be completed as herein provided, it shall be the duty of said Board to so declare by order entered in their minutes; and if at such time there shall be any of the said bonds mentioned in this Act not issued or sold it shall be the duty of the said Board of Supervisors to write thereon, or cause to be written thereon, in plain, bold handwriting, extending across the face thereof, the words, "Void and unsold," and each Supervisor shall sign his name thereto, and such bonds, the middle thereof, shall be cut half across. When so mutilated they shall be filed with other redeemed bonds.

SEC. 20. This Act shall take effect from and after passage thereof.

CHAPTER CCCCXXVII.

An Act to amend sections seven, five hundred and thirty-five and five hundred and forty-one of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section seven of the Act the title of which is recited in the title of this Act is hereby amended so as to read as follows :

When a married woman may sue or be sued alone. Section 7. When a married woman is a party, her husband shall be joined with her; except, first, when the action concerns her separate property or her right or claim to the homestead property, she may sue alone; second, when the action is between herself and her husband, she may sue or be sued alone.

SEC. 2. Section five hundred and thirty-five of the aforesaid Act is hereby amended so as to read as follows :

Section 535. No person shall be held to answer to any summons issued against him from a Justice's Court, in a civil action, in any township or city other than the one in which he shall reside, except in the cases following:

Summons
from Jus-
tices' Courts

First—When there shall be no Justice's Court for the township or city in which the defendant may reside, or no Justice competent to act on the case.

Second—When two or more persons shall be jointly or jointly and severally bound in any debt or contract, or otherwise jointly liable in the same action, and reside in different townships or different cities of the same county, or in different counties, the plaintiff may prosecute his action in a Justice's Court of the township or city in which any of the debtors or other persons liable may reside.

Third—In cases of injury to the person, or to real or personal property, the plaintiff may prosecute his action in the township or city where the injury was committed.

Fourth—Where personal property, unjustly taken or detained, is claimed, or damages therefor are claimed, the plaintiff may bring his action in any township or city in which the property may be found, or in which the property was taken.

Fifth—When the defendant is a non-resident of the county, he may be sued in any township or city wherein he may be found.

Sixth—When a person has contracted to perform any obligation at a particular place, and resides in another county or in a township or city of the same county, he may be sued in the township or city in which such obligation is to be performed or in which he resides; and for the purpose of Justices' Courts' jurisdiction under this clause, the township or city in which the obligation is incurred shall be deemed to be the township or city in which it is to be performed, unless there is a special contract to the contrary.

Seventh—When the foreclosure of a mortgage or the enforcement of a lien upon personal property is sought by the action, the plaintiff may sue in the township or city where the property is situated.

Eighth—Any person or persons residing in the City of San Francisco may be held to answer to any summons issued against him or them from the Court of a Justice for any township within the corporate limits of the City of San Francisco, in any action or proceeding whereof Justices of the Peace of the City or County of San Francisco have or may have jurisdiction by law; *provided*, nothing herein contained shall be construed to allow any Justice of said city or county to hold a Court in any other township than the one for which he shall have been elected.

Sec. 3. Section five hundred and forty-one is hereby amended so as to read as follows:

Section 541. The time in which the summons shall require the defendant to appear and answer the complaint shall be as follows:

When de-
fendant to
answer com-
plaint.

First—If the plaintiff and defendant reside within the township when the action is brought, within ten days after the service thereof.

Second—If the plaintiff and defendant reside out of the township but within the county where the action is brought, within five days after the service thereof.

Third—If the plaintiff reside out of the township where the action is brought and the defendant resides in said township, within three days after the service thereof.

Fourth—If the defendant reside out of the county or township in which the action is brought and the plaintiff resides in said township, within fifteen days after the service thereof.

The defendant may appear in the action by demurrer or answer at any time after service of summons upon him, and shall notify the plaintiff, by written notice, of such appearance. If any of the defendants shall fail to answer or appear in the action within the time prescribed in the summons, such default shall be entered by the Justice in his docket. If all of the defendants shall fail to appear or answer within the time prescribed in the summons, the Justice shall thereupon enter judgment against them for the amount demanded in the summons, where the action is brought upon a contract for the direct payment of money; and in all other cases shall hear the proofs, and give judgment in accordance with the pleadings and proofs. Where all the defendants served with process shall have appeared, or some of them have appeared and the remaining defendants have made default, the Justice may proceed to try the cause, or, upon good cause shown by either party, may fix the day for trial on any subsequent day not more than ten days thereafter.

If defendants fail to answer.

When trial may be postponed.

SEC. 4. Section five hundred and eighty-six of said Act is hereby amended so as to read as follows:

If either party fail to appear.

Section 586. If either party shall fail to appear at the time fixed for trial, or at the time to which the trial has been adjourned, the trial may proceed at the request of the adverse party, and judgment shall be rendered in conformity with the pleadings and proofs.

Proviso.

SEC. 5. Nothing in this Act shall be construed to preclude the bringing of actions in Justices' Courts of this State against any party or parties residing out of this State.

SEC. 6. This Act shall take effect and be in force immediately.

CHAPTER CCCCXXVIII.

An Act to legalize the assessment of taxes in the County of Lake, and State of California, for the fiscal year commencing on the first of March, eighteen hundred and sixty-seven.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Legalized.

SECTION 1. The assessment of all property, real, personal or mixed, made by the acting Assessor, either County or District,

in and for the County of Lake, in the State of California, for State, county, town or other purposes required by law, or ordered and directed by the Board of Supervisors of said county, whether the record of such order is now in existence or not, and that was entered upon the assessment roll of the acting County or District Assessor subsequent to the first day of March, eighteen hundred and sixty-seven, and prior to the first Monday of November in said year, is hereby declared legal, and the same is confirmed and ratified, and ordered valid, effectual and binding, both in law and equity, and of like force as if all the records, orders, notices or proceedings pertaining thereto yet remained in the archives of the county.

SEC. 2. Said Act shall take effect from and after its passage.

CHAPTER CCCXXIX.

An Act to amend an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of an Act entitled an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty, is hereby amended so as to read as follows :

Section 1. When there is no express contract in writing fixing a different rate of interest, interest shall be allowed at the rate of seven per cent. per annum, for all moneys after they become due on any bond, bill, promissory note, or other instrument of writing ; on any judgment recovered before any Court in this State, for moneys lent ; for moneys due on the settlement of accounts, from the day on which the balance is ascertained, and for moneys received to the use of another.

Legal interest in absence of written contract.

SEC. 2. Section two of said Act is hereby amended to read as follows :

Section 2. Parties may agree in writing for the payment of any rate of interest whatever on money due or to become due, and it shall be allowed according to the terms thereof until the entry of judgment thereon ; but whatever may be the rate of interest agreed upon, no judgment or decree in any Court of this State shall draw interest at a rate to exceed seven per cent. per annum.

Special contracts may be made.

Proviso.

CHAPTER CCCCXXX.

An Act to separate the office of County Recorder from that of County Clerk in the County of Alameda, and to provide for the election of a County Recorder therein.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

County
Clerk.

SECTION 1. At the general election to be holden in the year eighteen hundred and sixty-nine (1869), and at every general election thereafter, there shall be elected in the County of Alameda one County Clerk, who shall be ex officio Clerk of the Board of Supervisors.

County
Recorder.

SEC. 2. At the elections mentioned in section one of this Act there shall also be elected one County Recorder, who shall be ex officio County Auditor.

SEC. 3. All Acts and parts of Acts inconsistent with this Act are hereby repealed, so far as they conflict with the provisions of this Act.

CHAPTER CCCCXXXI.

An Act for the better protection of the State Treasury.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Watchmen
to be em-
ployed.

SECTION 1. The State Treasurer of the State of California is hereby authorized and empowered to employ two watchmen in and about his office, in the City of Sacramento, at a salary of one hundred dollars per month each, payable out of the same fund and in like manner as the salaries of other State officers are paid.

SEC. 2. Said watchmen shall be alternately on duty at all hours of the day and night, and shall have full power to make arrests like other peace officers.

SEC. 3. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXXXII.

An Act to repeal an Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act to declare and regulate the power of the Board of Supervisors of the City and County of San Francisco to take private lands for certain public improvements and to prescribe the manner of its execution, approved April fourth, eighteen hundred and sixty-four, is hereby repealed; ^{Repealed.} *provided,* nothing herein contained shall affect any proceedings taken, or to be taken, to widen Kearny and Third streets, or to the extension of Montgomery street, or to the extension of Second street through to Montgomery street, in the City and County of San Francisco; but such proceedings may be continued, perfected and concluded, in all respects, the same as if said Act was in full force and effect. ^{Proviso.}

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXXXIII.

An Act to repeal an Act incorporating the Town of Auburn.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled an Act to incorporate the Town of Auburn, approved March twenty-ninth, eighteen hundred and sixty; and an Act amending section eight of said Act, approved April tenth, eighteen hundred and sixty; and an Act amending section five of said Act, approved April twenty-third, eighteen hundred and sixty, are hereby repealed. ^{Acts repealed.}

SEC. 2. This Act shall take effect when it is approved.

CHAPTER CCCCXXXIV.

An Act to prevent Swamp Land District Number Two from overflow.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tax to be levied.

SECTION 1. The Board of Supervisors of the County of Sacramento, at their first regular meeting after the passage of this Act, are hereby authorized and required to levy, for the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, a tax of sixty cents on each one hundred dollars worth of all the swamp and overflowed lands, and improvements thereon, in Swamp Land District Number Two, lying west of the lower Stockton road and south of the southern boundary of the Sutter grant; *provided*, that this Act shall not apply to lands of Messrs. Burton, McClannahan and Stanley, and those in that immediate vicinity.

Collection and disbursement.

SEC. 2. The taxes authorized to be levied under the provisions of this Act shall be collected as other taxes are, and shall be paid into a special fund, to be known as the "Sacramento Levee and Crevasse Fund," to be used in filling up the crevasses, repairing and constructing levees in that portion of Swamp Land District Number Two on the bank of the Sacramento River south of Kadell's Slough.

Assessment

SEC. 3. The Assessor of Sacramento County, when making the assessment for State and county purposes, shall ascertain and return in his assessment roll all the real estate and improvements described in section one of this Act, and shall assess the same as herein provided.

Tax may be paid in work

SEC. 4. Any person or persons owing taxes levied under the provisions of this Act may, if they desire so to do, perform labor on said levees, under the direction of the Overseers, to the amount of their tax, for which labor they shall receive the compensation herein prescribed, to wit: For one day's work of one man with shovel, and wheelbarrow, if required, two dollars and fifty cents per day; for one man and team (two horses), and plough and scraper, five dollars per day; *provided*, that should any one owing said tax fail or refuse to work out said tax before the first day of September, eighteen hundred and sixty-eight, then the said tax shall be due and payable in United States gold coin, and shall be collected as other delinquent taxes are collected.

Overseers.

SEC. 5. The owner of the land on which a levee is to be constructed or repaired shall be the Overseer of the work thereon. Each Overseer shall keep a correct account of the number of days that each person works, with the date thereof; he shall then certify that said account is correct and give such certificate to the person performing said labor. The person holding said certified account shall then make oath that said account is correct, and that the labor was performed since the passage of this Act. He shall then present it to the Board of Swamp Land Commissioners of Sacramento County, and if found correct

said Commissioners shall issue a certificate for the amount, which certificate shall be receivable by the Tax Collector for the tax herein authorized to be levied; *provided*, that in no case shall the certificate herein required to be given exceed in amount the sum due for taxes from the person entitled to receive said certificate; *provided* further, that the Overseers herein created shall not be entitled to receive any pay for their services as such Overseers.

SEC. 6. The levees to be repaired and constructed under the provisions of this Act shall be ten feet wide on top, and in all other respects in accordance with the plans and specifications as recommended by the Engineer of Swamp Land District Number Two, and on file in the Swamp Land Commissioners' office of Sacramento County. Levees.

SEC. 7. The levees that now exist, or which may be repaired or constructed under the provisions of this Act, are hereby declared to be a public highway; and the Road Overseers of the districts where the said levees are to be built or repaired shall apply all the money and labor which they are entitled to, as such Overseers, to the repair and strengthening the levees in their respective districts; *provided*, that the Overseer may use a portion of said labor and money in repairing the road running east from the lower end of Dr. N. Williams' farm. Public high-
way.

SEC. 8. The Swamp Land Commissioners are hereby authorized to employ a competent civil engineer, at an expense not exceeding seventy-five dollars, to be paid out of the fund herein created, whose duty it shall be to examine the route of the proposed improvements, and determine if, by the wearing away of the banks of the river, it is necessary in some places to remove or erect the levee further from the river than it was originally located; if he so determines, he shall re-locate that portion of it, and report the same to the Swamp Land Commissioners; and if they adopt the report, then the said levee shall be built in conformity thereto. Duty of
Engineer.

SEC. 9. The Swamp Land Commissioners of Sacramento County may, after the first day of September, eighteen hundred and sixty-eight, authorize work to be done on the proposed improvements, either by contract or otherwise, for the repair of the said levees—the said labor to be paid for out of the special fund herein created, and performed under the direction of the Road Overseer of the district where the work is to be done. Repairs.

SEC. 10. All Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXXXV.

An Act to provide additional revenue for the School Department of the City and County of San Francisco, and to change the time and manner of electing the Superintendent of Public Schools of said city and county.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Tax to be levied.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to levy and collect for the fiscal year eighteen hundred and sixty-eight and sixty-nine, and the fiscal year eighteen hundred and sixty-nine and seventy, a building tax of five cents on every one hundred dollars valuation upon the assessment roll of said city and county. The said tax is to be levied and collected at the same time and in the same manner as other city and county taxes are levied and collected. All money received from this building tax shall be placed to the credit of the School Fund and shall be used and appropriated, with the consent of the Board of Supervisors, exclusively for the purpose of purchasing school lots, and erecting, furnishing and repairing school-houses.

Street improvements.

SEC. 2. The Board of Supervisors of the City and County of San Francisco are hereby authorized and required to pay for the improvement of all streets in front of school property in the same manner and from the same fund from which other street improvements in front of public property are paid.

School lots may be sold.

SEC. 3. It shall not be lawful for the Board of Education or the Board of Supervisors of the City and County of San Francisco to dispose of any real estate belonging to the School Department, except Fifty-vara Lot three hundred and one, and the lot on which the colored school-house is located, on Broadway, between Powell and Mason streets, which lots the Board of Education, with the consent of the majority of the Board of Supervisors, are hereby authorized to sell at public auction, after giving thirty days notice in some public newspaper in said city and county; *provided*, that one half of the proceeds of such sale shall be placed to the credit of the School Fund to pay any deficit in the School Fund of the fiscal year eighteen hundred and sixty-seven and sixty-eight.

Proceeds.

Annual estimates.

SEC. 4. It shall be the duty of the Committee on Finance and Auditing of the Board of Education, during the month of July of every year, to make an annual estimate of all revenue and disbursements of the School Department for the current fiscal year, specifying separately the amount of funds necessary to defray the different items of expenditures for the first and last half year; and in no case shall it be lawful for the said Board to exceed, during the first half year, the estimated item of expenditures for that period, or, in the entire year, the revenues collected for school purposes. All surplus or unexpended funds of any half year shall be available for expenditures of the following half year. The Auditor and Treasurer shall conform strictly to the provisions of this section.

Surplus

SEC. 5. The Board of Education and the Board of Supervisors of the City and County of San Francisco are hereby authorized and required to meet in joint convention on the first Monday after the expiration of the term of office of the present Superintendent of Public Schools and elect a Superintendent of Public Schools for said city and county, who shall hold his office for the term of two years. The said Superintendent shall receive the same salary and have the same powers and be governed by the same rules and regulations in the discharge of his official duties as are now prescribed by law for said Superintendent.

Election of
Superin-
tendent.

SEC. 6. All laws and parts of laws in conflict with the provisions of this Act, for the purposes of this Act, are hereby repealed.

SEC. 7. This Act shall take effect on and after its passage.

CHAPTER, CCCCXXXVI.

An Act to repeal an Act amendatory of and supplementary to an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two, approved March, eighteen hundred and sixty-six, so far as the same applies to the County of El Dorado.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act amendatory of and supplementary to an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador, approved April twenty-fifth, eighteen hundred and sixty-two, approved March thirty-first, eighteen hundred and sixty-six, is hereby repealed so far as the same applies to El Dorado County.

Repealed.

SEC. 2. This Act shall take effect from its passage.

CHAPTER CCCCXXXVII.

An Act to confirm and legalize certain contracts entered into by Peter Donahue and others with the County of Santa Clara.

[Approved March 30, 1868.]

WHEREAS, A certain contract or agreement was made and entered into on the fourth day of March, A. D. eighteen hundred and sixty-five, purporting to be between the County of Santa Clara, of the first part, and Charles B. Polhemus, Peter Donahue and Henry M. Newhall, of the second part, for the sale, in the

Preamble.

Preamble. manner and upon the conditions therein mentioned, of two thousand shares of the capital stock of the San Francisco and San José Railroad Company, held by said county, which agreement is signed and executed by Peter Donahue, by John T. Doyle as his attorney in fact, and C. B. Polhemus and H. M. Newhall, parties of the first part, and Charles W. Pomeroy, County Treasurer of Santa Clara County, for and on behalf of said county; and

Whereas, also, a certain order of the Board of Supervisors of the said County of Santa Clara, reciting and confirming said agreement, and containing certain other provisions, was thereupon and on the same day made and entered; and

Whereas, said Charles B. Polhemus, Peter Donahue and Henry M. Newhall did, on the eight day of February, A. D. eighteen hundred and sixty-five, make, execute and deliver to the Clerk of said Board of Supervisors their certain bond, conditioned for the faithful performance of any such contract of sale on their part; and

Whereas, all of said agreements and said order of said Board of Supervisors was, by an Act of the Legislature of this State, passed March the twentieth, A. D. eighteen hundred and sixty-six, entitled an Act to confirm a certain contract for the sale of stock held by the County of Santa Clara in the San Francisco and San José Railroad Company, and to give effect to the same, in all things ratified and confirmed, and declared binding between the parties thereto; and

Whereas, afterwards, and on or about the month of August, A. D. eighteen hundred and sixty-seven, an action was commenced in the Fourth Judicial District Court by the County of Santa Clara against the said Donahue, Polhemus and Newhall, on said agreement; and

Whereas, afterwards, and on the twenty-fourth day of December, A. D. eighteen hundred and sixty-seven, said suit was fully compromised and settled between the Board of Supervisors of the County of Santa Clara and Peter Donahue, Henry M. Newhall and Charles Mayne, as assignee of said Charles B. Polhemus; and

Whereas, as a part of said compromise, the said Mayne, Donahue and Newhall executed and delivered to the County of Santa Clara an instrument or agreement in writing, in words as follows, to wit:

In consideration of one dollar to us paid, and in further consideration of the settlement and dismissal of the suit now pending against Newhall, Polhemus and Donahue, in favor of the County of Santa Clara, in the Fourth District Court, and Charles Mayne, Peter Donahue and H. M. Newhall agree to extend, build, equip and complete the San Francisco and San José Railroad from San José to Gilroy, in said county, about thirty miles, within eighteen months from this date, December twenty-fourth, eighteen hundred and sixty-seven, at our own expense and without expense to said county; and we agree that the stock of said railroad company to the amount of two hundred thousand dollars, now held by said county, shall remain in the hands of said county as collateral security for the fulfilment of this agreement. If not completed within the time above mentioned, their said stock may be sold, at the option of the Board of Supervisors of said county, without notice, and the proceeds, to the amount of one hundred thousand dollars in United States gold coin, paid over to the Treasurer of said county; and we agree that the sum of one hundred thousand dollars, United States gold coin, is the liquidated damages which shall be due and owing from us to said county at the expiration of said period of time, provided said road is not completed as herein specified; and on sale of said collateral security shall be entitled to

judgment against us, in any Court of competent jurisdiction, for any deficiency, in case said collaterals shall bring less sum than one hundred thousand dollars in United States gold coin as aforesaid. Preamble.

Witness our hands, at San José, California, this twenty-fourth day of December, A. D. eighteen hundred and sixty-seven.

PETER DONAHUE,
CHARLES MAYNE,
H. M. NEWHALL.

And whereas, the Board of Supervisors of said county, on the said twenty-fourth day of December, A. D. eighteen hundred and sixty-seven, made an order in the words as follows, to wit:

In the matter of the Claim of the County of Santa Clara against Peter Donahue, H. M. Newhall and C. B. Polhemus, now in suit in the Fourth District Court:

The sum of one hundred thousand dollars having been paid by defendants to the county this day, December twenty-fourth, eighteen hundred and sixty-seven, it is hereby ordered, and Barstow and Tompkins, the attorneys of this county in said suit, are hereby instructed, to dismiss said suit on payment to them of all their attorneys' fees and the costs and disbursements in said suit, so that this county shall not be and shall not have been at any expense for said attorneys' fees or for costs or disbursements in said suit; and said attorneys are authorized and instructed to cancel the contract on which said suit is brought. But the stock now held by said county in said railroad company, to the amount of two hundred thousand dollars, shall remain in the hands of said county as collateral security for the fulfilment of the agreement of Charles Mayne, Peter Donahue and H. M. Newhall with said county, in writing, dated December twenty-fourth, eighteen hundred and sixty-seven, to extend the San Francisco and San José Railroad to Gilroy, thirty miles, or thereabouts, within eighteen months from said date, and to pay said county one hundred thousand dollars in United States gold coin as liquidated damages in case said road shall not be completed within said period, and said stock to be sold, at the option of the Board of Supervisors of said county, without notice, to pay said liquidated damages in case said road is not completed within said time, as aforesaid, all which appears fully in said agreement.

And whereas, said Board of Supervisors, on the twenty-seventh day of February, A. D. eighteen hundred and sixty-eight, made and entered upon their minutes another order in words and figures, to wit:

In the matter of the settlement with Donahue, Polhemus and Newhall:

The Board of Supervisors of the County of Santa Clara do declare, and order to be entered upon their records as matter of evidence hereafter, that in the compromise and agreements made and entered into on the twenty-fourth day of December, A. D. eighteen hundred and sixty-seven, between Peter Donahue, Henry M. Newhall and Charles Mayne on the one side, and the Board of Supervisors on the other, of the controversy then pending between the County of Santa Clara and the said Donahue, Newhall and Charles B. Polhemus, it was a part of the understanding and agreements and the true intent and meaning thereof, that in case the said Donahue, Newhall and Mayne should build or cause to be built and put in operation, whether in their own names or in the name of some other person or company, a railroad from San José to Gilroy, and connecting with the San Francisco and San José Railroad, within eighteen months from the said twenty-fourth day of December, A. D. eighteen hundred and sixty-seven, then that the stock standing in the name of the County of Santa Clara, or the Board of Supervisors of the County of Santa Clara, on the books of the San Francisco and San José Railroad Company, and known as the stock of the County of Santa Clara in said company, is to be the absolute property of the said Peter Donahue, Henry M. Newhall and Charles Mayne, and is to be transferred to them without costs, let or hindrance, upon the books of said company, upon the completion of the road within the time aforesaid.

And whereas, the said Board of Supervisors and the said Peter Donahue, Charles Mayne and Henry M. Newhall have petitioned the Legislature to ratify and confirm said compromise and agreements; therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Contracts
legalized.

SECTION 1. The aforesaid writing, executed by the said Peter Donahue, Charles Mayne and Henry M. Newhall, and the aforesaid orders of the Board of Supervisors of the County of Santa Clara, as well the order of the twenty-fourth day of December, A. D. eighteen hundred and sixty-seven, as the order of the twenty-seventh of February, A. D. eighteen hundred and sixty-eight, and the aforesaid compromise, are hereby ratified, confirmed and declared legal and binding between the County of Santa Clara and the said Peter Donahue, Charles Mayne and Henry M. Newhall, and their successors in interest.

When stock
to be trans-
ferred.

SEC. 2. In case the said Peter Donahue, Charles Mayne and Henry M. Newhall, or their successors in interest, shall within eighteen months from the twenty-fourth day of December, A. D. eighteen hundred and sixty-seven, either in their own names or in the names of any other person or company, build or cause to be built, equipped and put in operation, a railroad connecting with the San Francisco and San José Railroad, in San José, and extending to the Town of Gilroy in the County of Santa Clara, then the title to the stock now standing in the name of the County of Santa Clara, or the Board of Supervisors of the County of Santa Clara, or in the name of any person for the benefit of the County of Santa Clara, on the books of the San Francisco and San José Railroad Company, and known as the stock of the County of Santa Clara in said company, shall vest absolutely in the said Peter Donahue, Charles Mayne and Henry M. Newhall, and their successors in interest, and the Treasurer of the County of Santa Clara shall transfer said stock to them on the books of said company, and shall deliver to them the certificates and evidences thereof.

Forfeiture.

SEC. 3. In case the said Donahue, Mayne and Newhall, and their successors in interest, shall fail to build or cause to be built, equipped and put in operation such railroad within the time above specified, then the said stock shall be sold and the proceeds disposed of as provided in aforesaid agreements and orders of the Board of Supervisors.

CHAPTER CCCXXXVIII.

An Act relating to the levy of State and county taxes for the County of Del Norte for the year eighteen hundred and sixty-eight.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

When to be
levied.

SECTION 1. The Board of Supervisors for Del Norte County are authorized, and it shall be their duty, to levy such State and county taxes as are required by law to be levied, at the

regular meeting of said Board to be held in the month of May, eighteen hundred and sixty-eight.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXXXIX.

An Act concerning the foreign miners' license tax in the County of Placer.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Treasurer of Placer County is hereby authorized and directed to place the money hereafter received from the foreign miners' license, which was granted said county by an Act entitled an Act granting to the mining counties of this State the foreign miners' tax collected in said counties, severally, approved March sixteenth, eighteen hundred and sixty-eight, in the following funds in the Treasury of said county, to wit: Fifty per cent. thereof in the Common School Fund, and fifty per cent. thereof in the Railroad Fund.

Distribution
of proceeds.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCXL.

An Act to define the legal distances from the county seats of Calaveras, Inyo, Kern, Mendocino and Mono Counties.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The distances established by this Act shall be, and the same are hereby declared to be, the legal distances for which mileage shall be allowed to the Capitol at Sacramento:

Legal dis-
tances.

First—For County Treasurers settling their accounts at the State Capitol at Sacramento.

Second—For conveying the insane to the Asylum at Stockton.

Third—To Sheriffs for transporting prisoners to the State Prison at San Quentin.

SEC. 2. From the county seat of Calaveras County to Sacramento, seventy-five miles; to Stockton, forty-five miles; to San Quentin, one hundred and seventy-five miles.

Calaveras.

SEC. 3. From the county seat of Inyo county to Sacramento, three hundred and seventy miles; to Stockton, three hundred and thirty miles; to San Quentin, three hundred and fifty miles.

Inyo.

Kern. SEC. 4. From the county seat of Kern County to Sacramento, three hundred and sixty miles; to Stockton, three hundred and fifteen miles; to San Quentin, four hundred and forty-five miles.

Mendocino. SEC. 5. From the county seat of Mendocino county to Sacramento, two hundred and twenty-five miles; to Stockton, two hundred and twenty-one miles; to San Quentin, one hundred and ten miles.

Mono. SEC. 6. From the county seat of Mono County to Sacramento, two hundred and ten miles; to Stockton, one hundred and seventy miles; to San Quentin, three hundred miles.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXLI.

An Act to provide for the location, construction and maintenance of public roads in the County of Nevada.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Public high-ways.

SECTION 1. All roads in the County of Nevada which have been located as public highways by order of the Board of Supervisors or Township Trustees, and all roads in public use which have been recorded in county or township records as public highways, or which may be recorded by authority of the Board of Supervisors, as hereinafter provided, are hereby declared public highways; and all roads in the County of Nevada now in public use which do not come within the provisions of this Act are hereby declared vacated; *provided*, no toll road shall be established on any road vacated by virtue of the foregoing provisions of this section upon which there shall have been expended any money or labor belonging to the Road Fund, or tax of said county, unless with the full knowledge and consent of the Board of Supervisors of said county.

Vacation of roads.

Road Commissioner to be elected.

SEC. 2. It shall be the duty of the Board of Supervisors to order an election, to take place in the manner and on the same day on which the election for Presidential Electors shall be ordered, to wit: November third, eighteen hundred and sixty-eight—by the qualified electors of Nevada County, of one person, who shall be a qualified voter of said county and a householder, to be Road Commissioner of Nevada County for the term of one year, or until the next general election for county officers, in the year one thousand eight hundred and sixty-nine. At all general elections for county officers held in Nevada County after the passage of this Act, an election shall be ordered and held, at the same time and in the same manner as such elections are held for county officers, for some person to be and act as Road Commissioner, who shall hold his office for two years from the date of his election and until his successor is elected and qualified. Said Road Commissioner, to be eligi-

ble to the office, must be a householder and a qualified elector of the County of Nevada.

SEC. 3. At all elections held under the provisions of this Act ^{Returns.} the returns shall be made to the County Clerk in the same manner as other election returns are made; and the Board of Supervisors shall, at their regular meeting for the opening of the election returns and the counting of votes for county and township officers, canvass the votes for the office of Road Commissioner, and the person receiving the highest number of votes for that office shall be declared elected; and the County Clerk shall immediately transmit to such person so elected a certificate of his election; and such person shall, within ten days ^{Official bond.} thereafter, qualify by filing a bond with the Clerk of the Board of Supervisors, in a sum which the Board of Supervisors may deem sufficient, which shall not be less than two thousand dollars, with two sureties, conditioned for the faithful performance of his duties; which bond shall be approved by the County Judge, and made payable to The People of the State of California, and by taking and subscribing an oath before the Clerk of the Board of Supervisors that he will faithfully and impartially perform the duties devolved upon him by law as Road Commissioner.

SEC. 4. It shall be the duty of the Road Commissioner, within fifteen days after his election, and every two years thereafter, ^{Duties and powers of Commissioner.} if he shall deem it necessary, to lay off and divide the public roads in the county by townships and sections, which he shall number and describe in a book to be called a "Road Book of Nevada County." He shall distinctly specify therein what he shall deem necessary for the improvement and keeping in good repair the said public roads and highways; and when the Commissioner shall have so laid off the said roads, as aforesaid, he ^{Repair of roads.} shall submit his report to the Board of Supervisors at their first regular meeting, a majority of whom shall have power to modify or amend the report of the Commissioner, and who shall give their written assent to the report, or report so amended or modified, which shall be the warrant of the Road Commissioner and his guide in the performance of his duties; and the Road Commissioner shall, within five days thereafter, give public notice for at least one week, in one of the daily papers of the county, published at the county seat, designating the time and place for the taxable inhabitants of the county to meet in their respective townships, at the principal town in the township designated by the Commissioner in the public notice aforesaid, at which time and place it shall be the duty of said Commissioner to attend and sell out, at public sale, for the term of two years, each section or subdivision of said public road lying within said township, to the lowest bidder; but the Commissioner shall have power to refuse such bid if he shall deem the same too high; and if any section or sections of said road shall remain unsold, on account of no bid having been made for the same, it shall be lawful for said Commissioner thereafter to let out such section or sections at private contract; ^{Contracts.} *provided*, that the said Commissioner shall not be, directly or indirectly, interested in taking or keeping in repair any section or sections so let out as aforesaid; and *provided*, also, that not more than the yearly proportion of

such purchase or contract shall be paid in any one year; and be it further *provided*, that no Commissioner shall sell, by public or private contract, any section or sections of the public highway for a longer time than he shall be entitled to hold his office, either by election or appointment.

Bonds of
contractors.

SEC. 5. The Road Commissioner may exact bonds from the purchaser or contractor of any section or sections of the public roads, if he shall deem it to be required by public interest, in such sum as shall amount to twice the sum named in the contract, with two sureties, made payable to The People of the State of California, to be accepted by the Board of Supervisors, conditioned for the faithful performance of the specifications in the contract, which shall be filed with the Clerk of the Board of Supervisors, who shall be furnished with and shall keep on file all agreements or contracts of any and all contractors or purchasers, made under bond or otherwise, and who shall furnish to such contractor or purchaser a duplicate copy of his agreement, with specifications contained in his contract.

Record.

SEC. 6. Any person or persons purchasing or contracting for any section or sections of road, as aforesaid, shall write his or their names, respectively, in the Commissioner's book opposite the section or sections so contracted for, and also the amount of the purchase or contract price.

Liabilities of
contractors.

SEC. 7. It shall be the duty of the contractors or purchasers, as aforesaid, to keep their respective sections in good and substantial repair during the said term of the contract; and should any person or persons neglect or refuse to make the improvements, or to keep in good repair the section or sections so purchased or contracted for, upon complaint being made to the Commissioner, it shall be the duty of said Commissioner to examine the section or sections so complained of as soon as practicable; and, if he shall deem the complaint well founded, to give notice to the party or parties complained of to make the improvements and put his or their section or sections of road in good repair, according to the terms of the contract, within ten days thereafter; and if he or they shall refuse or neglect to comply with said notice until the expiration of the ten days, it shall be the duty of the Commissioner to have the said section or sections improved or repaired according to the terms specified in the contract; and the cost of improving or repairing the same shall be recoverable by the Commissioner from such person or persons so neglecting or refusing, or of their sureties, as other debts of equal amount are now recoverable by law, with costs of suit.

When con-
tracts
transferred.

SEC. 8. Any contract for opening or repairing roads shall not be transferred to a third person without due notice and consent of the Road Commissioner. Where no bond has been exacted, and where a bond has been executed for the faithful performance of a contract to keep in good repair any section or sections of the public road, the consent of a majority of the Board of Supervisors also shall be necessary to release the principal and bondsmen of the sued party or contractor, and they may require bonds to be given by the third person in the manner hereinbefore provided; and in case of the death or removal of any contractor from the township to a locality remote from

the road, or section or sections of the public road, by him purchased or contracted for to be improved and repaired, either to a remote township of the county or out of the county, without disposal of such contract, it shall be the duty of the Commissioner to sell the unexpired term of such purchase or contract at public sale or private contract in the manner and form hereinbefore provided.

SEC. 9. It shall be the duty of the Road Commissioner to take the general charge and supervision of all the roads in said county, to lay out new ones or parts of ones, and vacate and alter any parts of the existing roads, if he shall think it necessary; but in no case shall he lay out a new road or part of a road, or vacate or change an existing one, unless upon a petition, in writing, setting forth the necessity for a new road or the reasons for the change or vacation of the old one, and signed by at least twelve of the inhabitants and road tax payers of the township in which such road is located or change of road is intended to be made.

Commissioner to have supervision of all roads in county.

SEC. 10. It shall be the duty of the Commissioner, if he shall think a new road is necessary, or the alteration or vacation of an existing one shall be for the public interest, upon the petition of twelve or more persons, resident taxpayers of the county or township in which such new road is intended to be located, or the alteration or vacation of an existing one shall be contemplated, praying for a public road to be laid out or changed, altered or vacated, within the township or county, or a petition signed by one or more persons praying for a private road or lane to be laid out from the rancho or dwelling of any person to the public road, to proceed to view, grade, survey and lay out the proposed new road, or make the necessary change in the old one, marking either on the ground and noting on the maps or draft, and if it passes through private lands, through whose lands it passes. He shall in no case locate any public road above a grade of eighteen inches to the sixteen and one half feet, linear measurement; and it shall be the duty of the Commissioner to procure releases, in writing, of the owners of said land through which the new road may pass, of all damages that may arise to them in opening the same; and if he shall fail to procure releases, he shall appoint three Viewers (the County Surveyor to act as one), who shall view out and locate said road, and appraise all legitimate damages arising from such location or change, and upon the return of the certificate of the Viewers, together with the location, if satisfied with the same, he shall submit the claims for damages, if there be any, by persons through whose lands the road may pass, to the Board of Supervisors for their approval; and if they shall approve the same, the Road Commissioner shall immediately declare the same to be a public highway; and he shall divide said road newly made, changed or altered, into section or sections, and record the same in his road book, and shall have the same sold, contracted or made, as provided for in section four of this Act. And in case of vacation of a road or part of a road, it shall be the duty of the Viewers appointed and acting as hereinbefore provided, to view, survey, and report to the Commissioner, who, if favorable to the same, and if confirmed by the Board of

Opening or vacating roads.

Supervisors, shall declare such road vacated, and it shall cease to become a part of the public highway; and all contracts to repair said road or part of road so vacated shall be annulled by the Road Commissioner, who shall proceed to settle with the purchaser or contractor of said road.

Compensation.

SEC. 11. The Viewers or the Commission performing service under the provisions of this Act shall receive for their services four dollars per day for each and every day actually employed, and fifteen cents per mile necessarily traveled in going to and returning from where the contemplated road is situated, and shall be paid from the County Road Fund; *provided*, that all damages and expenses accruing from the location of any private road or lane shall be paid by the party or parties petitioning for said road or lane; and the Road Commissioner may, before acting upon any petition for such private road or lane, require such a bond from the party or parties so petitioning as shall in his judgment seem proper, to be held as security for all damages or expense accruing from the location of said road; liabilities upon said bonds to be collected as is provided by law in similar cases.

Private roads.

Payment of contractors.

SEC. 12. It shall be the duty of the Commissioner to inspect the roads once in every three months; and if he shall deem the work done is sufficient and according to the contract, he shall then, if required by the contractor or contractors, draw an order on the Treasurer of the county, on the County Road Fund, subject to the approval of the Board of Supervisors, in favor of said contractor or contractors, for the amount of said work; *provided*, that should the contractor or contractors be dissatisfied with the decision of the Commissioner, it shall be lawful for the contractor or contractors to make application to a Justice of the Peace in said or adjoining township, who shall appoint, together with the parties, three persons competent and disinterested, not citizens of the townships in which said road is located, whose duty it shall be to make inspection of said work and report to the said Justice, whether the same has been so performed according to contract, or otherwise, whose decision shall be final and conclusive.

When roads or bridges reported unsafe.

SEC. 13. The Road Commissioner shall have power, and it shall be his duty, to embrace in his quarterly report, hereinafter provided, a statement of the condition of all toll bridges and toll roads in the county; and when any toll bridge or toll road shall be reported to be in an unsafe condition, it shall be the duty of the Commissioner to appoint a Commission, to consist of three competent and disinterested persons, to make an examination of such bridge or road so reported to be unsafe, who shall report within three days the condition of said bridge or road; and in case the said Commission report the bridge or road unsafe, it shall be the duty of the Commissioner to suspend the further collection of toll on said bridge or road, to immediately warn the public of the danger by posting notices, in large letters, in a conspicuous place at each end of the bridge or road; and if the said bridge or road be not immediately repaired in the same or in as safe a manner as the Commission shall suggest, to the satisfaction of the Commissioner, the said Commissioner shall procure an order from the Board of Supervisors, suspending the

franchise and privileges claimed or held by the owners of said bridge or road, either from the Board of Supervisors or from the State, until the same shall be rendered safe for travel; and the Commissioner shall serve such order so obtained, with due diligence, upon the owner, agent or keeper of such toll bridge or road who shall refuse or neglect to repair the same after he shall be notified so to do as before provided, who shall collect toll for travel thereon until such road or bridge is safely repaired, shall be deemed guilty of a misdemeanor and shall be proceeded against under the law governing the prosecution for a misdemeanor.

SEC. 14. Any bridge or any section of the public highway, the cost of the building or repairing of which shall exceed the sum of three hundred dollars, shall be exempt from sale provided under the preceding sections of this Act; *provided*, the keeping in repair of said bridge may be included in any contract or purchase of any public road adjacent. All contracts for the construction or repairing of any bridge, involving an expenditure exceeding the sum of three hundred dollars, shall be let by the Board of Supervisors to the lowest responsible bidder, notice of such letting to be advertised in a newspaper published in the county, at least two weeks prior to the letting, asking for sealed proposals.

When expense over \$300.

SEC. 15. The Road Commissioner shall be the custodian of all public property now belonging to and which shall be hereafter donated to or purchased for the use of the public roads in Nevada County, and shall be held responsible for its loss. He shall deliver the same to his successor in office, on demand, and take a receipt of him for the same, specifying each article.

Public road property.

SEC. 16. The Road Commissioner shall keep a correct account of all sums due or claimed to be due to any and all contractors or purchasers of sections of the public roads, and of all orders drawn by him upon the County Road Fund in favor of any and all contractors or purchasers, and of all sums expended by him in the improvement and repairs of any public road or roads sectionized and sold, when the contractor or contractors have neglected or refused to perform his or their contract; and he shall report under oath the same, together with all transactions had incumbent upon the office, in a quarterly report to the Board of Supervisors. Upon receiving such report the Board of Supervisors shall make a settlement with the Commissioner, and shall allow him, for each day of service actually and necessarily performed, six dollars per day; and for every mile necessarily travelled from the county seat, in the inspection of any and all public roads, as provided by this Act, ten cents per mile each way.

Quarterly report.

SEC. 17. Every male resident of Nevada County over twenty-one and under fifty years of age shall be required to pay to the County Assessor, or his deputy, the sum of two dollars, in the gold and silver coin of the United States, as a county road tax for the year in which said road tax shall be demanded, and shall be entitled to, and it is hereby made his duty to demand from the Assessor, or his deputy, a printed road tax receipt, signed by the Auditor and countersigned by said Assessor, or his dep-

Road poll tax.

uty, in return for and showing the amount so paid to such Assessor or Deputy Assessor; and any person, when so applied to, neglecting or refusing to pay such road tax, shall be considered as a delinquent, and shall be proceeded against as such, and the Assessor or his deputy shall proceed to collect of him the sum of two dollars in gold or silver coin of the United States, in the manner and form as hereinafter provided.

Property of delinquents in hands of third parties may be attached.

SEC. 18. Moneys, credits and effects of the delinquent may be attached in the hands of third parties, by the Assessor or his deputy, by delivering to the party having such credits, moneys or effects of the delinquent, a written order of garnishment, requiring said party to pay to the Assessor or deputy the sum of money due by delinquent; and if the person thus served with notice shall pay the amount demanded, the Assessor or deputy shall deliver to him a road tax receipt therefor, made to the name of the delinquent, to which shall be appended a receipt written by and over the signature of the said Assessor or deputy, for the costs and charges allowed said Assessor or deputy, to wit, three dollars; and the receipt thus delivered shall be a legal offset to any claim existing against the party garnished, in favor of the delinquent, to the amount specified in the receipt aforesaid. If the person on whom the garnishment is served should neglect or refuse to pay to the Assessor or deputy the sum demanded of him, within five days after receiving such notice, the Assessor or his deputy shall apply to a Justice of the Peace of his township for an order requiring said person so served as aforesaid to be and appear before him forthwith, on a certain day named in said order, to answer under oath concerning any moneys, credits or effects in his hands belonging to the delinquent; and if it shall appear by the answer of the party, to the satisfaction of the Justice, that he has moneys, credits or effects in his hands belonging to the delinquent, the Justice shall enter in his docket a judgment against the party thus examined for the sum of five dollars and costs, two dollars of which shall be paid to the Assessor or deputy as the road tax of the delinquent taxpayer, and three dollars to the Assessor or deputy for his services. Upon receiving the sum of five dollars the Assessor or deputy shall execute a road tax receipt, made to the name of the delinquent taxpayer, for the sum of two dollars, signed by the Auditor and countersigned by himself, and to which shall be appended a receipt for the remainder, signed by himself. The judgment rendered against the person served with garnishment shall be collected in the same manner as other judgments in Justices' Courts and shall be a legal offset against the delinquent in favor of the judgment debtor.

Road tax receipts.

SEC. 19. The Clerk of the Board of Supervisors shall cause proper blank road tax receipts to be printed in book form, with marginal notes and figures, which shall in proper form declare that the amount of two dollars, in gold and silver coin of the United States, has been received from the person (writing his name) to whom the receipt is given. Said receipts, before being issued, shall be signed by the Auditor of the county, in writing, and upon delivery to the taxpayer shall be signed by the Assessor or his deputy. Said road tax receipts shall be of a uniform appearance, but the style thereof shall be changed

annually. No other receipts shall be used by the Assessor or his deputy in the collection of said road tax, and the said receipts only in the manner described.

SEC. 20. The Auditor shall issue to the Assessor, annually, upon his entering upon the discharge of his duties, as many road tax receipts as he may require, signed, taking his receipt for the same; and the road tax receipts so delivered shall be accounted as so much cash paid him, at two dollars each. The Assessor shall settle with the Auditor at such times as are now provided by law for the settlement of poll tax receipts; and all road tax receipts returned by him to the Auditor shall be deducted from the amount issued to the Assessor, as aforesaid, and all moneys collected by the Assessor for road tax shall be paid by him monthly into the County Treasury for the benefit of the County Road Fund, and he shall take a receipt therefor from the County Treasurer, which he shall present to the County Auditor in his settlement with said Auditor, who shall credit the Assessor with the sums of money so paid into the County Treasury; and the Assessor shall be liable, on his official bond, if he or his deputies shall fail to assess and collect said road tax from each and every person liable to pay said tax, when such tax may and can be collected in the manner hereinbefore provided, for the full amount of said tax and costs of suit, and may be proceeded against in the manner and form now provided for by the Act for the collection of moneys due the county by the delinquency of the Collector.

SEC. 21. The Board of Supervisors shall cause a survey to be made of all roads in the County of Nevada which have been declared public highways and which have not heretofore been surveyed, and such roads as have been surveyed where the field notes of such surveys have been lost, with such alterations from previous surveys, shortening the distance and lessening the grade of said roads, as the Road Commissioner may advise; and they shall cause a map to be constructed, on which the surveys of all public roads in the county shall be portrayed; and they shall cause the field notes of such surveys to be compiled and published in pamphlet form. They shall order a sufficient number of maps to be constructed and field notes to be printed for the use of the county, to wit: One copy of map and field notes for the use of the Board of Supervisors; one copy for the County Surveyor, and one copy for the Road Commissioner; and such maps and field notes shall be free to inspection at all reasonable hours, upon request, to any inhabitant of the county. When any public road shall connect with any toll road in a line and direction parallel with the same, the County Surveyor, in connection with the owner or agent of said toll road, shall establish the point at which such roads connect at each end of such toll road, and he shall plainly define and mark the boundaries of the same and transcribe the same in his field notes.

SEC. 22. The Board of Supervisors shall authorize the County Surveyor to begin and complete, at an early day as possible, the survey of all roads within the meaning of this Act, and to prepare the maps and field notes as hereinbefore provided; and the County Surveyor shall be entitled to receive for each day of service actually and necessarily performed, for himself, twelve

dollars per day, and for each assistant necessarily employed five dollars per day; *provided*, if the County Surveyor shall refuse to perform the labor for the per diem hereinbefore specified, then the Board of Supervisors may select some other and competent person to make such surveys. All contracts let or sold to any and all contractors or purchasers, for the payment of which orders may be drawn upon the Road Fund of the county, either by the Board of Supervisors or by the Road Commissioner, shall be let or sold on what have been declared public highways by the Board of Supervisors.

Contracts.

Material to be taken.

SEC. 23. The Road Commissioner, or any contractor or contractors for the building or improvement of the public roads, shall have power to make use of any gravel, dirt, timber and rock for improving the roads necessary from any adjacent unimproved lands; and the Board of Supervisors may allow such damages, if any there be, to the owners or claimants of such lands as they may deem just; *provided*, that the said Board of Supervisors shall be liable, jointly and severally, to pay damages to the county, at the suit of any citizen, if it shall be made to appear that they have allowed extraordinary damages to such property owners.

Obstructions

SEC. 24. If any person shall wilfully obstruct any public highway, or any street or lane, by felling any tree across the same, or by placing any other obstruction therein, or by excavating or digging therein, or shall destroy any ford or crossing of any creek, gulch, river or stream of any character, by digging away the banks or by damming, deepening or widening the same, or by filling up or in any manner injuring or destroying any gutter, sewer or culvert constructed for the purpose of carrying away water from any road, he or they shall be liable to a prosecution before a Justice of the Peace of the township in which the offence has been committed, upon complaint of the Road Commissioner or any citizen of the township, and upon conviction shall pay a fine of not less than twenty nor more than fifty dollars, and shall forfeit five dollars for every day he shall suffer such obstructions to remain after he or they shall have been ordered to remove the same by the Road Commissioner or Justice of the Peace before whom he or they shall have been prosecuted; *provided*, that if any person or persons shall wish to dig or construct any ditch across any public highway, street or lane, for the purpose of conveying water for mining, mechanical, agricultural or other necessary or useful purposes, they shall be permitted to dig or construct such ditch; in which case the owner or owners of such ditch shall construct, or cause to be constructed, and kept in good repair, at their own expense, good and substantial bridges or crossings over such ditch. If the owner or owners of any such ditch or ditches shall fail or neglect to construct such bridges or crossings and keep the same in repair, he or they shall be liable to prosecution and fine, as hereinbefore provided in this section.

Proviso.

Penalties.

SEC. 25. If any person shall wilfully destroy or injure any bridge, plank road or causeway, or remove or cause to be removed any of the plank or timber thereof, or cut down or injure any tree planted or growing as a shade tree in any highway, street or lane, or damage such highway, street or lane by

digging in it, he shall be liable to be prosecuted before a Justice of the Peace of the township in which such road, street or lane is situated, by the Road Commissioner or any citizen of the township, and on conviction shall be fined in any sum not less than five nor more than one hundred dollars.

SEC. 26. All fines collected under the provisions of this Act shall be paid into the County Treasury for the benefit of the County Road Fund of Nevada County. Fines.

SEC. 27. Suit may be brought against the Road Commissioner and his sureties, either by a citizen of the county or by the Board of Supervisors, for neglecting or wilfully refusing to perform his duties under the provisions of this Act, and for malfeasance, before any Justice of the Peace or the County Judge of the county; and damages may be awarded against the Commissioner in favor of the county, in judgment entered against said Commissioner, which may be collected in such a manner as is now provided by law, and the Board of Supervisors may suspend or remove the Commissioner. Neglect of duty by Commissioner.

SEC. 28. Whenever a vacancy in the office of Road Commissioner shall occur, by removal from office for cause shown, by removal from the county, by resignation or by the death of the Road Commissioner, the Board of Supervisors shall appoint another person to act as Road Commissioner, who shall qualify in the manner hereinbefore provided for the qualifying of said Commissioner, and who shall hold his office until the next general election for Road Commissioner and until his successor is elected or appointed and qualified. Vacancy.

SEC. 29. The Board of Supervisors shall have power to levy a property tax, which shall not exceed twenty-five cents on each one hundred dollars of real and personal property in the county, for road purposes, to be levied and collected at the same time and in the same manner as other property taxes are levied and collected; and the property tax thus levied and collected shall be paid into the County Treasury for the benefit of the public roads of the county, and shall become a part of the County Road Fund, which may be expended by the Road Commissioner and Board of Supervisors in the manner prescribed by this Act. Property tax may be levied.

SEC. 30. All moneys disbursed by the County Treasurer from the County Road Fund shall be paid out on orders drawn on said fund either by the Road Commissioner, with the approval of the Board of Supervisors, or by the Board of Supervisors sitting as an Auditing Board in the manner now provided by law. Disbursement.

SEC. 31. All maps and field notes made and compiled under the provisions of this Act shall be deemed and considered public records, and the originals and certified copies thereof shall be prima facie evidence of the contents and correctness thereof in all the Courts of this State. Public records.

SEC. 32. The Board of Supervisors shall have power to appoint a Road Commissioner to hold office until the first election to be held under the provisions of this Act, and who shall have the same powers and duties and be subject to the same restrictions as are imposed by the preceding sections of this Act. Appointment of Commissioner.

SEC. 33. The Road Commissioner shall be and he is hereby authorized, entitled and privileged to pass over all toll roads, turnpike roads, ferries and bridges within said county, with his Free of toll.

animal or animals and vehicle, free of toll, at all times when in the performance of his official duties.

Acts
repealed.

SEC. 34. An Act entitled an Act to provide for the location, construction and maintenance of public roads in the County of Nevada, approved March second, eighteen hundred and sixty-four, and all other Acts, so far as the same shall relate to the County of Nevada, or any city and town thereof, in conflict with the provisions of this Act, are hereby repealed.

SEC. 35. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXLII.

An Act entitled an Act to amend an Act supplementary to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of said Act is hereby amended so as to read as follows :

Time ex-
tended.

[Section 1.] The grant and provisions contained in the Act to which this is supplementary are hereby extended for the term of two years from May first, A. D. eighteen hundred and sixty-eight, to Isaac Rowell, J. W. Reay, Michael Fennell, L. C. Owen, W. F. Hall, E. W. Casey, E. T. Pease, A. R. Baldwin, C. A. Eastman, A. J. Gladding, John W. Cherry, M. P. Jones and John Gordon, and their associates and assigns, for the construction and final completion of the street railroad within the City and County of San Francisco, the right to construct and maintain which is granted by said Act, so far as it relates to that portion of said road described as follows : Commencing at the intersection of East and Mission streets ; thence, along and upon Mission, to Navy streets ; and from the intersection of Chestnut and Stockton street, along and upon Stockton street, to Union street ; along and upon Union street to Dupont street ; thence, along and upon Dupont street, to the intersection of Market street ; thence, along and across Market, to Fifth street ; thence, along and upon Fifth street, to Mission street.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXLIII.

An Act to legalize the assessment of taxes on all property, both real and personal, in the City of Placerville, for the year eighteen hundred and sixty-six, now delinquent.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The assessments of taxes on all property, both real and personal, in the City of Placerville, for the year eighteen hundred and sixty-six, is hereby legalized and confirmed and rendered valid and binding, both in law and equity, against the persons and property assessed in said year. Legalized.

SEC. 2. The City Marshal of the City of Placerville is hereby authorized and directed to collect all taxes for the year eighteen hundred and sixty-six now delinquent; and all laws and parts of laws now in force for the collection of taxes shall apply to the collection of all delinquent taxes in the City of Placerville for said year. Marshal to collect.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXLIV.

An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize an appropriation of money by said Board.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, allow and order paid, out of the General Fund, such a sum of money, not exceeding three hundred dollars, to M. Lynch, as on due examination by the Finance Committee of said Board they may find justly due him for services rendered as Secretary of the late Volunteer Fire Department. Claim may be allowed.

SEC. 2. The Auditor of said City and County is hereby authorized and empowered to audit and allow, out of the General Fund, and the Treasurer thereof to pay, such sum as may be allowed and ordered paid by the Board of Supervisors for the purpose herein mentioned. Payment.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCXLV.

An Act to establish a Board of Commissioners for the former Pueblo or City of Sonoma, and other matters relating thereto, to define the powers and duties of said Commissioners, and to repeal all other Acts relating to the said pueblo or city, the provisions of which are inconsistent with the provisions of this Act.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Commis-
sioners
appointed.

SECTION 1. Jacob R. Snyder, George L. Wratten and John Walton are hereby appointed a Board of Commissioners of and for the Pueblo or City of Sonoma, in the County of Sonoma and State of California, with power to fill all vacancies that may occur in their number.

Patent to be
procured.

SEC. 2. The said Commissioners are hereby authorized and empowered to have the boundaries of said Pueblo or City of Sonoma surveyed, marked out and mapped by the United States Surveyor-General for California, in accordance with the final decision and decree of confirmation of the claim of the said pueblo by the authorities of the United States; to have all the necessary maps and papers connected with said survey and titles of said pueblo, as finally confirmed, forwarded to the proper Department at Washington, and procure the patent of the United States for the same.

Custody of
property of
city.

SEC. 3. The said Commissioners are hereby authorized and empowered to receive all the money, books, papers, documents and property in the hands of the former Trustees of the said city or pueblo belonging to the said city or pueblo, or in any manner relating to the same, or to the affairs or business thereof; and the said Trustees are hereby directed to deliver all property and to pay over to the said Commissioners all moneys in their hands belonging to the said City or Pueblo of Sonoma, and a receipt from the said Commissioners therefor shall be to the said Trustees a sufficient voucher.

Records,
etc. to be
deposited in
County
Recorder's
office.

SEC. 4. It is further provided that the patent from the United States to the said Pueblo of Sonoma, when issued, and all books, documents, papers, records and archives in any manner relating to the title, grant, sale, conveyance, transfer, use, possession, claim or interest of, in or to, any of the lands embraced within the confirmed or hereafter patented boundaries and limits of the said city or pueblo, or in any manner belonging thereto, or that at any time hereafter may become the property of the same, and all the books, documents, papers, records and archives appertaining to the affairs of the said city or pueblo, that have not been, shall be deposited in the County Recorder's office in the County of Sonoma, in the State of California, by each and every person having the same or any of them in their possession or under their control; and the said County Recorder is hereby authorized, empowered and directed to demand, and if necessary sue for and take the same into his charge, care and custody; and from the time said patent, when issued, and any

of such books, documents, papers, records, archives and proceedings were or may be deposited in the said County Recorder's office, the same shall, together with all that now are deposited or recorded therein, be notice to all persons of their contents; and the same, or certified copies thereof, may be used and read in evidence in any Court of justice in this State without further proof than the oath or certificate of the Recorder that they were deposited in his office as appertaining to the title, conveyance, sale, transfer or claim of, in or to the lands of said City or Pueblo of Sonoma, or some part thereof, or in some manner relating thereto, or in some manner connected with the business or affairs of the same; and the contents thereof shall be taken as prima facie evidence of the truth of what they state; and all instruments in any manner relating to the sale, conveyance, transfer, possession or claim, of, in or to any lands in said city or pueblo which were, or purport to have been, acknowledged before or executed in the presence of any Alcalde, Justice of the Peace, Mayor or Judge of the First Instance, or other person or persons purporting to act in an official capacity, whose certificate is written upon or attached to said instrument, and from which certificate it appears that the person purporting to have executed the same acknowledged the execution of said instrument before said officer, shall be proof of the due execution of the same; and the said originals, or certified copies thereof, found copied or recorded in any book of record, or found in the County Recorder's office of said county, without other or further proof of the execution of the same, shall be prima facie evidence of the proper execution of said instruments by the person or persons by whom the same purport to have been executed.

Certified
copies.

SEC. 5. The said Commissioners are hereby authorized to contract with the proper parties for the making of an official survey of the said pueblo by the United States authorities; and should the funds in their hands for the payment and accomplishment of the purposes herein named be insufficient, they are hereby authorized and empowered to levy and cause to be collected a special tax for said purpose within the limits of said pueblo upon all the taxable real estate therein in an amount sufficient to cover said deficiency and all costs, expenses and fees that may be requisite to fully, finally and completely settle up and finish all the proceedings and business in any manner relating to the lands, property, survey, procuring of the patent and final settlement of the business of the said City and Pueblo of Sonoma, and the payment of all debts authorized to be contracted by this Act. The said tax is not to exceed in any case the sum of one thousand dollars, with full power in said Commissioners to employ any person or persons as Assessor and Collector of any tax authorized to be levied and collected by this Act, and also to fix their compensation and pay the same; and also, if in their judgment it be considered necessary, to employ counsel at any stage or time during the progress of their said business and to pay to him or them such fee or retainer as may be just and proper.

Official sur-
vey.

Tax to pay
expenses.

SEC. 6. Said lands, property and funds shall be received and

Held in trust.

held by the said Commissioners in trust for the purposes in this Act mentioned and for the benefit of the said pueblo and the citizens thereof.

Powers of Commissioners.

SEC. 7. Said Board of Commissioners shall have power to sell and dispose of all lands and property, or interest in or claim to any property of, in or to the said pueblo or city, save and except the principal plaza in said city or pueblo (which said plaza shall be disposed of by them as hereinafter mentioned), in such manner as they may deem to be the best for the interests of the said pueblo; and all moneys received by said Commissioners shall be disposed of by them as in this Act provided, after first paying the compensation of the said Commissioners as herein provided, and the payment of all other matters which they are authorized by this Act to pay.

SEC. 8. Said Board shall have power, in their name as Commissioners of the said pueblo, to sue for and bring all necessary suits, and take all necessary steps for the security and preservation of any and all property of the said pueblo within the present confirmed limits thereof or embraced within any patent that may be issued for the same; and also to sue for and recover from any person or persons other than the County Recorder of Sonoma County, any book or books, paper or papers, or documents, in any manner relating to the business of the Pueblo or City of Sonoma.

Compensation.

SEC. 9. The said Commissioners shall have and receive at the rate of five dollars per day for each and every day spent by them in and about the business of said city or pueblo, and such reasonable travelling expenses as may be allowed by said Board, should their business as such Commissioners, in the judgment of the Board, require them to go to any other place; but no travelling fees or expenses for travelling shall be allowed for any service performed within the limits of said pueblo.

Election in relation to trust of plaza.

SEC. 10. Within thirty days after this Act goes into effect the said Commissioners shall call an election, to be held within the limits of said pueblo, as laid down upon O'Farrel's map of the City of Sonoma, submitting to the legal voters thereof, for their approval or rejection, whether the said plaza shall be deeded in trust to, and given in charge of, the Public School Trustees of the Sonoma School District, in the Township and County of Sonoma, California, to be by them held in trust forever for public school purposes, and as a public promenade. The said Commissioners shall, at least ten days before such election, give public notice of the time when, and the place where, said election will be held, by posting in at least three public places in said pueblo a notice that such a proposition will be submitted to the qualified electors within said limits, for their approval or rejection, and shall appoint three persons to act as Inspector and Judges of said election, and who shall appoint two Clerks to act at said election; but no one of the said Commissioners appointed by this Act shall be a member of said Board of Election. The ballots cast at said election shall be in form substantially as follows: "Plaza for school purposes and public promenade." Every ballot cast in favor of such proposition shall have the word "Yes" written or printed thereon; and every ballot cast against the same shall have the word "No" written

or printed thereon. The manner of voting and the proceedings connected therewith, and the ascertaining and declaring the result, shall be the same as at other elections. The result of the said election shall be certified by the said Board of Election to the said Commissioners; and if at the said election a greater number of the electors within said limits voting at said election upon said proposition have voted "No" than have voted "Yes," then such proposition shall be by said Commissioners declared rejected; but if at said election a greater number of electors within said limits have voted "Yes" than have voted "No," then such proposition shall be deemed and by them declared and approved, and a record of the fact of such approval shall be entered upon the records of the said Commissioners. The Commissioners shall give bonds in the sum of two thousand dollars each, conditioned for the faithful performance of their duty, with two or more good and sufficient securities; said bonds to be made payable in gold coin of the United States, and to be approved by any competent authority, and to be deposited with the County Recorder of Sonoma County, whose receipt for said bonds shall be sufficient evidence of their execution. Said Commissioners shall, as soon as practicable after the execution of said bonds, convey the public plaza in the said City or Pueblo of Sonoma to the School Trustees of the Sonoma School District, to be forever held in trust by them and their successors in office for the perpetual use and benefit of the public schools in said district, and as a public promenade, without any power to sell or convey the same or any part thereof; and immediately upon the receipt thereof, by the said Trustees, of the said deed of conveyance, said Trustees shall have and take possession and charge of the said property; and whenever any money shall come into their hands that can be so appropriated, shall construct, keep up and maintain a good permanent fence around said property, with such number of good gates or other means of ingress or egress to and from the same as they may deem necessary; to have said grounds properly and artistically laid out and arranged in walks, promenades and subdivisions, with the view of having a public school-house erected thereon for said district with all the necessary appurtenances thereto; to set out and plant therein and around the same shade and ornamental trees, shrubs and flowers. They shall also have the power and it shall be their duty, in case the necessary funds shall come into their hands that can be used for that purpose, to construct or allow to be constructed a reservoir or reservoirs, fountain or fountains, at such place or places thereon as they may determine, and to have the same supplied with water from whatever source or sources they can reasonably contract for, and the same shall be for use upon said grounds of any public school or schools or buildings for public school purposes that may be erected or kept thereon, and for the ornament and irrigation of the said school lands, and in case of fire to be used for extinguishing of the same—subject, however, at all times, to such rules and regulations as the said Trustees shall from time to time make; and, for the same purpose, they are hereby empowered to construct, lay and put down such necessary mains, pipes and conductors as may be necessary, from such source or sources

If majority
vote in favor
of proposi-
tion.

Powers and
duties of
School
Trustees.

of said water, through any public street or streets or other public property of the City or Pueblo of Sonoma, or public road of the County of Sonoma, but in such manner as not to obstruct the free use of said road by the public. And should the supply of water obtained by said Trustees exceed the amount required for said purposes, they are hereby authorized to allow such person or persons, inhabitants of said pueblo, to use such surplus water from such place or places, with such connections, and at and for such rates and prices and for such time, as they may fix and determine; and all moneys so obtained shall be used to keep up and maintain the said water works and grounds.

Penalties for
trespassing
on plaza.

SEC. 11. It is hereby made and declared to be a misdemeanor for any person to fasten any horse or other animal to any fence, gate, tree or other improvement, save such as are put up for that express purpose, that is or may be planted, built or erected upon or around said grounds or any part of the said plaza, or to turn or to allow to be turned any horse or horses, cattle, swine, sheep or other stock or animal, upon any portion of said property, or to allow any to be or trespass upon the said premises; and it is further hereby made and declared to be a misdemeanor for any person or persons to injure, break down, destroy or in any way molest or deface any fence, gate, building, tree, shrub, flower or improvement in, upon or around said plaza, the source or sources of said water, or the means used to conduct the same to or upon the said premises; and they and every person so offending shall be subject to a fine of not less than five and not to exceed one hundred dollars, besides all damage or injury done or committed by the said person, animal or animals, and all costs and expenses.

SEC. 12. No fine, damage or penalty assessed, paid or collected in accordance with or under the provisions of this Act shall in any way or manner relieve the party guilty thereof from any liability under any existing law in this State.

SEC. 13. It is hereby made the duty of the Trustees of the Sonoma School District, and of every Justice of the Peace and Constable of Sonoma Township, and they are hereby empowered, at any time, upon seeing any animal or animals or any kind of stock fastened to or trespassing in or upon said property or any part thereof, to immediately and summarily seize upon the same and take it or them into their possession; and in case the same is seized upon or taken by any person or persons except a Constable of the said township, he or they shall immediately deliver the same to a Constable of the Township of Sonoma, who shall keep all stock so coming into his hands or taken up by him and dispose of the same as hereinafter directed. The person or persons taking up the said animal or animals shall immediately go before some magistrate of said township and make complaint, either verbally or in writing, against said stock, animal or animals, and in case the owner or owners thereof be known either by the said complainant or magistrate, complaint shall be made against the owner or owners by name; but in case the owner or owners be unknown, then the complaint shall be against the said animal or animals, naming the kind, sex and number, and giving a general description of the same, and against every owner, or owners, known

Action for
trespass on
plaza.

and unknown; and a summons shall be issued by the said magistrate, made returnable in not less than two nor more than ten days from its date, which shall be served at least two days before the return day thereof, directed to the owner or owners of said stock, animal or animals, by name, if known, and generally to every owner, or owners, of the same, known and unknown, and giving therein a general description of the said stock, animal or animals, stating the time when and the place where the same was taken up, and give the substance of the complaint against the same, and the time and place where the matter will be investigated, and shall be served by any Constable or Sheriff of said county.

Action for
trespass on
plaza.

SEC. 14. In case the owner or owners are known and can be found, said summons shall be served upon them in the same manner as prescribed for the service of the summons in civil cases in said Court; but in case the owner or owners, or any or either of them, are not known or cannot be found by the said officer, the summons shall be served upon him or them by posting a copy of the same in three public places in said township, for a time not less than two days before the return day mentioned therein.

SEC. 15. On the return day of the summons, and at the hour therein named, unless the said action shall be for good cause continued or otherwise disposed of, and it appearing by the return of the officer, indorsed upon said summons, that the same has been properly served, the magistrate before whom the same was made returnable, or to whom said action has been transferred, shall proceed to inquire as to the truth of the matters charged, and give judgment in accordance with the facts at said time elicited and in accordance with the provisions of this Act.

SEC. 16. All the provisions of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and also of an Act to regulate proceedings in criminal cases in this State, passed May first, eighteen hundred and fifty-one, together with all the amendments to the said Acts, in so far as the same shall not come in conflict with the express provisions of this Act, shall be applicable to all proceedings under this Act, and the rule of action therein and of appeal therefrom.

SEC. 17. In case the said magistrate shall find that any of the provisions of this Act have been violated, he shall give judgment in accordance therewith, and shall impose such fine and assess such penalty as may be proper, not less nor more than the amounts herein specified, and shall include in his said judgment all costs, expenses and fees of the said officers, witnesses and jury (if there be any), which shall be the same as is now prescribed by law for like services.

Judgment.

SEC. 18. The said judgment shall be given, rendered and entered up against the said animal or animals and all owners, known and unknown, and shall be a lien upon the said stock, animal or animals so complained of; and in case the said judgment is not paid immediately, execution shall be issued by the said magistrate upon said judgment, against said animal or animals and against the said judgment debtor or debtors; and he shall deliver the same to the Constable or Sheriff of said county,

with directions therein to said officer to first seize upon and sell all, or sufficient, or such part or number of said animals as may be sufficient, to satisfy said judgment and the fees and expenses of levy and sale, including keepers' fees, and that in case the same be insufficient to satisfy the same, then to levy upon, seize and sell such other property of the judgment debtor or debtors as is not exempt from levy and forced sale under execution upon judgments in Justices' Courts.

Execution. SEC. 19. The officer to whom said execution is delivered shall execute the same in accordance with the directions therein contained, and as executions from said Courts upon judgments therein are required to be executed, and shall return the same to the said Court, with his proceedings, in like manner, and shall be liable on his official bond for all acts, as in other cases.

Proceeds. SEC. 20. All fines, penalties, moneys and damages so collected shall be by the magistrate immediately paid over to the Public School Trustees of said school district, to be by them applied to the building, keeping and maintaining the fences[and] buildings around or upon said property, and the ornamenting and improvement of the same.

Record. SEC. 21. The said School Trustees and the said Commissioners shall keep a full and complete record of their proceedings.

Duties of Commissioners. SEC. 22. The said Commissioners shall, as soon as practicable, close up and finish all their labors and the business of the said City or Pueblo of Sonoma, and shall, at the close of their official business, pay over to the Public School Trustees of Sonoma School District all moneys in their hands not otherwise appropriated, to be used by said Trustees for school purposes within said district, and shall deposit in the Recorder's office of Sonoma County all books, records, papers, documents and matters in their possession, or under their control, relating to the said City or Pueblo of Sonoma.

Acts repealed. SEC. 23. An Act entitled an Act to repeal an Act to incorporate the City of Sonoma, passed April fourth, eighteen hundred and fifty, and other matters relating thereto, approved April twenty-sixth, eighteen hundred and sixty-two, and all other Acts amendatory thereof or supplementary thereto, are hereby repealed.

SEC. 24. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXLVI.

An Act making appropriations for the support of the civil government of the State of California for the twentieth and twenty-first fiscal years, commencing on the first day of July, eighteen hundred and sixty-eight, and ending on the thirtieth day of June, eighteen hundred and seventy.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The following sums of money are hereby appropriated, out of any money in the State Treasury not otherwise appropriated, for the objects hereinafter expressed, and for the support of the civil government of this State for the twentieth and twenty-first fiscal years, commencing on the first day of July, eighteen hundred and sixty-eight, and ending on the thirtieth day of June in the year eighteen hundred and seventy, inclusive :

For salary of Governor, fourteen thousand dollars.

For rent of Governor's office, eighteen hundred dollars.

For pay of Porter in office of Governor, six hundred dollars.

For salary of Private Secretary of the Governor, four thousand eight hundred dollars.

For pay of Clerk in Executive Department, three thousand six hundred dollars

For Special Contingent Fund for the Governor's office, five thousand dollars, to be drawn at his discretion ; *provided*, that this amount shall be used for a Secret Service Fund, and for no other purpose whatever ; *provided* further, that the Governor shall account for the disbursement of the same to the Senate at the next session of the Legislature.

For payment of rewards offered by the Governor, under the Act of April twenty-ninth, eighteen hundred and fifty-one, five thousand dollars.

For arresting criminals without the limits of this State, to be expended under the direction of the Governor, two thousand dollars.

For postage, expressage and telegraphing in Governor's office, fifteen hundred dollars.

For salary of Secretary of State, eight thousand dollars.

For salary of Clerks in office of Secretary of State, twelve thousand dollars.

For postage and expressage in office of Secretary of State, eight hundred dollars.

For copying and indexing laws in office of Secretary of State, four hundred and fifty dollars.

For transportation of books and documents ordered to be distributed by Secretary of State, two thousand dollars.

For pay of Porters in the offices of Secretary of State, State Controller and State Treasurer, four hundred dollars to each office.

For stationery, blank books, light, fuel, etc , for the Legislature and State offices, thirty thousand dollars. Said amount

Appropriations.

shall be used for no other purpose by the Secretary of State, and no Clerk shall receive his salary out of said appropriation.

For contingent expenses in office of Secretary of State, three hundred dollars.

For salary of Controller of State, eight thousand dollars.

For salary of Deputy Controller, thirty-six hundred dollars.

For salary of Clerks in office of Controller of State, seventeen thousand eight hundred dollars.

For prosecution of delinquents for infractions of the Revenue Laws, to be expended under the direction of the Controller, one thousand dollars.

For postage and expressage in office of Controller, three thousand dollars.

For contingent expenses in office of Controller, three hundred dollars.

For salary of Treasurer of State, eight thousand dollars.

For salary of Clerks in office of Treasurer of State, seven thousand two hundred dollars.

For salary of Watchman in office of Treasurer of State, twenty-four hundred dollars.

For postage and contingent expenses in office of Treasurer of State, four hundred dollars.

For posting and cancelling coupons in Treasurer's office, one thousand dollars.

For salary of Attorney-General, eight thousand dollars.

For rent of office for Attorney-General, six hundred dollars.

For postage and contingent expenses in office of Attorney-General, three hundred dollars.

For cost and expenses of suits (including Clerk hire and portage) where the State is a party in interest, to be expended under the direction of the Attorney-General, six thousand dollars.

For salary of Superintendent of Public Instruction, six thousand dollars.

For salary of Clerk of Superintendent of Public Instruction, thirty-six hundred dollars.

For travelling expenses of Superintendent of Public Instruction, two thousand dollars.

For rent of office of Superintendent of Public Instruction, one thousand dollars.

For postage and expressage in office of Superintendent of Public Instruction, sixteen hundred dollars.

For stationery, lights and fuel for office of Superintendent of Public Instruction, three hundred dollars.

For contingent expenses in office of Superintendent of Public Instruction, four hundred dollars.

For support of State Normal School, sixteen thousand dollars.

To pay expenses of State Teachers' Institute, five hundred dollars.

For salary of Surveyor-General, four thousand dollars.

For salary of two Clerks in Surveyor-General's office, seventy-two hundred dollars.

For rent of office of Surveyor-General and Land Office, twelve hundred dollars.

For binding books and contingent expenses in Surveyor-General's office, two hundred dollars. Appropriations.

For the purchase of maps and plats of townships from United States Surveyor-General, two hundred dollars.

For copying same for use of County Surveyors and State Locating Agent, three hundred dollars.

For pay of Porter in Surveyor-General's and State Land Office, four hundred dollars.

For postage and expressage in Surveyor-General's office, three hundred dollars.

For salary of Register of State Land Office, four thousand dollars.

For salaries of two Clerks in State Land Office, seventy-two hundred dollars.

For binding books and contingent expenses in State Land Office, two hundred dollars.

For postage and expressage in State Land Office, two hundred dollars.

For salary of State Librarian, five thousand dollars.

For salary of Deputy State Librarian, thirty-six hundred dollars.

For pay of Porter in State Library, six hundred dollars.

For rent of State Library rooms, thirty hundred dollars.

For postage and expressage and contingent expenses for State Library, five hundred dollars.

For insurance of State Library, one thousand dollars.

For salary of Clerk to Board of Examiners, twelve hundred dollars.

For salary of the State Printing Expert to Board of Examiners, twelve hundred dollars.

For contingent expenses of Board of Examiners, two hundred dollars.

For salary of Resident Physician of the State Insane Asylum, seven thousand dollars.

For salary of Assistant Physician of the State Insane Asylum, five thousand dollars; *provided*, the salaries of the Resident and Assistant Physician of the said Asylum shall be paid out of any money appropriated and set apart for the use and support of the same.

For salary of Judges of the Supreme Court, sixty thousand dollars.

For salary of Secretary of the Supreme Court, three thousand six hundred dollars.

For salary of Bailiff and Porter of Supreme Court, twenty-four hundred dollars.

For postage and expressage for Judges of the Supreme Court, three hundred dollars.

For salary of Reporter of the Supreme Court, eight thousand dollars.

For rent of Supreme Court Rooms, five thousand dollars.

For each three hundred copies of the Supreme Court Reports, two thousand dollars.

For salaries of District Judges, one hundred and fifty thousand dollars.

Appropriations.

For transportation of prisoners to State Prison, thirty thousand dollars.

For per diem and mileage of Lieutenant-Governor and Senators, forty-five thousand dollars.

For contingent expenses, expressage and postage for the Lieutenant-Governor, as Resident Director of State Prison, four hundred dollars.

For per diem and milcage of members of the Assembly, ninety thousand dollars.

For per diem of officers and Clerks of the Senate, fifteen thousand dollars.

For per diem of officers and Clerks of the Assembly, seventeen thousand dollars.

For contingent expenses of the Senate, four thousand dollars.

For contingent expenses of Assembly, six thousand dollars.

For printing, paper and official advertisements, seventy thousand dollars.

For the support of the State Asylum for the Insane, two hundred and fifty thousand dollars.

For rent of State-house, ten thousand dollars.

For the support of the Industrial School Department of the City and County of San Francisco, ten thousand dollars.

For salary of Adjutant-General, six thousand dollars.

For salary of Clerk in office of Adjutant-General, thirty-six hundred dollars.

For rent of State Arsenal, fifteen hundred and sixty dollars.

For rent of office of Adjutant-General, one thousand dollars.

For cleaning and repairing and transportation of arms, two thousand dollars.

For postage, expressage and telegraphing for Adjutant-General's office, six hundred dollars.

For contingent expenses in the office of Adjutant-General, including Porter, six hundred dollars.

For salaries and commissions of Stamp Inspectors, eight thousand dollars.

For salary of Clerk of Stamp Commissioners, twelve hundred dollars.

For contingent expenses in Stamp Inspectors' office, six hundred dollars.

For the education and care of the indigent deaf, dumb and blind, forty-five thousand dollars; *provided*, that a sum not exceeding seven thousand five hundred dollars per annum of the above amount may be drawn to pay the teachers.

For furniture for the new Deaf, Dumb and Blind Institution, five thousand dollars.

For the support of the State Prison, to be expended under the direction of the State Prison Directors, one hundred thousand dollars.

For the San Francisco Protestant Orphan Asylum, eighteen thousand dollars.

For the San Francisco Ladies' Protection and Relief Society, nine thousand and five hundred dollars.

For the Catholic Female Orphan Asylum of San Francisco, fourteen thousand dollars.

For Catholic Foundling House, four thousand five hundred dollars. Appropriations.

For the Ladies' Protestant Orphan Asylum of Sacramento, three thousand dollars, the whole to be drawn at any time during the twentieth fiscal year.

For the Female Orphan Asylum, Los Angeles County, two thousand dollars.

For the St. Vincent's Roman Catholic Female Orphan Asylum, in Santa Barbara County, one thousand dollars.

For the Boys' Orphan Asylum, near San Rafael, Marin County, five thousand dollars.

For the St. Joseph's Orphan Asylum, Sacramento City and County, two thousand dollars.

For the Magdalen Asylum, San Francisco, four thousand dollars.

For the Roman Catholic Orphan Asylum of Grass Valley, three thousand dollars.

For the Howard Benevolent Society of Sacramento, four thousand dollars.

For the California Prison Commission, two thousand dollars.

For the Marysville Benevolent Society, five hundred dollars.

For translating the laws of the seventeenth session of the Legislature into Spanish, two thousand dollars; *provided*, there may be drawn sufficient money during the twentieth fiscal year to pay for said translation.

For per diem and mileage of Presidential Electors, four hundred dollars.

For Clerk of Supreme Court, eight thousand dollars.

For Deputy Clerk of Supreme Court, thirty-six hundred dollars.

For the State Agricultural Society, eight thousand dollars.

SEC. 2. The Trustees, Managing Agents or Directors of any asylums, charitable associations or societies to which appropriations or donations are made by this Act shall report to the Legislature on or before the twentieth day of December, in each year in which the Legislature shall be in session, a detailed statement of their respective expenditures, with the number of orphans and others who have been inmates of said asylums or have received assistance from said societies during the two years next preceding such report, which statement shall be sworn to. Biennial reports to be made.

SEC. 3. All stationery, blank books, light and fuel required by the Supreme Court and State officers shall be furnished by the Secretary of State, upon the order of the Judges or officers requiring the same. The Secretary of State shall furnish, under oath, to the Legislature, a statement, at the time he makes his annual report, showing the cost of the articles so furnished to said Judges and State officers. The stationery, lights and fuel furnished by the Secretary of State shall be procured by him as is required by law for the stationery, light and fuel for the Legislature. Duties of Secretary of State.

SEC. 4. The sums herein appropriated as Contingent Funds of the Senate and Assembly shall be disbursed under direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of an Act entitled an Act to Contingent Funds of Legislature.

create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight.

Statements
by State
officers.

SEC. 5. The various State officers, except the Governor, to whom appropriations, other than salaries, are made under the provisions of this Act, shall, with their annual report, submit a detailed statement, under oath, of the manner in which all appropriations to their respective departments, for rent of office, contingent expenses, or other purposes other than salaries, have been expended; *provided*, that no officer shall use or appropriate any money for any purpose whatever unless authorized to do so by law.

Appropriations
to be
drawn.

SEC. 6. No officer, asylum, charitable association or society to which appropriations are made under this Act shall be allowed to draw over one half of each particular appropriation during the twentieth fiscal year, unless otherwise particularly specified in this Act.

University
Fund.

SEC. 7. Out of the first moneys paid into the State Treasury from the sale of any overflowed or tide lands, or lands belonging to the State, and situated in the City and County of San Francisco, and lying south of the line of Channel street continued eastwardly, and the southern boundary of the water line front of said city [and county], there is hereby appropriated the sum of two hundred thousand dollars, which shall be paid into the University Fund, and paid out therefrom to the Regents of the University upon their order, to be by them expended for University purposes as provided by law.

CHAPTER CCCCXLVII.

An Act to provide for the payment of the expenses of the late Surveyor-General in adjusting land titles at Washington.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of two thousand dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, in full payment of all expenses incurred by J. F. Houghton, late Surveyor-General, during his trip to and from Washington in the year eighteen hundred and sixty-six, for the purpose of conferring with the Secretary of the Interior, the Commissioner of the General Land Office and our Congressional delegation, in relation to the several grants of land to the State, and assisting in the adjustment of all differences relating to the same; and the Controller is hereby directed to draw his warrant upon the Treasurer in favor of said Houghton for the above amount, and the Treasurer is directed to pay the same.

SEC. 2. This Act shall take effect immediately upon its passage.

CHAPTER CCCCXLVIII.

An Act for securing liens of mechanics and others.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Every mechanic, artisan, machinist, builder, contractor, lumber merchant, miner, laborer and other person performing labor upon, or furnishing materials of any kind to be used in the construction, alteration or repair, either in whole or in part, of any mining claim, building, wharf, bridge, ditch, flume, tunnel, fence, machinery, railroad, wagon road, aqueduct to create hydraulic power for mining or other purposes, or any other structure or superstructure, or who shall perform labor in any mining claim, shall have a lien upon the same for the work or labor done or materials furnished by each respectively, whether done or furnished at the instance of the owner of the building or other improvement, or his agent; and every contractor, subcontractor, architect, builder, or other person having charge of any mining, or of the construction, alteration or repair, either in whole or in part, of any building or other improvement, as aforesaid, shall be held to be the agent of the owner for the purposes of this Act.

Entitled to
liens.

Agent of
owner.

SEC. 2. The land upon which any building or other improvement, as aforesaid, shall be constructed, together with a convenient space about the same, or so much as may be required for the convenient use and occupation thereof, shall also be subject to the liens created by this Act, if, at the time the work was commenced or the materials for the same had commenced to be furnished, the said land belonged to the person who caused said building or other improvement to be constructed, altered or repaired; but if such person owned less than a fee simple estate in such land, then only his interest therein shall be subject to such lien; and in case such interest shall be a leasehold interest, and the holder thereof shall have forfeited his right thereto, the purchaser of such building or improvement and leasehold term, or so much thereof as remains unexpired, at any sale under the provisions of this Act, shall be held to be the assignee of such leasehold term, and as such shall be entitled to pay the lessor all arrears of rent or other money and cost due under said lease, unless the lessor shall have regained possession of the said land and property, or obtained judgment for the possession thereof, prior to the commencement of the construction, alteration or repair of the building or other improvement thereon; in which event said purchaser shall have the right only to remove the building or other improvement within thirty days after he shall have purchased the same; and the owner of the land shall receive the rent due him, payable out of the proceeds of the sale, according to the terms of the lease, down to the time of such removal.

When land
subject to
lien.

Proviso.

SEC. 3. All liens created by this Act upon any land or mining claim shall be preferred to any lien, mortgage or other

Liens preferred.

encumbrance which may have attached to said land or mining claim subsequent to the time when the building or other improvement was commenced or the materials were begun to be furnished; also, to any lien, mortgage or other encumbrance which was unrecorded at the time when said building or other improvement was commenced, or the materials for the same were commenced to be furnished; and all liens created by this Act upon any building or other improvement shall be preferred to all prior liens, mortgages or other encumbrances upon the land upon which said building or other improvement shall have been constructed, or situated when altered or repaired; and in enforcing such lien, such building or other improvement may be sold separately from said land; and when so sold, the purchaser may remove the same, within a reasonable time thereafter, not to exceed thirty days, upon the payment to the owner of the land of a reasonable rent for its use from the date of his purchase to the time of removal; *provided*, that if such removal be prevented by legal proceedings, said thirty days shall not begin to run until the final determination of such proceedings in the Court of first resort, or in the appellate Court, if appeal be taken.

Buildings may be sold and removed.

When owners of land responsible.

SEC. 4. Every building or other improvement mentioned in the first section of this Act, constructed upon any lands with the knowledge of the owner or the person having or claiming any interest therein, shall be held to have been constructed at the instance of such owner or person having or claiming any interest therein; and the interest owned or claimed shall be subject to any lien filed in accordance with the provisions of this Act, unless such owner or person having or claiming an interest therein shall, within three days after he shall have obtained knowledge of the construction, alteration or repair, or the intended construction, alteration or repair, give notice that he will not be responsible for the same, by posting a notice in writing to that effect in some conspicuous place upon said land, or upon the building or other improvement situated thereon.

Contractors to file claims.

SEC. 5. It shall be the duty of every original contractor, within sixty days after the completion of his contract, and of every mechanic, artisan, machinist, builder, lumber merchant, miner, laborer or other person, save the original contractor, claiming the benefit of this Act, within thirty days after the completion of any building, mining claim or other improvement, or the performance of any labor in any mining claim, or after the completion of the alteration or repair thereof, to file with the County Recorder of the county in which such building or other improvement, or some part thereof, shall be situated, a claim containing a true statement of his demand after deducting all just credits and offsets, with the name of the owner or reputed owner, if known, and also the name of the person by whom he was employed or to whom he furnished the materials, and also a description of the property to be charged with said lien sufficient for identification, which claim shall be verified by the oath of himself or of some other person.

Record.

SEC. 6. The County Recorder shall record said claim in a book kept by him for that purpose, which record shall be indexed as deeds and other conveyances are required by law to

be indexed, and for which he shall receive the same fees as are allowed by law for recording deeds and other instruments.

SEC. 7. In every case in which one claim shall be filed under the provisions of this Act against two or more buildings, mining claims or other improvements owned by the same person, the person filing such joint claim shall at the same time designate the amount due to him on each of such buildings, mining claims or other improvements; otherwise, such claim shall be postponed to other lienholders; and the lien of such claimant shall not extend beyond the amount so designated, as against other creditors having liens by judgment, mortgage or otherwise upon either of such buildings or other improvements, or upon the land upon which the same are situated; *provided*, that no joint claim shall be filed upon two or more buildings unless they are contiguous to or adjoining each other.

Claims against two or more buildings.

SEC. 8. No lien provided for in this Act shall bind any building, mining claim or other improvement for a longer period than ninety days after the same shall have been filed, unless suit be brought in a proper Court within that time to enforce the same; or, if a credit be given, then ninety days after the expiration of such credit; but no lien shall be continued in force for a longer time than two years from the time the work is completed by any agreement to give credit.

Duration of liens.

SEC. 9. Any person who shall, at the request of the owner of any lot in any incorporate city or town, grade, fill in or otherwise improve the same, or the street in front of or adjoining the same, shall have a lien upon such lot for his work done and materials furnished in grading, filling in or otherwise improving the same; and all the provisions of this Act respecting the securing and enforcing of mechanics' liens shall apply thereto.

Street improvements.

SEC. 10. *First*—Suits to enforce the liens created by this Act, except those under section fifteen, shall be brought in the District Courts, and the pleadings, process, practice and other proceedings shall be the same as in other cases; *provided*, that where service of summons may be made under the Practice Act by publication, the time of publication, where the defendant resides out of or is absent from the State, or for any other cause cannot be served personally, and [need] be but once a week for four successive weeks, and the time for answering shall expire when such publication is complete; and if no answer of such defendant is then filed, his default may be entered; and *provided* also, that the Court may, in its discretion, in all cases under this Act, instead of ordering publication, or may after publication, appoint an attorney to appear for the non-resident, absent or concealed defendant, and conduct the proceedings on his part.

Suits to enforce liens.

Second—In case the proceeds of any sale under this Act shall be insufficient to pay all lienholders under it, the liens of all persons other than the original contractor and sub-contractors shall first be paid in full, or pro rata, if the proceeds be insufficient to pay them in full; and out of the remainder, if any, the sub-contractors shall then be paid in full, or pro rata, if the remainder be insufficient to pay them in full; and the remainder, if any, shall be paid to the original contractor; and each claimant shall be entitled to execution for any balance due him after such distribution; such execution to be issued by the Clerk of

Order of payments.

the Court upon demand, after the return of the Sheriff, or other officer making the sale, showing such balance due.

Costs.

Third—In all suits under this Act the Court shall, upon entering judgment for the plaintiff, allow as a part of the costs all moneys paid for the filing and recording of the lien, and also a reasonable amount as attorney's fees.

Suits to have preference in Court.

Fourth—All suits to enforce any lien created by this Act shall have preference upon the calendar of the Court over any civil suit already brought, or to be brought, except suits to which the State shall be a party, and shall be tried by such Court without unnecessary delay.

Parties to suits.

Fifth—In all suits to enforce any lien created by this Act, all persons personally liable and all lienholders whose claims have been filed for record under the provisions of section five of this Act shall, and all other persons interested in the matter in controversy or in the property sought to be charged with the lien may, be made parties; but such as are not made parties shall not be bound by such proceedings.

When contractors obtain judgments.

SEC. 11. Any contractor shall be entitled to recover upon a lien filed by him only such amount as may be due to him according to the terms of his contract, after deducting all claims of other parties for work done and materials furnished, as aforesaid; and in all cases where a lien shall be filed under this Act for work done or materials furnished to any contractor, he shall defend any action brought thereupon at his own expense; and during the pendency of such action the owner may withhold from the contractor the amount of money for which such lien is filed; and in case of judgment against the owner or his property upon the lien, the said owner shall be entitled to deduct from any amount due or to become due by him to the contractor the amount of such judgment and costs; and if the amount of such judgment and costs shall exceed the amount due by him to the contractor, or if the owner shall have settled with the contractor in full, he shall be entitled to recover back from the contractor any amount so paid by him, the said owner, in excess of the contract price, and for which the contractor was originally the party liable.

When materials exempt from attachment.

SEC. 12. Whenever any mechanic, artisan, machinist, builder, lumber merchant, contractor, miner, laborer or other person shall have furnished or procured any materials for use in the construction, alteration or repair of any building or other improvement, such materials shall not be subject to attachment, execution or other legal process to enforce any debt due by the purchaser of such materials, except a debt due for the purchase money thereof, so long as in good faith the same are about to be applied to the construction, alteration or repair of such building, mining claim or other improvement.

Personal actions.

SEC. 13. Nothing contained in this Act shall be construed to impair or affect the right of any person to whom any debt may be due for work done or materials furnished to maintain a personal action to recover said debt against the person liable therefor; and the person bringing such personal action may take out an attachment therefor, notwithstanding his lien, and in his affidavit to procure an attachment need not state that his demand is not secured by an lien; but the judgment, if any, obtained by

the plaintiff in such personal action shall not be construed to impair or merge any lien held by said plaintiff under this Act ; *provided*, only, that any money collected on said judgment shall be credited on the amount claimed under such lien in any action brought to enforce the same, in accordance with the provisions of this Act.

Sec. 14. The words "building or other improvement," whenever the same are used in this Act, shall be held to include and apply to any wharf, bridge, ditch, flume, tunnel, fence, machinery, railroad, wagon road, aqueduct to create hydraulic power or for mining or other purposes, and all other structures [and] superstructures, whenever the same can be made applicable thereto; and the words "construction, alteration or repair," whenever the same are used therein, shall be held to include partial construction and all repairs done in and upon any building or other improvement. Explanatory

Sec. 15. Any mechanic, artisan or laborer who shall make, alter or repair any article of personal property, at the request of the owner or legal possessor of such property, shall have a lien on the same for his just and reasonable charges for work done and materials furnished, and may retain possession of the same until such just and reasonable charges shall be paid; and if not paid within the space of two months after the work shall be done, such mechanic or other person may proceed to sell the property by him so made, altered or repaired, at public auction, by giving ten days public notice of such sale by advertising in some newspaper published in the county in which the work was done; or, if there be no newspaper published in such county, then by posting up notices of such sale in three of the most public places in the town where such work was done, for ten days previous to such sale; and the proceeds of such sale shall be applied to the discharge of such lien and the cost of keeping and selling such property; and the remainder, if any, shall be paid over to the owner thereof. Liens on personal property.

Sec. 16. Nothing contained in this Act shall affect any lien heretofore acquired, but the same may be enforced by the provisions of this Act; and where suits are now pending the proceedings, after this Act goes into effect, may be conducted according to this Act. Liens heretofore acquired.

Sec. 17. An Act entitled an Act for securing liens of mechanics and others, approved April twenty-seventh, eighteen hundred and fifty-five; an Act entitled an Act for securing liens of mechanics and others, approved April nineteenth, eighteen hundred and fifty-six; an Act entitled an Act in addition to and explanatory of an Act for securing liens to mechanics and others, approved April nineteenth, eighteen hundred and fifty-six, approved March fourth, eighteen hundred and fifty-seven; an Act entitled an Act supplementary to an Act for securing liens to mechanics and others, passed April nineteenth, eighteen hundred and fifty-six, approved March eighteenth, eighteen hundred and fifty-seven; an Act entitled an Act to amend an Act for securing liens to mechanics and others, passed April nineteenth, eighteen hundred and fifty-six, approved April twenty-second, eighteen hundred and fifty-eight; an Act entitled an Acts repealed.

Act to amend an Act entitled an Act for the securing liens of mechanics and others, passed April nineteenth, eighteen hundred and fifty-six, approved May seventeenth, eighteen hundred and sixty-one; an Act entitled an Act in relation to liens of mechanics and others, approved April twenty-sixth, eighteen hundred and sixty-two, are hereby repealed.

CHAPTER CCCCLIX.

An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized. SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to modify the grade of Second street, in said city and county, between Howard and Bryant streets, in such a manner that the crossing of Folsom and Second streets shall be forty-two (42) feet above the base line of the city grades, and that the crossing of Harrison and Second streets shall be fifty (50) feet above the said base line; also, to so modify the grade of Folsom street, between Hawthorne and Essex streets, as to be regular and uniform and to conform to the grade of Second street, as provided for in this Act; also, to so modify the grade of Harrison street, between Hawthorne and Essex streets, as to be regular and uniform, and so that at its points of meeting with the easterly and westerly lines of Second street [it] shall be eighty-seven (87) feet above the base line aforesaid.

Bridge to be constructed. SEC. 2. The crossing of Harrison street over the lines of Second street shall be made by means of a wooden bridge of sufficient strength for the passage of teams and foot passengers; said bridge to rest for its entire support upon abutments to be of uniform height with Harrison street, as designated in the section one of this Act; to be [of] uniform width of said Harrison street, with clearly defined and distinct roadway, and with passenger ways on each side thereof in direct line and of even width and elevation with the sidewalks upon the lines of Harrison street, Communications for foot passengers shall be provided by means of a flight of stairs connecting, respectively, from the northerly and southerly lines of Harrison street with the easterly and westerly lines of Second street. Said flight of stairs to extend northerly and southerly upon the easterly and westerly lines of Second street, to be of uniform character, and in width at the bases thereof not exceeding one-half of the width of the sidewalks upon said Second street. The bridge and flight of stairs aforesaid shall be provided, respectively, with good and sufficient railings of not less than four feet in height, and shall be built and constructed as shall be provided by said Board of Su-

pervisors, the cost thereof to be estimated as a portion of the expense of modifying the grades, as provided in section one of this Act, and the work of their construction to be performed simultaneously with that of the grading aforesaid.

Sec. 3. The expenses of the work of grading, as designated in sections one and two of this Act, and authorized hereby, together with the costs of the proceedings incurred by the provisions hereof, shall be defrayed by assessment upon the owners or occupants of houses, lands, corporations and companies that may be benefited, and under no circumstances shall the same become a charge upon the Treasury of the City and County of San Francisco.

Assessment
to pay ex-
penses.

Sec. 4. The districts affected by the work designated in this Act is herein defined as that lying within and upon the lines of Second street, between Market street and the Bay, at the southerly end of said Second street, and within a uniform depth from each side thereof of two hundred and seventy-five (275) feet; and the lands benefited by such work shall be deemed, for the purposes of this Act, to be included within the district aforesaid. And the Board of Supervisors shall cause a map of said district to be made, designating therein the lots or parcels of lands into which, with the measurement thereof, respectively, the same may be divided, and also the names of the owners of each and every lot of land therein, respectively; which said map shall be filed in the office of the Clerk of the Board of Supervisors, and shall be for the use and benefit of the Commissioners hereinafter mentioned.

Lands
benefited.

Sec. 5. It shall be the duty of the Board of Supervisors of said city and county, within thirty days from and after the passage of this Act, to cause notice of the proposed work to be conspicuously posted in the office of the Superintendent of Public Streets and Highways, and also published in the official paper for five days, inviting sealed proposals for the work of grading, as designated in section one of this Act. All proposals offered shall be delivered to the Clerk of the Board of Supervisors; and said Board shall, in open session, open, examine and publicly declare the same, and award said work 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 have proved delinquent or unfaithful in any former contract with said city and county. All proposals shall be accompanied with a bond in the sum of two hundred dollars, signed by the bidder and by two sureties, who shall justify in the manner hereinafter provided, conditioned to pay the Street Department Fund the full sum of two hundred dollars, as liquidated damages, if the bidder to whom the contract shall be awarded shall fail or neglect to enter into a contract as hereinafter provided. It shall be the duty of the City and County Attorney to sue on said bonds in the name of said city and county, and to pay the amount recovered over to said fund. The Board of Supervisors shall have power to relieve the contractor from the performance of the condition of said bond, when good cause is shown therefor. Any person who shall fail to enter into the contract, as herein provided, is hereby prohibited from bidding a second time for the same work. It shall be

Proposals
for grading.

Contracts. the duty of the Superintendent of Public Streets and Highways, within three days after the said award, to enter into a contract with the bidder to whom the contract shall have been awarded, and at the price at which the same may have been awarded to him; *provided*, that no such contract shall be entered into by said Superintendent which does not contain a covenant that the work to be performed under such contract shall be fully completed, so as to be accepted, within the period of four months from and after the execution of said contract; but if the said bidder neglect, for ten days from and after such award, to enter [into] said contract, then the Board of Supervisors shall again publish for five days, and pursue the steps required by this section, as in the first instance. The contractor shall, at the time of the execution of the contract, also execute a bond to the satisfaction of said Superintendent, with two or more sureties, payable to the City and County of San Francisco, in such sum as the said Superintendent shall deem adequate, conditioned to 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. Any person suffering damages by reason of the breach of said contract may sue on such bond in his own name. It shall be the duty of the Superintendent to collect from the contractor, before the contract is signed by him, the cost of the publication of the notice required under the proceedings in this Act.

Bonds of contractors. of said Superintendent, with two or more sureties, payable to the City and County of San Francisco, in such sum as the said Superintendent shall deem adequate, conditioned to 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. Any person suffering damages by reason of the breach of said contract may sue on such bond in his own name. It shall be the duty of the Superintendent to collect from the contractor, before the contract is signed by him, the cost of the publication of the notice required under the proceedings in this Act.

Building of bridge. SEC. 6. It shall be the duty of the Board of Supervisors, within forty-five days from and after the passage of this Act, to determine upon the character of the bridge and flights of stairs, otherwise than as designated in section two of this Act, as shall be best fitted for the purpose intended, and upon the manner in which the same shall be constructed, and shall therefore give notice and invite proposals for such work as designated in section five. The same course shall be pursued thereafter as laid down in said section five, except that it is provided that no contract shall be entered into by the Superintendent of Public Streets and Highways, which does not contain a covenant that the work to be performed under such contract shall be fully completed so as to be accepted within the period of thirty days after such work shall become practicable in view of the progress of the work under the contract mentioned in section five.

Contracts. SEC. 7. The Superintendent of Public Streets and Highways is hereby authorized, in his official capacity, to enter into the contract mentioned in this Act, and to receipt all bonds authorized by this Act, and to do any other acts, either express or implied, that pertain to the Street Department under this Act. The work provided for in this Act must in all cases be done under the direction and to the satisfaction of the Superintendent, and the materials used shall be such as are required by said Superintendent; and the contracts made under this Act must contain this condition, and also express notice that in no case will the city and county be liable for any portion of expense nor for any delinquency of persons or property assessed.

SEC. 8. It shall be the duty of the Board of Supervisors, at their second regular meeting after the completion of the work

intended by this Act and its acceptance by the Superintendent of Public Streets and Highways, to appoint three disinterested citizens, who are freeholders in said city and county and competent judges of the value of real estate therein, as Commissioners to assess the benefits and damages to each separate lot of land within the limits of the district defined in section four of this Act. It shall be in the power of said Board of Supervisors to remove either or all of said Commissioners upon reasonable notice and hearing, upon sufficient cause therefor being shown, and to fill any vacancy or vacancies thereby or otherwise occasioned.

Commissioners to make assessments.

SEC. 9. Said Commissioners shall, without delay, be severally sworn by the County Judge to make the estimates of benefits and damages occasioned by the grading aforementioned and the assessments in accordance therewith, to the best of their judgment and ability, without fear or favor, and that they have no interest whatever in the said estimates and assessments, nor in any of the premises or lands lying within said district, which oath shall be indorsed upon the certificate of appointment subscribed by said three Commissioners, certified by the County Judge, and filed in the office of the Clerk of the Board of Supervisors, a copy of which certificate and oath may be delivered to said Commissioners as their authority.

SEC. 10. Said Commissioners shall proceed to view the lands and premises adjoining and approximate to the streets whereof the grades shall have been modified according to section one of this Act, and also any other lands or premises within the district defined in section four which they shall deem necessary, and may examine, under oath, which any one of them is hereby authorized for such purposes to administer, any witnesses produced before them by any party interested, and all other witnesses which they may deem necessary to fully acquaint them with the true amount of benefits and damages which result to any of the parties interested by the completion of the proposed work.

Duties and powers.

SEC. 11. Said Commissioners having determined by their award the amount of damages which will be sustained by each and all of the parties interested over and above all benefits, they shall proceed to assess the amount thereof, together with the actual amount due for the said work, and with the cost of these proceedings, including the Commissioners' fees, upon the owners or occupants of the lands and premises benefited within the district defined in section four of this Act, as near as may be, in proportion to the benefit which shall be deemed to accrue to each lot respectively.

SEC. 12. Said Commissioners shall make their report in writing, within sixty days after their appointment, shall subscribe the same, file it in the office of the Clerk of the Board of Supervisors, naming therein the amount of damages which the owners of land of said district will severally sustain, and assessing the whole amount of such damages which shall be sustained by the owners of lands within said district over and above all benefits by the execution of the work, together with the costs and charges in the proceedings, including such Commissioners' fees as may be deemed proper and allowed by the Board of

Report of Commissioners.

Supervisors, together with a brief description of each lot within said district, the name of the owner, if known, and a special designation of the amount assessed against the owner or occupant of each lot which should be paid by the owner or occupant of the same, and the amount which should be paid to the owners or occupants, according to injuries received by them respectively; and in case the three Commissioners do not agree, the award agreed upon by any two shall be sufficient. On filing such report, the Clerk of the Board of Supervisors shall give notice thereof for five days for [by] publication.

Supervisors
may confirm
or reject.

SEC. 13. It shall be the duty of the Board of Supervisors, at their next regular meeting after the giving of the notice prescribed in section twelve, to appoint a select committee of three of said Board, to whom said report shall be referred, which said committee shall hear any objections to the confirmation of said report upon a day to be appointed by them, said day not to be exceeding three days after their appointment, and upon such other day or days as the hearing shall be adjourned to, no adjournment of said hearing to be for more than three days. On the day appointed for the hearing, said committee shall hear the allegations of all parties interested, and may take proof in relation thereto from time to time, and shall thereafter recommend the confirmation or rejection of the Commissioners' report. The Board of Supervisors may, therefore, confirm the report of the Commissioners, or may set it aside and refer the matter back to the said Commissioners to readjust the same, if in their judgment, after a proper hearing of the parties, it shall appear to them best; and upon the filing of their report thereafter, the same proceedings shall be had as provided by this Act in the case of the first report, and the action of the Board of Supervisors herein shall be final and conclusive.

When
finally as-
certained.

SEC. 14. Whenever the whole amounts which must be paid by reason of such work, including the sum payable for such work, damages and costs of these proceedings, as aforesaid, and the assessment thereof, shall be finally ascertained and fixed by confirmation of the report of the Commissioners by the Board of Supervisors, as aforesaid, the Mayor of said city shall cause a transcript to be made, and in the form used for assessment rolls in said city and county, except that in such assessment roll to be made from such report, as confirmed, shall be set down in separate columns:

First—The names of all persons, corporations or companies being the owners or occupants of the lands benefited, when known; and if not known, then that fact to be stated.

Second—The description of the land in respect to which they are assessed.

Third—The amount which such person shall be assessed, respectively.

Fourth—The amount of damages, if any, to which persons are respectively entitled by the award of the Commissioners.

Fifth—The amount of the excess, if any, to be collected.

To which said transcript the Mayor shall annex his warrant; and the same shall be therefore collected in the manner there prescribed by law for the collection of general taxes in said city and county, and shall in like manner be a lien upon the respect-

ive tracts and parcels of lands, corporations and companies, as aforesaid.

SEC. 15. Upon the confirmation of the report, as aforesaid, ^{Collection.} it shall be the duty of the Board of Supervisors to cause the whole amount assessed to be collected upon the said assessment roll, as aforesaid, and when so collected said Board shall forthwith pay to the Superintendent of Public Streets and Highways, for disbursement to the person or persons entitled, the amount due for the work of grading, as set forth in sections one and two of this Act, and the several amounts of damages to the owners and occupants of lands and tenements, or to persons having any liens thereon, to whom the same shall be allowed.

SEC. 16. The said Board of Supervisors shall have all the powers necessary to carry the same into execution, and shall take effect from and after its passage.

CHAPTER CCCCL.

An Act to appropriate money to pay the claims of W. D. Harriman and William G. Wood.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of seven thousand six hundred and twenty-seven dollars (\$7,627) is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the claims of W. D. Harriman and William G. Wood, for services as Clerks of the Supreme Court in cases where the State was a party in interest, from the first Monday of December, eighteen hundred and sixty-three, to the first Monday of December, eighteen hundred and sixty-seven; and the Controller is hereby authorized and directed to draw his warrant in favor of W. D. Harriman and William G. Wood for the amount hereby appropriated, and the Treasurer is authorized to pay the same. ^{Appropriation.}

SEC. 2. This Act shall take effect from and after its passage

CHAPTER CCCCLI.

An Act to authorize the establishment of a steam ferry between Collinsville, in Solano County, and New York Landing and Antioch, in Contra Costa County.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right granted.

SECTION 1. The right to establish and maintain a steam ferry across the Sacramento and San Joaquin Rivers, at or near their junction, from Collinsville, in Solano County, to New York Landing and to Antioch, in Contra Costa County, is hereby granted to Abraham Turner, and his assigns, for the term of ten years.

Termini.

SEC. 2. The point or terminus of said ferry in Collinsville shall be at the Collinsville wharf; and at New York Landing, at the landing; and at Antioch, at the wharf in front of said town.

Conditions.

SEC. 3. The said parties herein named shall, within one year from the passage of this Act, put a suitable steamboat on said ferry, and shall at all times keep said boat in good repair, and of suitable size and character to accommodate all the travel that may wish to use said ferry, and shall also keep suitable wharves for the embarkation and debarkation of passengers, animals, vehicles and freight.

Daily trips.

SEC. 4. The number of trips to be made by said ferry each day shall be at least one. The Boards of Supervisors of Solano and Contra Costa Counties shall from time to time regulate the number of trips daily—which shall not be less than one trip each day—to be made, and the toll to be charged on said ferry. The rates of toll shall at all times be posted upon the boat in a conspicuous place.

Forfeiture.

SEC. 5. That if the said parties herein named shall fail to comply with the true interest and meaning of this Act within the time specified herein, or in any other manner violate its provisions, then all the rights granted in this Act shall become forfeited to the State.

SEC. 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 7. This Act shall take effect from and after its passage.

CHAPTER CCCCLII.

An Act to provide for the payment of certain outstanding bonds of the State of California.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of fourteen thousand five hundred and twenty-two dollars and eighty-seven cents (\$14,522 87) is hereby appropriated, out of any money in the War Bond Fund not otherwise appropriated, for the payment of the following described bonds, issued by the State of California under the Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties of this State, April twenty-fifth, eighteen hundred and fifty-seven, said bonds having been issued for payment of services of men and supplies furnished troops actually in service, to wit :

Appropriation.

Bond number seven hundred and twenty (720) for two hundred dollars, allowed one hundred and sixteen dollars and ninety-six cents (\$116 96).

Numbers of bonds and amounts to be paid.

Bond number seven hundred and thirty (730) for one thousand dollars, allowed five hundred and eighty-four dollars and eighty cents (\$584 80).

Bond number seven hundred and thirty-one, for one thousand dollars, allowed five hundred and eighty-four dollars and eighty cents (\$584 80).

Bond number seven hundred and thirty-two, for one thousand dollars, allowed five hundred and eighty-four dollars and eighty cents (\$584 80).

Bond number seven hundred and thirty-three, for one thousand dollars, allowed five hundred and eighty-four dollars and eighty cents (\$584 80).

Bond number seven hundred and thirty-four, for one thousand dollars, allowed five hundred and eighty-four dollars and eighty cents (\$584 80).

Bond seven hundred and thirty-five, for one thousand dollars, allowed five hundred and eighty-four dollars and eighty cents (\$584 80).

Bond seven hundred and thirty-six, for one thousand dollars, allowed five hundred and eighty-four dollars and eighty cents (\$584 80).

Bond seven hundred and thirty-seven, for one thousand dollars, allowed five hundred and eighty-four dollars and eighty cents (\$584 80).

Bond seven hundred and thirty-eight, for one thousand dollars, allowed five hundred and eighty-four dollars and eighty cents (\$584 80).

Bond seven hundred and thirty-nine, for four hundred and forty-nine dollars, allowed two hundred and sixty-two dollars and fifty-seven cents (\$262 57).

Numbers of
bonds and
amounts to
be paid.

Bond seven hundred and forty-one, for one thousand dollars, allowed five hundred and eighty-four dollars and eighty cents (\$584 80).

Bond seven hundred and forty-two, for one thousand dollars, allowed five hundred and eighty-four dollars and eighty cents (\$584 80).

Bond seven hundred and forty-three, for one thousand dollars, allowed five hundred and eighty-four dollars and eighty cents (\$584 80).

Bond seven hundred and forty-four, for five hundred and four-teen dollars and fifty cents, allowed three hundred dollars and eighty-eight cents (\$300 88).

Bond seven hundred and forty-five, for one thousand dollars, allowed five hundred and eighty-four dollars and eighty cents (\$584 80).

Bond seven hundred and forty-six, for six hundred and fifty-seven dollars and ten cents, allowed three hundred and eighty-four dollars and twenty-seven cents (\$384 27).

Bond seven hundred and forty-nine, for two hundred and sixteen dollars and sixty-seven cents, allowed one hundred and twenty-six dollars and seventy-one cents (\$126 71).

Bond seven hundred and fifty, for two hundred and sixteen dollars and sixty-seven cents, allowed one hundred and twenty-six dollars and seventy-one cents (\$126 71).

Bond seven hundred and fifty-one, for one hundred and seventy-seven dollars and seventy cents, allowed one hundred and three dollars and ninety-two cents (\$103 92).

Bond seven hundred and fifty-two, for one hundred and seventy-seven dollars and seventy-eight cents, allowed one hundred and three dollars and ninety-two cents (\$103 92).

Bond seven hundred and fifty-three, for one hundred and sixty-eight dollars and twenty cents, allowed ninety-eight dollars and thirty-six cents (\$98 36).

Bond seven hundred and fifty-four, for one hundred and sixty-eight dollars and twenty cents, allowed ninety-eight dollars and thirty-six cents (\$98 36).

Bond seven hundred and fifty-five, for one hundred and sixty-eight dollars and twenty cents, allowed ninety-eight dollars and thirty-six cents (\$98 36).

Bond seven hundred and fifty-six, for one hundred and fifty-eight dollars and seventy cents, allowed ninety-two dollars and eighty-one cents (\$92 81).

Bond seven hundred and fifty-seven, for one hundred and fifty-eight dollars and seventy-eight cents, allowed ninety-two dollars and eighty-one cents (\$92 81).

Bond seven hundred and fifty-eight, for one hundred and fifty-eight dollars and seventy-eight cents, allowed ninety-two dollars and eighty-one cents (\$92 81).

Bonds seven hundred and fifty-nine, seven hundred and sixty, seven hundred and sixty-one, seven hundred and sixty-two, seven hundred and sixty-three, seven hundred and sixty-four, seven hundred and sixty-five, seven hundred and sixty-six, seven hundred and sixty-seven, seven hundred and sixty-eight, seven hundred and sixty-nine, seven hundred and seventy, seven hundred and seventy-one, seven hundred and seventy-two, seven

hundred and seventy-three, seven hundred and seventy-four, seven hundred and seventy-five, seven hundred and seventy-six, seven hundred and seventy-seven, seven hundred and seventy-eight, seven hundred and seventy-nine, seven hundred and eighty, seven hundred and eighty-one, seven hundred and eighty-two, seven hundred and eighty-three, seven hundred and eighty-four, seven hundred and eighty-five, seven hundred and eighty-six, seven hundred and eighty-seven, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, seven hundred and ninety-one, seven hundred and ninety-two, seven hundred and ninety-three, for one hundred and forty-nine dollars and twenty cents, allowed eighty-seven dollars and twenty-five cents each.

Numbers of
bonds and
amounts to
be paid.

Bond eight hundred and twenty-five, for one hundred and seventy-five dollars, allowed one hundred and two dollars and thirty-four cents.

Bond eight hundred and twenty-nine, for seventy-seven dollars and five cents, allowed forty-five dollars and six cents.

Bond eight hundred and thirty-nine, for twenty-nine dollars and sixty cents, allowed seventeen dollars and thirty cents.

Bond eight hundred and forty, for seventeen dollars and sixty cents, allowed ten dollars and twenty-nine cents.

Bond eight hundred and forty-one, for twenty dollars and fifty-three cents, allowed twelve dollars.

Bond eight hundred and forty-three, for nine hundred and seventy-five dollars, allowed five hundred and seventy dollars and eighteen cents.

Bond eight hundred and forty-four, for four hundred and seventy-two dollars and fifteen cents, allowed two hundred and seventy-five dollars and seventy-seven cents.

Bond eight hundred and forty-five, for three hundred and fifty-one dollars and thirty-five cents, allowed two hundred and five dollars and forty-seven cents.

Bond eight hundred and forty-six, for nine hundred dollars and ninety-six cents, allowed five hundred and twenty-seven dollars and eighty-six cents.

Amounting in the aggregate to the sum of fourteen thousand five hundred and twenty-two dollars and eighty-seven cents, first mentioned in this section, which said sum is payable out of legal tender currency in said fund.

SEC. 2. It is hereby made the duty of the Board of Examiners to receive and cancel the above described bonds, and to approve and certify to the State Controller a claim in favor of the party or parties surrendering the same, for the sum equal to the amount allowed to each bond in section one of this Act, payable in United States legal tender notes; and upon the approval of such claims the State Controller shall draw his warrant upon the State Treasurer, and the State Treasurer shall pay the same in legal tender notes out of the War Bond Fund.

Cancelling.

Payment.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCCCLIII.

An Act more clearly to define the boundaries of the County of San Diego, and to amend an Act entitled an Act dividing the State into counties and establishing the seats of justice therein, passed April twenty-fifth, eighteen hundred and fifty-one.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Boundaries
defined.

SECTION 2. County of San Diego—Commencing on the coast of the Pacific Ocean at the San Mateo Point, and running thence, in a direction so as to include the Rancho of Los Flores, Santa Margarita and Laguna, to the southwest corner of the Rancho of San Jacinto Nuevo; thence, along the western and northern line of said rancho, to the Rancho of San Jacinto Viejo; thence, along the western and northern line of said last named rancho, to the northeast corner thereof in Township three (3) south, Range two (2) west, San Bernardino meridian; thence, in a parallel line with the southern boundary between the United States and Mexico (as established under the treaty of Guadalupe Hidalgo, of date the thirtieth day of May, eighteen hundred and forty-eight), to the Colorado river; thence, down the middle of the channel of said river, to its junction with said boundary line; thence, following the said boundary line, to the Pacific Ocean and three miles therein; thence, in a northwesterly direction, running parallel with the coast, to three miles due west from San Mateo Point; thence east to the place of beginning. The seat of justice shall be at San Diego.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLIV.

An Act for the more effectual prevention of cruelty to animals.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

One society
in each
county enti-
tled to ben-
efits.

SECTION 1. Any three or more citizens of the State of California, who shall incorporate as a body corporate under the general laws for incorporations in this State, for the purpose of preventing cruelty to animals, may avail themselves of the privileges and benefits of this Act; *provided*, that the corporate body first forming as aforesaid in any county shall be the only one so entitled to the benefits and privileges of this Act in said county.

SEC. 2. The said societies may make and adopt by-laws gov-

erning the admission of associates and members, providing for all meetings, and assistant and district or local officers; providing also for means and systems for the effectual attainment of the objects contemplated by this Act, for the regulation and management of its business affairs, and for the effectual working of the societies; prescribing, also, the duties of all their officers, for the outlay of all moneys, and the auditing of all accounts; *provided*, that such by-laws shall not in anywise conflict with the laws of the State of California or of the United States, or any provisions of this Act.

By-laws.

SEC. 3. Said societies shall elect officers and fill vacancies according to the provisions of their by-laws. They shall make such reports of elections as is by law required of all corporations; and shall, in addition, report to the Legislature of the State of California, at each of its regular sessions, a full account of all their acts.

Elections and reports.

SEC. 4. All Sheriffs, Constables, police and peace officers are empowered to make arrests for the violation of any of the provisions of this Act, and are hereby also empowered to make arrests without warrant, for the violation of any provision of this Act which by this Act is denominated a misdemeanor, when said misdemeanor is committed in the presence of said officer.

Arrests.

SEC. 5. All members and agents, and all local and district officers of each or any of the societies so incorporating, as shall by the Trustees of said societies be duly authorized in writing, approved by the County Judge of the county, and sworn in the same manner as are Constables and peace officers, may make arrests for the violation of any of the provisions of this Act, in the same manner as is provided herein for other officers; *provided*, that all such members shall, when making such arrests, exhibit and expose a suitable badge, to be adopted by said society. All persons resisting said specially appointed officers, as such, shall be punished for said resistance in the same manner as is provided for the punishment of resistance to other officers.

Members may be authorized to make arrests

SEC. 6. Every person who shall torture, torment or deprive of sufficient and necessary sustenance, or unmercifully or cruelly beat, mutilate or kill any living creature, shall, on conviction, be deemed guilty of a misdemeanor. Every person who shall, by his act or neglect, maliciously kill, maim, wound, injure, torture or cruelly beat any animal belonging to himself or to another, shall, on conviction, be deemed guilty of a misdemeanor. Every person who, in carrying or transporting, or causing to be carried or transported, any living creature, shall unnecessarily torture, injure, torment, beat, wound, or cause unnecessary pain and suffering to any living creature, shall, on conviction, be deemed guilty of a misdemeanor.

Cruelty to animals misdemeanor.

SEC. 7. Every person convicted of any misdemeanor under this Act shall be punished as is by law provided for the punishment of misdemeanors.

Punishment.

SEC. 8. All prosecutions for violation of any of the provisions of this Act shall be conducted and prosecuted in a Court of competent jurisdiction; and any member of said societies authorized as is provided in section five of this Act may appear and prosecute in any of said Courts, for any violation of the provisions of this Act, whether or not he be an attorney and counsel-

Prosecutions

lor at law; *provided*, that all such prosecutions shall be conducted in the name of The People of the State of California.

Convictions.

SEC. 9. In all prosecutions for the violation of any of the provisions of this Act, the Court shall, if the defendant be found guilty, direct the Clerk to enter, if it be a Court of record, and if not, the Judge of said Court shall enter, upon the docket or judgment record of said Court, the fact that the defendant was convicted for a violation of some provision of this Act; and the Judge or Court shall direct the whole of the fine which may be paid as a penalty for such violation to be paid to the President, Secretary or Treasurer of any society in said county organized and incorporated as herein provided. And such Judge of such Court, Justice or Clerk of the Court, if it be a Court of record, shall annually report, on the first Monday in September, the amount of money so paid to said society, in a report to be transmitted to the Board of Supervisors of said county; and each of said Boards of Supervisors shall make a report on the first Monday of November of each year to the Controller of the State, of all such sums of money so paid to said society, and said Controller shall report the sum total of said sums to the Legislature at each of its regular sessions.

Fines to be paid to society.

Law not to apply.

SEC. 10. No part of this Act shall be deemed to interfere with any of the laws of this State known as the Game Laws, or any laws for the destruction of certain birds; nor shall this Act be deemed to interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property, or to interfere with the right to kill all animals and fowls used for food; nor shall this Act be deemed to interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

CHAPTER CCCCLV.

An Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of Wines and Liquors.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized.

SECTION 1. The Governor is hereby authorized and directed to appoint, by and with the advice and consent of the Senate, a Gauger and Weigher of Wines and Liquors, to reside in the City of San Francisco, and to continue in office for two years, or until his successor shall become duly qualified.

Official bonds.

SEC. 2. Said Gauger and Weigher, before entering upon his office, shall take and subscribe the oath of office, and give bonds in the sum of twenty-five thousand dollars for the faithful discharge of his duties.

Duties of officer.

SEC. 3. It shall be the duty of said officer to gauge all wines and liquors which may be or arrive in said city, in packages

containing more than fifteen gallons, and affix his official mark or brand on same, showing the number of gallons therein contained; but it shall not be obligatory upon manufacturers or vendors to have liquors or empty packages gauged by the State Gauger which have previously been gauged and branded by a United States Gauger.

SEC. 4. The legal charge for gauging shall be one half of one cent for each running gallon; and when said Gauger and Weigher shall be called on in his official capacity to weigh or determine the strength of any lot or invoice of wine or liquor, he shall be entitled to receive fifty cents for such service performed in each case. Fees.

SEC. 5. Any person in the City of San Francisco selling, or offering for sale, a package of wine or liquor containing more than fifteen gallons, without the lawful Gauger's mark or brand on same, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined for each offence not less than twenty nor more than one hundred dollars. Unlawful to sell unbranded packages.

SEC. 6. Any person or persons who shall hereafter accept the appointment of Gauger and Weigher, under the provisions of this Act, and shall qualify, who shall wilfully mark any cask, case, keg or other vessel of wine or liquor gauged and inspected by him, or mark any cask, case, keg or other vessel when empty, intentionally and falsely indicating either the quality or quantity of wine or liquor, and with intent thereby to deceive either purchasers or vendors of such wine or liquor, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one thousand dollars. Officer liable for false brands.

SEC. 7. All descriptions of wine, brandy or other liquor manufactured from California grapes shall be exempt from the provisions of this Act. Exempt.

SEC. 8. All former laws conflicting with this Act are hereby repealed.

SEC. 9. This Act shall take effect from and after June first, eighteen hundred and sixty-eight, except as to section eight, which shall take effect immediately. To take effect.

CHAPTER CCCCLVI.

An Act granting to the Market Street Railway Company of San Francisco certain rights and privileges.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right is hereby granted to the Market Street Railway Company of San Francisco, in the City and County of San Francisco, being the assignee of the San Francisco Market Street Railroad Company, to lay down and maintain, within the City and County of San Francisco, an iron railroad, with a Right granted.

- single or double track, with all the necessary switches, side tracks and turnouts, as follows: From and connecting with the said company's railroad on Laguna street, at MacAllister street; thence, on and along said MacAllister street, to and connecting with the said company's railroad on Market street. Also, from and connecting with the said company's railroad on Hayes street, at Laguna street; thence, on and along Hayes street, to Devisadero street; thence, on and along Devisadero street, to MacAllister street; thence, on and along MacAllister street, to and connecting with the said company's railroad on MacAllister street, at Laguna street. Also, from and connecting with the said company's railroad on Market street, at the intersection of Market and Valencia streets; thence, on and along said Market street, to Castro street. Also, from and connecting with the said company's railroad in Market street, at Gough street; thence, on and along said Gough street, to and connecting with the said company's railroad on Hayes street.
- Conditions.** SEC. 2. The right granted in section one of this Act is upon the condition that the said extension of said railroad shall be completed upon said streets and between said points, at least upon a single track, within one year from and after May first, eighteen hundred and sixty-eight; and said period of one year is hereby granted within which to complete the same, except on Hayes street, between Laguna and Devisadero streets; on Devisadero street, between Hayes and MacAllister streets; on MacAllister street, between Devisadero and Laguna streets; and on Market street, between Valencia and Castro streets; and on those streets, within one year after they are respectively graded to the official grade.
- Rights reserved.** SEC. 3. Nothing in this Act shall be so construed as in anywise to prevent the proper authorities of said City and County of San Francisco from sewerage, grading, paving, planking, repairing or altering any of the streets hereinbefore specified; but all such work shall be done, if possible, so as not to obstruct the free passage of the cars upon the said road; and where the same shall not be possible, said authorities, before the commencement of such work, shall allow to the said railroad [company] time sufficient to enable them to shift the rails or take other means so as to avoid said obstruction during the continuance thereof, which they, the said owners, are hereby authorized to do.
- Repair of streets.** SEC. 4. The owners of said railroad shall macadamize, pave or plank, as the proper authorities of said city and county shall direct, the streets through which the said railroad shall run, along the whole length thereof, between the rails and between the tracks, and shall keep the same constantly in repair.
- License.** SEC. 5. The owners of said railroad shall pay to the City and County of San Francisco the sum of fifty dollars per annum as a license upon each car used by them upon said railroad, which payments shall be made quarterly to the said city and county.
- Fare.** SEC. 6. The rates of fare upon said railroad, either going or returning, shall not exceed the sum of six and one quarter cents for each passenger.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLVII.

An Act to amend section one of an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, approved March fifth, eighteen hundred and sixty-eight.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an Act, the title of which is designated in the title of this Act, is amended to read as follows:

Section 1. Section two of said Act is hereby amended so as to read as follows:

Section 2. The number of Councilmen shall be ten; and the Mayor, Councilmen, and all other municipal officers of said city, shall hold their offices for two years from the time they shall commence the discharge of the duties of such office, except as hereinafter provided, that five of said Councilmen shall hold office for one year only. The said Mayor, Common Councilmen and other municipal officers shall be elected by the qualified electors of said city, on the first Monday of December, A. D. eighteen hundred and sixty-eight, and every two years thereafter; *provided* that, immediately after the election and organization of the Common Council under the provisions of this Act, they shall be divided by the Clerk of said Common Council into two classes, to be known as the first and second class; and the Common Councilmen elected shall determine said classes by lot, in such a manner as shall be agreed upon by them for that purpose; the first class to be composed of five members, who shall hold office for two years, and until their successors shall be elected and qualified; and the five composing the second class shall hold their offices for the term of one year, and until their successors shall be elected and qualified. On the first Monday in December of each year after A. D. eighteen hundred and sixty-eight, an election shall be held for the purpose of electing five members of the Common Council, to fill the vacancy caused by the expiration of the term of office of the five Councilmen holding the shortest term, except upon the first Monday [in December] of every second year after eighteen hundred and sixty-eight, when a general election shall be held for the election of all the municipal officers of said city.

Election and terms of city officers

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCLVIII.

An Act concerning roads in the County of Marin.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Public roads SECTION 1. All roads in the County of Marin which shall have been or may hereafter be acquired by said county, by deed, grant, legal proceedings, condemnation, dedication, either express or implied, or by uses, except such as have been and shall continue to be obstructed by gates or bars, are hereby declared to be public roads. All the roads in said county which have been or may hereafter be fenced out, opened and travelled for two successive years shall be deemed public roads, unless otherwise ordered by the Board of Supervisors. The fencing out and throwing open any road in said county shall be conclusive evidence of the dedication of such road by the owner of the land through which the same shall pass.

Road districts. SEC. 2. The road districts in said county as now established and numbered or named shall be the road districts therein ; but the Board of Supervisors may, at any regular meeting, change or alter the same, or create new districts, as the public convenience may require. They shall cause each new district to be numbered or named, and a description of the boundaries thereof, with the number or name, to be entered in their minutes.

Roadmasters SEC. 3. There shall be elected for each road district in said county at the general election in the year eighteen hundred and sixty-nine, and at the general election every two years thereafter, by the qualified voters of the township in which said road district is situated, a Roadmaster, who shall be an elector and resident of the road district for which he shall be elected. Before entering upon the discharge of his duties he shall take the oath of office prescribed by law, and shall execute a bond, with two sufficient sureties, to the State of California, in the sum of five hundred dollars, or such other sum as may be required by the Board of Supervisors, which bond shall be conditioned for the faithful performance of all the duties of his office, and shall be executed in the manner and form prescribed by law, approved by the Board of Supervisors, and filed in the office of the County Clerk, but need not be recorded.

Property tax for road purposes. Road poll tax SEC. 4. The Board of Supervisors shall have power to levy a property tax for road and bridge purposes, not exceeding seventy-five cents per annum upon each one hundred dollars value of the taxable property of Marin County, which tax shall be levied, assessed and collected at the same time and in the same manner, and in the same kind of currency, that other county taxes of said county are levied, assessed and collected ; also at the same time, to levy a road poll tax annually, not exceeding four dollars to each man, upon all such persons as are required by law to pay a State poll tax, to be collected at the same time, in the same manner, and by the same person as the State poll taxes are collected in said county, except as hereinafter pro-

vided; *provided*, that such road poll tax for the year eighteen hundred and sixty-eight may be levied at any regular or special meeting of the Board of Supervisors after the passage of this Act. The Collector shall have and exercise the same powers in enforcing the collection of said road poll taxes as are by law conferred in the collection of the State poll tax; and all the provisions of the Revenue Law of this State concerning the assessment and collection of the State poll tax not inconsistent with the provisions of this Act are hereby made applicable to the assessment and collection of said road poll tax. All moneys collected under this Act shall be paid into the County Treasury, and shall be set apart by the County Treasurer for road and bridge purposes, and shall be called the "Road and Bridge Fund;" *provided*, that the officer collecting such tax may deduct from the amount of all road poll taxes collected by him five per cent. thereof for his own use. The Supervisor shall have power to order warrants for all road and bridge purposes, including damages allowed by said Board in laying out and opening roads, to be paid out of such fund, and such fund only; *provided*, that the right of the holders of such warrants to redeem them out of the Redemption Fund of said county shall not be affected or impaired.

SEC. 5. The Board of Supervisors shall cause a sufficient number of road poll tax receipts to be issued, numbered and signed by the Chairman of the Board, and countersigned by the Clerk thereof, leaving a blank therein for the name of the person paying such tax. Said receipts, when so prepared, shall be delivered by the Clerk to the Treasurer of said county, whose receipt shall be taken therefor and filed with said Clerk. The Treasurer shall make an entry thereof in a book to be kept by him for that purpose, and shall deliver such receipts to the Auditor, who shall deliver such numbers of said receipts to the Collector of said taxes from time to time as may be required, the same as State poll taxes are now delivered, taking his receipt therefor; and the Treasurer and Collector shall account for the same at the same time and in like manner as for State poll tax receipts. The appearance of such receipts shall be changed each year, and all receipts which are not used during the tax year shall be destroyed at the expiration thereof by the Board of Supervisors.

SEC. 6. If the Collector shall sell any road poll tax receipt without its being signed, dated and filled up with ink, or which has not been issued by the Board of Supervisors as provided in the last preceding section, or shall neglect or refuse to perform any of the duties imposed upon him by this Act, he shall, in addition to his liability therefor on his official bond, be deemed guilty of a misdemeanor, and on conviction thereof shall be punished accordingly.

SEC. 7. It shall be the duty of the Roadmasters to have the care and general supervision of the public roads within their respective districts, and, under the superintendence of the Supervisor of the district within which such Roadmaster's district is situated, to maintain and keep them in good repair, to erect and maintain the necessary bridges, embankments and culverts, to work on the roads themselves, and to oversee the labor performed thereon. To this end they shall each, at the

proper season, hire all the men, teams or implements that can be used to advantage to work on the roads until they are put in good repair; *provided*, that the amount expended in any one road district in any year, except for bridges or for laying out or opening new roads, shall not exceed five hundred dollars, unless by the order of the Board of Supervisors. The Roadmaster shall issue to each laborer employed and to the owner of each team, wagon or implement used in his district, a certificate specifying particularly the number of days such laborer, team, wagon or implements was employed or used, and on the presentation of such certificate the Board of Supervisors shall allow such compensation as they shall deem just, not exceeding two dollars and fifty cents a day of ten hours for each day's labor of a man, and a like sum for each day's service of a team of two animals, or one dollar a day for the use of a wagon, plough or scraper, necessarily employed. Each Roadmaster may purchase necessary ploughs, scrapers, tools, implements or materials, under the direction of the Board, giving his certificate therefor, specifying therein the price or sum charged, and on the presentation thereof the Board of Supervisors shall allow such compensation as they shall deem just.

Material
may be
taken.

SEC. 8. The Roadmaster of any road district shall be authorized to take for the road service any timber, earth, gravel, rock, or other material, growing or being on any uninclosed or uncultivated lands in the vicinity of a public road, except trees planted or preserved for fruit, shade or ornamental purposes; and he shall, on application of the owner thereof, issue to the said owner a certificate of the amount of such material taken, and the character thereof; and the Board of Supervisors on the presentation of such certificate shall make such compensation therefor as they shall deem just.

Contracts.

SEC. 9. When the cost of building or repairing any bridge or embankment, or of altering or opening any road, will probably exceed one hundred dollars, including materials, the Roadmaster shall notify the Board thereof, whereupon the Board shall let the contract therefor to the lowest responsible bidder, as hereinafter provided. At least twenty days notice of the proposed letting of such contract shall be given by publishing the same not less than two successive insertions in some weekly newspaper published in the county; which notice shall set forth the services or amount of material required, when and where proposals will be received and opened, and where specifications, if any shall be necessary, may be found and examined; also stating what particulars must enter with the proposals to be made and what security will be required of the successful bidder. Upon the day set forth in such notice for opening the proposals, all the proposals filed in reference to the matter of such notice shall be opened by the Board of Supervisors, and the proposals of the lowest responsible bidder shall be accepted and the contract awarded to him upon his giving satisfactory security, as required in such notice; *provided*, that the Board of Supervisors may refuse all the proposals if they shall deem such action advisable.

SEC. 10. On or before the first day of each regular meeting of the Board of Supervisors, namely: on or before the first

Monday in February, May, August and November, of each year. Quarterly reports of Roadmasters each Roadmaster shall prepare a full and particular statement of the labor performed in his district; the men, teams, tools, implements or materials hired or purchased; the certificates by him issued since the filing of his last preceding statement, for labor done, or for teams, tools, implements or materials furnished, and to whom such certificates have been issued, with the amount of each respectively, and that the contents of such certificates are true and correct; also the number of days service by him actually and necessarily performed in the discharge of his official duty; which statement shall be verified by his oath and filed on or before the first day of such regular meeting with the Clerk of the Board of Supervisors. Each Roadmaster shall have charge of and be held responsible for all tools and implements purchased for or belonging to his district, and his statement above provided for shall include an inventory of the same; and each Roadmaster shall deliver over to his successor, or to some person designated by the Board of Supervisors, all the tools and implements belonging to his district, and take a receipt therefor, which shall be filed with the Clerk of the Board. Each Roadmaster shall receive for his services performed in the discharge of his official duties such reasonable compensation as shall be allowed by the Board of Supervisors, not exceeding three dollars a day; *provided*, he shall not render more than forty days service in any one year without the written consent of the Supervisor in whose district the road district shall be situated.

SEC. 11. The Collector, on or before the first day of December in each year, shall make out and cause to be delivered to each Roadmaster in said county, an alphabetical list of all persons in the county liable to pay such road poll tax and who have not paid the same, together with the rate of the tax, which list shall be certified to by the Collector and shall be prima facie evidence of the truth of its contents. Delinquent list.

SEC. 12. Each Roadmaster, on receiving such bills, shall give each person named therein residing within his district not less than three days notice, written or verbal, of the time and place at which such person is required to appear and work on the roads in said district; and if any person, after receiving such notice, except in case of sickness or unavoidable cause, shall refuse or neglect to attend, or having attended shall refuse to work on the roads or shall disobey any reasonable order of the Roadmaster, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished accordingly; *provided*, that if such delinquent shall procure and exhibit to the Roadmaster, at or prior to the time appointed for such attendance, a proper road poll tax receipt for that year, such delinquent shall not be required to work on the road nor be subject to prosecution. Any delinquent who shall attend and work out his tax at the rate of two dollars each day of ten hours shall receive from the Roadmaster a certificate of such labor, which shall be a sufficient receipt for such tax. Penalties.

SEC. 13. In any prosecution against a delinquent for the misdemeanor specified in the last preceding section, the complaint

Form of
complaint.

shall be deemed sufficient if it shall be substantially in the following form :

STATE OF CALIFORNIA, MARIN COUNTY.

Justice's Court, ——— Township.

The People of the State of California against A B :

C D, Roadmaster of ——— Road District ———, in ——— Township, being first duly sworn, complains of A B, and says that he is guilty of a misdemeanor committed as follows: Said A B is liable to pay a road poll tax in said county for the year eighteen ———, amounting to ——— dollars, and has not paid the same; and heretofore, at said county, on or about the ——— day of ———, eighteen ———, he refused and neglected to work on the roads in said ——— Road District (or having attended he refused to work, or disobeyed a reasonable order of said Roadmaster, as the case may be), after having been duly notified to appear and work thereon, or to procure and exhibit a proper road poll tax receipt for said year.

(Signed)

C D.

Subscribed and sworn to before me, this ——— day of ———, A. D. eighteen ———.

E F, Justice of the Peace.

Trial of
cause.

SEC. 14. Upon such complaint being filed in any Justice's Court in said county, the same proceedings shall be had thereon as is prescribed by law in the case of complaint being laid for other misdemeanors. Upon the trial of any such cause, the prosecution shall only be required to produce the certified list specified in section eleven (11) of this Act, showing the name of defendant thereon, and to prove that notice has been given him as required by this Act, that defendant refused or neglected to attend (or having attended refused to work or disobeyed a reasonable order of the Roadmaster, as the case may be). Defendant may show in his defense, that he is not liable to pay such tax; that he failed to attend by reason of sickness or unavoidable cause; that he has paid such tax for said year, and that his receipt therefor is lost or destroyed; or that he exhibited the proper receipt, as required by this Act, to the Roadmaster on or before the day appointed for his attendance to work on the roads. If convicted, he shall be punished by fine or imprisonment, or both, in the discretion of the Justice, as in case of misdemeanors for which no punishment is specially provided.

Obstructing
roads.

SEC. 15. If any person shall obstruct any public road in Marin County, by felling any tree into or across the same, or by placing any other obstruction thereon, or by lessening the width thereof by fencing or building, or in any other manner, or by damaging, deepening or digging a river, creek, stream or embankment so as to destroy a ford or crossing, or shall wilfully destroy any bridge, culvert or causeway, or remove or cause to be removed any of the plank or timber therefrom, except in repairing the same, or cut down or injure any tree planted or growing as a shade tree in any public road, such person or persons shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished accordingly.

SEC. 16. All Acts and parts of Acts in conflict or inconsistent

with the provisions of this Act are hereby repealed, so far as the same relate to Marin County. An Act entitled an Act concerning roads and highways in certain counties in this State, approved May sixteenth, eighteen hundred and sixty-one, is hereby repealed.

SEC. 17. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLIX.

An Act to authorize the construction of a wharf at Vallejo, Solano County.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right to build and erect a wharf from the high land at the foot of Pennsylvania street, in Vallejo, Solano County, out to ten feet of water at low tide, in Napa Straits, with the use and occupancy of a strip of overflowed land one hundred feet wide, from the high land to the end of the wharf, is hereby granted to A. M. Currier, his associates and assigns, for the space of twenty years from and after the passage of this Act. The land is hereby granted provided that it shall be used for none other than wharf purposes during that time.

SEC. 2. The said A. M. Currier, his associates and assigns, shall within one year from the passage of this Act, construct and build a wharf of sufficient dimensions to accommodate the commerce and trade of that portion of said Vallejo, or as the public necessities may demand, and shall from time to time, as the business may require, enlarge said wharf and keep the same in good repair.

SEC. 3. The builders or owners of said wharf shall only be allowed to charge and collect such wharfage and tolls as the Board of Supervisors of the County of Solano shall direct.

CHAPTER CCCCLX.

An Act to repeal an Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Solano County, to Knoxville, in Lake County, running through the Counties of Solano, Napa and Lake, so far as the same relates to Lake County.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled an Act providing for the location and survey of a public highway from Suisun City, in Solano

County, to Knoxville, in Lake County, running through the Counties of Solano, Napa and Lake, approved March thirty-first, eighteen hundred and sixty-six, so far as the same relates to Lake County or imposes any obligations on Lake County, is hereby repealed; *provided*, nothing in this Act shall conflict with the obligations imposed by the Act to which this is an amendment, so far as the same shall relate to Lake County, previous to the passage of this Act.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCLXI.

An Act for the relief of Captain John H. Gilmore.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Claim
allowed.

SECTION 1. The claim of Captain John H. Gilmore for services rendered as a commissioned officer of Company F, Sixth Infantry, California Volunteers, in recruiting for said company, is hereby audited and allowed for the sum of four hundred and seventy-five dollars.

Payment.

SEC. 2. The Controller of State is hereby authorized and required to draw his warrant on the State Treasurer, payable to the said John H. Gilmore, for the said sum of four hundred and seventy-five dollars, and the Treasurer to pay the same out of the "Line Officers' Relief Fund," created by an Act for the relief of the line officers of the California Volunteers in the service of the United States, approved April fourth, eighteen hundred and sixty-four.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCCCLXII.

An Act concerning the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and to extend the time of performing certain acts.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time
extended.

SECTION 1. The time fixed in section one of an Act to authorize the Board of Trustees of the City of San Diego to convey to the President and Board of Directors of the San Diego and Gila Southern Pacific and Atlantic Railroad Company two leagues of the pueblo lands to aid in the construction thereof,

for the completion of the road proposed to be built by the said company, and further extended by an Act approved May second, eighteen hundred and sixty-one, is hereby further extended to six years from the thirty-first day of March, A. D. eighteen hundred and sixty-eight; and the failure to complete said road before the termination of said period shall work no forfeiture of any title to any lands specified or referred to in said Acts, or any other right conferred by the charter of said company.

SEC. 2. So much of section fifty-four of the general Act to provide for the incorporation of railroad companies as relates to the forfeiture of acts of incorporation shall not so apply to the company specified in this Act until the expiration of the said term of six years in the first section hereof mentioned.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCCCLXIII.

An Act amendatory of and supplementary to an Act to authorize the construction of a tramroad or railroad in the County of Contra Costa, passed March thirty-first, eighteen hundred and sixty-six.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time within which to commence and to complete the railroad named in the Act to which this is supplementary is hereby extended in favor of the grantees in said Act named, their associates and assigns, two years after the passage of this Act within which to commence the construction of said road, and five years after the passage of this Act within which to complete the construction of said road.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCLXIV.

An Act to amend an Act entitled an Act to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, approved January eleventh, eighteen hundred and sixty-eight.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is amended so as to read as follows:

Section 1. Section six of said Act is hereby amended so as to read as follows:

Terms of
Fifth Dis-
trict Court.

Section 6. There shall be held in the Fifth Judicial District terms of said Court, as follows: In the County of San Joaquin, on the first Monday of February, May and August, and third Monday of October; in the County of Tuolumne, on the first Monday of March and July, and third Monday of November; in the County of Stanislaus, on the second Monday of January, April and September.

SEC. 2. This Act shall take effect immediately on its passage.

CHAPTER CCCCLXV.

An Act to incorporate the City of Vallejo.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

City of Val-
lejo.

SECTION 1. All that tract of land now called the Town of Vallejo, in the County of Solano, State of California, lying and included within the present corporate limits of said town, shall constitute and be known as the City of Vallejo.

Government

SEC. 2. The Government of said city shall be vested in a Board of Trustees, to consist of five members, and a City Marshal, Assessor, Treasurer and Recorder; *provided*, that until the next Presidential election, in eighteen hundred and sixty-eight, the present Board of three Trustees of the Town of Vallejo shall be and constitute the Trustees of the City of Vallejo; said city shall be a body politic and corporate, by the name and style of the "City of Vallejo," and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued in all Courts and in all actions whatsoever, and may provide for the use and regulation of all the commons and property, both real and personal, belonging to the city.

Election and
terms of
city officers.

SEC. 3. The present Trustees of the Town of Vallejo shall be members of the Board of Five Trustees therein *provided* for until the expiration of the terms for which they were elected. A charter election shall be held on the day of the Presidential election, in the year eighteen hundred and sixty-eight, for the election of two additional Trustees, a Marshal, Treasurer, Assessor and Recorder, by the qualified voters of the city, whose term of office shall expire with that of the present Board of Trustees. Charter elections shall be held thereafter on the day of the general State elections, by the legal voters, residents of said city, for the purpose of electing five Trustees, a Marshal, Treasurer, Assessor and Recorder, who shall hold their offices for two years, and until their successors are elected and qualified; *provided* that, until said Presidential election, the Marshal, Treasurer, Assessor and Recorder shall be appointed by the present Board of Trustees for the Town of Vallejo.

SEC. 4. For the first election held to fill offices created by this Act, the present Board of Trustees of said city shall appoint one Inspector and two Judges of Election, who, together with two Clerks to be appointed by them, shall take the oath of office prescribed by law for Inspector and Judges of State and county elections, to be held at a place to be designated by said Board of Trustees, declare the polls open, proceed to receive votes, and declare the result. No person shall be entitled to vote nor hold any office by this Act created unless he shall be a qualified elector under the laws of the State. The person having a plurality of all the votes cast shall be declared elected. At all subsequent elections the acting Board of Trustees shall designate two officers of elections, and the compensation of each shall not exceed two dollars per day. All returns of city elections shall be made out and signed by the officers of election and filed with the City Clerk. The polls of all city elections shall be opened at one o'clock p. m. and continue open until seven o'clock p. m. of the same day. Vacancies shall be filled as by law provided.

SEC. 5. The Board of Trustees shall assemble within ten days after receiving notice of their election and choose a President from their number and some person as Clerk. They shall by ordinance fix the times and places of holding their stated meetings, and may be convened by the President at any time; and all meetings of the Board of Trustees shall be held within the corporate limits of said city.

SEC. 6. At the meetings of the Board a majority of the Trustees shall constitute a quorum to do business. A smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Board previously by ordinance may have prescribed.

SEC. 7. The Board of Trustees shall judge of the qualification and of the election returns of their own members, and determine contested elections of all city officers. They may establish rules for their own proceedings, punish any member or any other persons for disorderly behavior in their presence, and, with the concurrence of four of the Trustees, expel any member. They shall keep a journal of their proceedings, and, at the desire of any member, shall order the yeas and nays to be taken on any question and entered on the journal.

SEC. 8. The Board of Trustees shall have power, within the city:

First—To make by-laws and ordinances not repugnant to the Constitution and laws of this State.

Second—To levy and collect, for revenue purposes of the city, taxes on all property, real and personal, made taxable by law for State purposes, not exceeding one per centum per annum upon the assessed value of such property.

Third—To levy and collect a special tax, not exceeding fifty cents on the one hundred dollars in each year, on all property, real and personal, in said city, made taxable by this Act, for the payment of all interest moneys on any or all sums borrowed by virtue and authority of and in accordance with the provisions of this Act.

Election.

Duties and
powers of
Board of
Trustees.

Duties and
powers of
Board of
Trustees.

Fourth—To make special assessments of taxes for altering, widening, filling up, grading, gravelling or otherwise improving any street, alley or public ground of the city, amounting to the whole cost of such improvement, upon the real property situated upon either side of the street, alley or public ground of the city to be improved, according to the benefit to accrue thereby to such property, to be computed by three persons chosen by the Board of Trustees for that purpose, and who, before entering upon their duties, shall be sworn to make such computation faithfully and impartially, and shall make their report to the Board of Trustees in writing, under their bands; and the concurrent report of any two of whom may be received as final in the premises; *provided*, that the owners of more than one half of the real estate on either side of any street, alley or public ground shall petition the Board of Trustees for such improvement.

Fifth—To provide for the draining, grading, paving, improvement, repairs and lighting of the streets, and the construction of sidewalks, drains and sewers, and keeping the same in repair, and the cleaning of the drains and sewers, and the prevention and removal of obstructions on the sidewalks and on all streets and public grounds of the city.

Sixth—To provide for the prevention and extinguishment of fire, and to organize and establish fire companies.

Seventh—To regulate the storage of gunpowder, tar, pitch, resin and other extremely combustible materials.

Eighth—To prevent and remove nuisances.

Ninth—To prevent and restrain any riot or disorderly assemblage in any street or place of the city.

Tenth—To remove from the immediate vicinity of the inhabited parts of the city all slaughter-houses, hog-pens, haystacks, brick-kilns and yards.

Eleventh—To license and regulate auctioneers and taverns, bar-rooms, billiard tables, bowling alleys, theatrical and other exhibitions, shows and amusements; *provided*, no license tax shall be assessed by the Board of Trustees of said city for any hotel, tavern, public house, or bowling alley, exceeding for each twenty dollars a month.

Twelfth—To license, tax, regulate, prohibit or suppress tippling houses, dram shops, and hawkers and peddlers, and pawn-brokers, and to suppress disorderly houses, houses of ill-fame, and gaming and gambling houses.

Thirteenth—To borrow money upon the faith and credit of the city; but no loan shall be made without the consent to such loan of a majority of the real estate owners of the city, previously obtained.

Fourteenth—If the Board of Trustees desire to effect a loan for any purpose, they shall submit a proposition for effecting such loan, stating the amount of the loan, to the real estate owners of the City of Vallejo, at a special election to be held for the purpose, the Board of Trustees giving twenty days public notice of the same; and if a majority of the real estate owners vote in favor of such proposition, the Board of Trustees shall have power to effect such loan, but not otherwise, and pledge the faith of the city for the payment of such loan.

Fifteenth—To appropriate money for any item of city expend-

iture, and to provide for the payment of any debts and expenses of the city.

Sixteenth—To compel the attendance of absent members, to punish its members for disorderly conduct, and to expel members with the concurrence of four of the Trustees.

Seventeenth—To pass all ordinances and by-laws necessary and proper for fully carrying into effect the foregoing powers.

SEC. 9. The Board of Trustees may impose fines for the breach of their ordinances; but no fines shall be imposed on any one person, for any one breach of any ordinance, of more than one hundred dollars, which fine may be recovered before any Justice of the Peace having his office within the incorporate limits of the city, or before the City Recorder, by suit in the name of the City of Vallejo, and collected by execution or in such other manner as fines imposed by the laws of the State are collected; and persons living in the city shall be competent persons and witnesses, if in other respects competent and qualified. All fines collected in pursuance of this Act shall, by the officers collecting the same, be paid over to the City Treasurer; and for any omission to do so, such officer may be proceeded against upon his official bond, in the name of the city, in the manner authorized by law on the failure of officers to pay over money collected when so required.

Fines for violation of city ordinances.

SEC. 10. The Board of Trustees shall have power to impose fines and imprisonment for any breach or violation of any city ordinance; but no fine shall be for a larger amount than one hundred dollars, nor more than thirty days imprisonment, for any one offence.

SEC. 11. The Trustees shall succeed to all the rights, titles, interests, possessions, credits and immunities, liabilities, debts and obligations, in law or in equity, that shall be enjoyed or owned by the Board of Trustees of the Town of Vallejo at the time of the taking effect of this Act. The said Trustees may hold and receive property, real and personal, within said city, necessary for public purposes; *provided* further, that the Trustees may receive and hold lands outside of the corporate limits for cemetery purposes and for the purpose of supplying the city with water, and have the same control over such property as if situated within the limits of said city.

Succession.

SEC. 12. All contracts for building and repairing, or other work, or for furnishing materials, which the Trustees are authorized to make for the city, shall be by them let to the lowest responsible bidder. Before making any contract for building, repairing or other work, or for furnishing material, the Trustees shall first advertise for sealed proposals for at least two weeks, in a newspaper published in the city, and all proposals shall be opened in the presence of the bidders. No City Trustee shall be interested in any contract, directly or indirectly.

Contracts.

SEC. 13. If at any time the owners of a majority of the real estate fronting in any street, counting from one cross street to another cross street, shall petition the Board of Trustees for the privilege of constructing, repairing, grading, planking, gravelling or paving such street, or the sidewalks along the same, then it shall be the duty of the said Trustees to cause an immediate survey of the proposed improvements to be made by some

Street improvements.

Street im-
provements.

competent surveyor, who shall in his specifications give the proper grade and the amount of excavation or filling in front of such person's real estate to the middle of the street; or if the improvements only extend to the sidewalks, then he shall give the grade and the amount of the excavation or filling of the sidewalks. If the Board of Trustees approve the survey and specifications of the surveyor, they shall order said improvements, as petitioned for, to be made, and shall make an assessment of the costs thereof to each of the persons owning said real estate, and the same shall constitute a lien upon such real estate until such assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making his improvements in accordance with the specifications, and within the time mentioned in the ordinance or deriving [ordering] said improvements to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out, in the manner provided by ordinance, the making of all improvements that remain unfinished; and if the owners or occupants of such real estate shall fail or neglect or refuse to pay for the cost of the same when completed, it shall be the duty of the Marshal, by order of the Board of Trustees, to institute suit in the name of the city against said owner for the recovery of said costs; and the judgment rendered thereon shall constitute a lien upon said real estate, and execution may be issued thereon and may be served as in other civil cases. The Trustees may require the streets, after such improvements have been made, to be kept in good repair by the owners of said real estate, and if not repaired when ordered by the Marshal, the Trustees shall let out the making of said repairs and collect the costs of the same, in the same manner as in case of the owners failing to make or pay for the cost of the improvement as aforesaid; *provided* further, that the cost of the survey and specifications shall be paid out of the General Fund of the city.

Taxes.

SEC. 14. The Trustees shall fix by ordinance each year the amount of taxes to be levied and collected for current expenses.

SEC. 15. Every ordinance passed by the Board of Trustees, in order to possess legal force, shall receive a majority vote of all members elected.

Equalization

SEC. 16. The Board of Trustees, or a Committee of their members appointed for that purpose, shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed to the Clerk his assessments, and after ten days notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they, or a majority of them, shall deem just and proper. Said meeting shall be held for one week, and no longer.

Official oaths
and bonds.

SEC. 17. The Marshal, Treasurer, Assessor, Clerk and Recorder, before entering upon the duties of their office, shall take the oath of office as prescribed by law, and shall also give a bond, with sureties to be approved by the Board of Trustees of said city, payable to the City of Vallejo, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of their offices as required by law.

Should the bond of any city officer become insufficient, he shall be required to give additional security within ten days, as the Board of Trustees may require, not exceeding the amount required by ordinance. Upon his failure to do so at the time fixed, his office shall be declared vacant, and a new election ordered, or the vacancy filled by appointment, as herein provided.

SEC. 18. If any vacancies shall occur in any of the offices created by this Act at any time more than six months previous to the regular election, the same shall be filled by special election to be called by the Board of Trustees for that purpose, by giving five days notice thereof. Should such vacancy occur six months or less previous to any regular election, the same shall be filled by the Board of Trustees. Vacancies

SEC. 19. Should any of the officers herein mentioned fail to qualify and give the bond required, for the period of ten days after receiving notice of their election, the office shall be deemed vacant, and the same shall be filled as provided for in this Act.

SEC. 20. The official bond of every officer named in this Act shall be filed with the President of the Board of Trustees.

SEC. 21. The President of the Board of Trustees shall preside at all meetings; he shall communicate to the Board all such information as he possesses, and make such recommendations in regard to the affairs of the city as he may deem expedient at such meetings. He shall make a semi-annual report and statement, on the first Monday of September and March in each year, of the receipts and expenditures of the preceding months, specifying upon what account such expenditure and receipt was made and had, embodying, also, his views and recommendations of the city affairs, and cause the same to be published. If he neglects to make and cause such statement to be published, he shall forfeit, for such neglect, the sum of two hundred dollars, to be recovered in any Court of competent jurisdiction, one-half whereof shall be to the use of the city and the other half to the use of the person who may bring the suit for collection of the said forfeiture. Duties of President of Board of Trustees.

SEC. 22. Until the Board of Trustees shall pass such ordinances as may be required by this Act, the ordinances heretofore passed by the acting Board of Trustees of said town shall be legal and effectual as if passed under this Act, and the same shall be enforced by the city officers until others in their stead shall be passed by the Board of Trustees and published. The head road tax ordered to be collected within the limits of said city by the Board of Supervisors of said Solano County shall be collected by the Marshal of said city and paid into the City Treasury, to be expended within said limits for road purposes. Legal ordinances.
Road poll tax.

SEC. 23. All demands that shall lawfully arise against the city, in order to be entitled to payment, shall be presented to and allowed for such amount as shall be deemed just by the Board of Trustees; and no bill, demand or warrant shall be paid out of the City Treasury unless the same be allowed by the Board of Trustees, signed by the President of said Board and countersigned by the Clerk, and shall specify out of what funds or appropriation the same shall be paid. Claims.

SEC. 24. It shall be the duty of the City Clerk, in addition

Duties of
City Clerk.

to any duties required of him by the Board of Trustees, to attend all meetings held by said Board. He shall keep a correct journal of their proceedings, and on receiving the official returns of all charter elections held shall, without delay, after the result of the election has been declared by the Board of Trustees, notify the persons elected; and shall draw and countersign all orders drawn on the City Treasury; and he shall receive such compensation as said Board of Trustees may deem just.

Board of
Health.

SEC. 25. In addition to the powers conferred on the Board of Trustees, they shall, with a practising physician appointed by them, constitute a Board of Health. Said Trustees shall have power to pass ordinances to prevent and remove anything that is or may become injurious to the health of persons, or that will in any way obstruct the free use or enjoyment of any person's property within the limits of said city. By order of said Board of Health suit may be instituted against said offender or offenders, in the name of the city, for the removal of the same, the costs of such suits to be collected as in other cases.

City Marshal

SEC. 26. It shall be the duty of the City Marshal, in addition to any duties required of him by the Board of Trustees, and he is hereby authorized, to execute and return all processes issued by the Recorder's Court regularly; to enforce all ordinances passed by the Board of Trustees, and arrest all persons guilty of a violation of the same; to collect all licenses and taxes that shall at any time be due to said city; to receive the tax list, and upon receipt thereof to proceed and collect the same at the same time and manner as by ordinance may be provided—the said Marshal being hereby vested with the same power to make collections of taxes, by the sale and conveyance of real estate, as is or shall be conferred upon Collectors or Sheriffs for the collection of State and county taxes; and it shall be the duty of said Marshal to collect in the same manner any tax list placed in his hands for that purpose, without any unnecessary delay, and pay all taxes and licenses to the City Treasurer monthly, taking his receipt thereof, retaining his percentage thereof, which shall not exceed five per cent. The City Marshal shall also be invested with all the powers conferred by law upon Constables, and shall receive the like fees for his services, to be paid in like manner.

Recorder.

SEC. 27. It shall be the duty of the Recorder, and he is hereby authorized and required, to take cognizance of all offences against the laws of the State, and of all breaches of the city ordinances. He shall be entitled to receive the same fees as are allowed Justices of the Peace by law for like services; and all fines imposed by the City Recorder, or Justices of the Peace, and collected for any breach of the peace or violation of any city ordinance, shall be paid into the City Treasury for the use and benefit of the city.

Treasurer.

SEC. 28. It shall be the duty of the City Treasurer to receive and safely keep all moneys that shall come into the City Treasury, and pay out the same on the order of the President of the Board of Trustees, countersigned by the City Clerk, and take receipts therefor, and to perform such other duties as shall be required of him by said Board; and he shall be allowed a com-

mission of two per cent. on all moneys paid out on orders drawn and signed as aforesaid, if there be money in the Treasury sufficient to pay the same; and shall make out a quarterly statement of his receipts and payments, verified by his oath, and file the same with the City Clerk; and at the end of his official term shall deliver over to his successor in office all moneys, books, papers or other property in his possession belonging to the city, and take his receipt therefor.

SEC. 29. It shall be the duty of [the] City Assessor, in addition ^{Assessor.} to any duties required of him by the Board of Trustees, between the first Monday of May and the first Monday of August of each year, to make out a true list of all taxable property within the limits of said city, which list, certified by him, shall be placed in the hands of the Board of Trustees for equalization. The mode of making out such list and ascertaining the value of property shall be the same as that prescribed by law for assessing State and county taxes; and the Assessor shall receive for his services such sum as shall be fixed by ordinance, not exceeding four dollars for each day's labor.

SEC. 30. All Acts or parts of Acts heretofore passed to incorporate the Town of Vallejo, and all Acts and parts of Acts conflicting with the provisions of this Act, are hereby ^{Acts re-} repealed.

SEC. 31. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXVI.

An Act to authorize the sale and conveyance to William Dunphy, George D. Bliss and Peter McCann, and their associates and assigns, of certain overflowed lands, and to carry on the business of slaughtering beef cattle, hogs, sheep and calves thereon, within the limits of the City and County of San Francisco.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. William Dunphy, George D. Bliss and Peter McCann, and their associates and assigns, are hereby granted full power to carry on and maintain the business of slaughtering beef cattle, hogs, sheep and calves, in all its branches, upon the tract of land lying and being within the limits of the City and County of San Francisco, and described as follows: Commencing at the intersection of the east line of Kentucky street with the southwest line of First avenue; thence southeast, along the southwest line of First avenue, to the northeast line of I street; thence southwesterly, along the northerly line of I street, to the southwest line of Seventh avenue; thence northwest, along the southwest line of Seventh avenue, to the southeast line of Railroad avenue; thence northeast, along the southeast line of Railroad avenue, to Kentucky street; thence north,

^{Power given to use lands for slaughtering purposes.}

along the east line of Kentucky street, to the southwest line of First avenue and place of commencement—the quantity of land to be subject to the approval of the State Harbor Commissioners, *provided* it does not exceed the described limits above given; but no grant thereof shall be given until the said persons, their associates and assigns, aforesaid, shall have all located and commenced their said slaughtering business upon the said tract herein described; and the grant thereof, when made, shall in no manner interfere with the streets now laid out or hereafter to be laid out by authority of the City and County of San Francisco over said premises for public use; and nothing herein shall be construed to prevent or interfere with the privilege of the Board of Supervisors to make such provision from time to time as may be found advisable to prevent unnecessary accumulations of garbage or other offensive matter, and as may be found indispensable for sanitary purposes.

Rights re-
served.

Privileges.

Forfeiture.

Lands
granted un-
der certain
conditions.

Appraise-
ment.

Payment.

SEC. 2. The said William Dunphy, George D. Bliss and Peter McCann, and their associates and assigns, shall have the privilege and right of erecting such abattoirs, slaughter houses, cattle stables, yards, corrals and fences as they shall deem necessary and proper; *provided*, that all live stock kept upon such land shall be confined within strong and proper fences; and further, that the privilege to carry on the said slaughtering business is with the express proviso that if the same shall become, and for the period of sixty days shall remain, an actual nuisance, all of said privilege is hereby forfeited.

SEC. 3. All the right, title and interest of the State of California in or to all the submerged, tide or marsh lands of the tract of land described in the first section of this Act is hereby granted, upon the terms and conditions hereinafter provided, to the said William Dunphy, George D. Bliss and Peter McCann, and their associates and assigns; *provided*, that any docks or wharves which may be erected or built by the said grantees, their associates or assigns, shall be subject to the same laws, rules and regulations as govern other wharves under the supervision of the Board of State Harbor Commissioners; and if any dockage or wharfage be collected or charged, it shall be imposed and collected by said Harbor Commissioners.

SEC. 4. The Board of State Harbor Commissioners are authorized, whenever requested by the grantees, to appraise the value of the lands belonging to the State in the tract of land described in the first section of this Act; *provided*, that the said appraisement shall not be less than the sum of one hundred dollars per acre. The Board of State Harbor Commissioners shall certify the amount found to be the value of said land to the State Treasurer and Surveyor-General. Upon the payment of said appraisement by the said Dunphy, Bliss and McCann, or their assigns, within three months from and after the passage of this Act, into the State Treasury to the credit of the General Fund, the State Treasurer shall certify to the payment of the same to the Surveyor-General, whereupon the Governor and Surveyor-General shall execute and issue to the said Dunphy, Bliss and McCann, or their assigns, a patent, conveying all the right, title and interest of the State of California thereto and therein.

SEC. 5. It shall be the duty of the Surveyor-General to ascertain the number of acres contained in the tract of land hereinbefore mentioned. Survey.

SEC. 6. All expenses attending said appraisement by the Board of State Harbor Commissioners, together with all costs incident to an accurate survey of the said lands by the Surveyor-General, shall be paid by said grantees. Expenses.

SEC. 7. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXVII.

An Act to authorize the Controller of State to issue a duplicate warrant to John Napier.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Controller of State is hereby authorized to issue to John Napier, or to his heirs and assigns, a duplicate warrant, number seven thousand and ninety-one, for forty dollars, in lieu of the original, having been lost. Authorized.

SEC. 2. Before issuing said warrant, the Controller of State shall require a bond, with two or more sureties, to be approved by said Controller, in the sum of one hundred dollars, payable to The People of the State of California, conditioned to secure the State against the payment of said lost warrant, and it shall be kept on file in his office. Bond.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXVIII.

An Act supplemental to an Act entitled an Act for the government of the State Prison convicts, and to provide for the location of a Branch Prison, approved April the twenty-fourth, eighteen hundred and fifty-eight.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the Board of State Prison Directors of this State, on or before the first day of July, A. D. eighteen hundred and sixty-eight, to make the selection and location of the site for a Branch State Prison, and to cause a good and sufficient deed of the land so selected to be made to the State of California, as provided for in section six of the Act to which this is supplemental. Said site and location shall be Site to be located.

made either in the Township of Rocklin, in Placer County, or on the lands offered to the State by the Natoma Water and Mining Company, in Granite Township, Sacramento County, as said Board shall determine, selecting between those sites the place which offers the greatest advantages for prison purposes.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCLXIX.

An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and amendments thereto.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twenty of said Act is amended so as to read as follows :

If will con-
tested.

Section 20. If any person appear and contests the will, he shall file a statement, in writing, of the grounds of his or her opposition. When any issue or issues of fact shall be joined in the Probate Courts respecting the competency of the deceased to make a last will and testament, or respecting the execution by the deceased of such last will and testament under restraint or undue influence or fraudulent representation, or for any other cause affecting the validity of such will, such issue or issues shall, at the request in writing of either of the parties interested, be tried by a jury, to be impanelled by the Probate Court, as herein-after provided; and if a jury trial be not demanded, as in this section provided, the said issues shall be tried and determined by the Probate Court. When a jury trial shall be demanded, a request in writing therefor shall be filed with the Clerk of the Probate Court at least three days before the day set for the trial of the issues in the Probate Court. Issue shall be deemed joined by the filing of the grounds of opposition, as aforesaid, with the Clerk of the Probate Court. Such issue or issues of fact shall be made up and tried in the same manner as is or may be provided by law for the trial of issues of fact in other cases; and upon determination of such issue or issues of fact, the jury trying the same shall render a special verdict thereon. And whenever a trial by jury of any issue of fact joined in the Probate Court in the manner provided in this Act shall be demanded in writing, as in this section provided, it shall be the duty of the Probate Court to cause to be summoned and impanelled a jury for the trial of such issue or issues of fact. Such jury shall be summoned and impanelled by the Probate Court in the same manner as is provided for by law for summoning and impaneling trial juries in the County Courts of this State for the trial

When jury
trial de-
manded.

of civil actions, for the trial of such issues or issue of fact, and at such time as the Court shall direct. The trial shall be had as in other civil cases; and upon determining such issue or issues of fact, the jury trying the same shall render a special verdict upon each of the issues submitted to them; and the Probate Court shall proceed to admit said will to probate, or not, according to the facts found and the law; and a new trial may be had, and also appeal taken from such trial, verdict and judgment, as as in other civil cases; and the Act regulating proceedings in civil cases in the Courts of justice in this State, when not inconsistent with or repugnant to the provisions of this Act, shall be applicable to and govern the practice on trials of issue of fact by jury in the Probate Court, provided for in this Act.

Special verdict to be rendered upon each issue.

SEC. 2. Section two hundred and ninety-four of said Act is amended so as to read as follows:

Section 294. All issues of fact found in the Probate Court shall be subject to the provisions of section twenty of this Act, as to the mode of joining such issues, and of disposing of the same. Upon filing the ground of opposition, and after a written request for a trial by jury is filed, the Court or Judge, on due notice to the opposite party or parties, shall settle and frame the issue or issues between the parties and direct a trial to be had by a jury, if a jury be demanded; and such trial shall be had and verdict rendered upon such issues, and the judgment or decree of the Probate Court shall thereupon be made upon the verdict rendered, the same as if such issues had been found and determined by the Probate Court; *provided*, that exceptions may be taken for failure or refusal of the Probate Court or Judge to submit to the jury all material issues involved in the contest, and presented in writing, in the written opposition; and either party shall be entitled to move for a new trial and to appeal, for or on account of error committed by the Probate Court in settling the issues of fact to be submitted to the jury, or for errors occurring at the trial of such issues or in rendering judgment, as in other civil actions.

Issues of fact.

Court to frame issues.

New trial or appeal.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCLXX.

An Act to amend section two hundred and seventy-eight of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, as amended by section eighteen of an Act entitled an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, approved April second, eighteen hundred and sixty-six.

[Approved March 30, 1863.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two hundred and seventy-eight of said Act is hereby amended so as to read as follows:

Reports of referees.

Section 278. The Court may confirm, change, modify, or set aside the report, and, if necessary, appoint new referees. Upon the report being confirmed, judgment shall be rendered that such partition be effectual forever, which judgment shall be binding and conclusive:

On whom judgment to be binding.

First—On all persons named as parties to the action, and their legal representatives, who have at the time any interest in the property divided or any part thereof, as owners in fee or as tenants for life or for years, or as entitled to the reversion, remainder, or the inheritance of such property, or of any part thereof, after the determination of a particular estate therein, and who by any contingency may be entitled to a beneficial interest in the property, or who have an interest in any undivided share thereof as tenants for years or for life.

Second—On all persons interested in the property who may be unknown, to whom notice shall have been given of the action for partition by publication.

Third—On all other persons claiming from such parties or persons, or either of them.

And no judgment shall be invalidated by reason of the decease of any party before final judgment or decree; but such judgment or decree shall be as conclusive against the heirs, legal representatives or assigns of such decedent, as if such final judgment were entered before such decease.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCLXXI.

An Act authorizing the Board of Supervisors of Plumas County to take and subscribe to the capital stock of the Oroville and Virginia City Railroad Company, and to provide for the payment thereof.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized.

SECTION 1. The Board of Supervisors of Plumas County, California, are hereby directed to meet at the county seat of said county on the second Monday in April, eighteen hundred and sixty-eight, and then and there are authorized and directed to take and subscribe to the capital stock of the Oroville and Virginia City Railroad Company the sum of two hundred and thirty thousand dollars.

Form of subscription.

SEC. 2. Said subscription shall be made substantially in the following form: "The County of Plumas does hereby take and subscribe two hundred and thirty thousand dollars to the capital stock of the Oroville and Virginia City Railroad Company, this subscription to be paid in the bonds of said County of Plumas, bearing interest at the rate of ten per cent. per annum, payable annually—principal payable in twenty years from date of issuance—both principal and interest in United States gold

coin." Which said subscription shall be entered on the records of the said Board of Supervisors and on the books of said company, and shall be signed by the acting Chairman of said Board of Supervisors.

Sec. 3. Eighty thousand dollars of said subscription shall be at once paid in bonds of said county to the Secretary and Treasurer of said railroad company, who shall then and there receipt to the said Board of Supervisors of said county for the same, and shall also issue and deliver to the said Board of Supervisors of said county certificates of paid up stock in said company for the amount of said bonds.

Part of subscription to be paid immediately.

Sec. 4. The bonds provided for in section three of this Act shall be of the denomination of one thousand dollars each, and shall bear interest at the rate of ten per cent per annum, interest payable annually, and shall have coupons for said interest attached so that said coupons may be removed without mutilation to the bonds. The said bonds shall be issued in the name of said county, and shall be made payable to said railroad company or bearer twenty years after date, and shall be made payable, both principal and interest, in gold coin of the United States, at the office of the County Treasurer of said County. The said bonds and coupons shall be signed by the Chairman of the Board of Supervisors and the County Treasurer of said county, and shall be countersigned by the County Clerk of said county, who shall also affix to each bond the seal of said county; said bonds to be delivered at once to the Treasurer and Secretary of said railroad company by the said Board of Supervisors.

Description of bonds.

Sec. 5. The Board of Supervisors of said county are hereby authorized and directed, at their said meeting on the second Monday in April, eighteen hundred and sixty-eight, and each year thereafter until said bonds are paid, to levy for each year a tax of not less than sixty cents on each one hundred dollars of taxable property in said county, which tax shall be levied and collected in manner as is or may be provided by law for levying and collecting other State and county taxes in said county; which tax shall be known as the "Railroad Interest Tax," and the proceeds thereof shall constitute a fund to be applied only to the payment of interest on and redemption of the bonds provided for in section three of this Act, and shall constitute a fund to be known as the "Railroad Fund Number One."

Tax to pay interest.

Sec. 6. In addition to the amount received from said tax, there shall be paid into said fund thirty per cent. of all revenue received by said county from foreign miners' license, to be applied to the same purposes as said railroad interest tax is to be applied.

Foreign miners' licenses.

Sec. 7. Whenever, after the payment out of said fund of the annual interest on said bonds, there shall be any money left in said Railroad Fund Number One, it shall be the duty of the Treasurer of said county to advertise in a newspaper published in said county, for the space of four weeks, for sealed proposals for the surrender of any of said bonds; and ten days after said notice shall have been published as aforesaid the said Treasurer shall open the said proposals, and shall redeem, so far as the said fund on hand may be sufficient, the bonds offered

Redemption of bonds.

to be surrendered at the lowest rates, provided said lowest rates do not exceed the par value of said bonds.

Commis-
sioners.

SEC. 8. W. A. Bolinger and M. Tranor are hereby appointed Commissioners to procure and provide for said County of Plumas blanks sufficient for the bonds provided for in section three of this Act, and to have said blanks ready and prepared on or before said second Monday in April, eighteen hundred and sixty-eight. Said Commissioners shall receive no pay for services performed under the provisions of this section, but shall receive from the said County of Plumas a sufficient sum to reimburse them for their expenses incurred by reason of the performance of their duties under this section.

Franchise
may be
transferred.

SEC. 9. The said Oroville and Virginia City Railroad Company are hereby authorized to purchase from the Quincy and Laporte Wagon Road Company the road running from Quincy to Laporte, and owned by the latter company, and to hold the said road and franchise by the same tenure and with the same rights that the said wagon road company hold and have.

When re-
mainder of
subscription
to be paid.

SEC. 10. The remaining one hundred and fifty thousand dollars of the subscription provided for in this Act shall be paid in the bonds of said County of Plumas, to be issued as follows: Whenever the Board of Directors of the Oroville and Virginia City Railroad Company shall levy an assessment upon the stock of said company, the said Board of Directors shall cause a notice thereof in writing to be served upon the Chairman of the Board of Supervisors of said county. Upon the receipt of such notice the Chairman of said Board shall call a meeting of such Board within ten days; and the said Board shall, at such meeting, cause to be issued and delivered to the said railroad company bonds of the said County of Plumas to an amount sufficient to pay the sum or assessment levied on the stock held by said county; *provided*, that not more than fifteen per cent. shall at any one time be levied upon the stock of said railroad company. The bonds so issued shall be in the same form, of the same denomination, and bear the same interest, and be payable in the same kind of money, as the bonds provided for in sections three and four of this Act, and shall be payable twenty years after date, with interest, also payable in gold coin, and annually, at the rate of ten per cent. per annum.

Certificates
of stock.

SEC. 11. Whenever the said County of Plumas shall have paid the whole of the said sum of one hundred and fifty thousand dollars, as provided for in section ten of this Act, the said company shall issue to said County of Plumas certificates of paid up stock in said county to that amount.

Tax to re-
deem bonds.

SEC. 12. To secure the payment of the principal and interest of the bonds to be issued under the provisions of section ten of this Act, it shall be the duty of the Board of Supervisors of Plumas County, each year hereafter until said bonds are paid, to levy a tax on the assessable property of said county sufficient to pay the annual interest on said bonds and to produce a yearly fund of not less than eight thousand dollars per annum for redemption purposes; and it shall further be their duty to set apart, for the use of such fund, thirty per cent. of the revenue received from foreign miners' licenses; and the fund so created shall be applied solely to the payment of the interest on and

the redemption of said bonds, which fund shall be known as "Railroad Fund Number Two."

SEC. 13. Whenever, after the payment out of Railroad Fund Number Two of the annual interest on said bonds, any money then remaining in said fund shall be applied to the redemption of said last mentioned bonds in the manner provided in section seven of this Act for the redemption of the bonds therein mentioned. Surplus.

SEC. 14. If, for any reason, the Board of Supervisors of said county fail to meet on the second Monday of April, eighteen hundred and sixty-eight, it shall then be their duty to meet on each succeeding Monday thereafter until all the acts provided to be done by them under the provisions of this Act on the second Monday of April, eighteen hundred and sixty-eight, have been fully done and completed; and all their acts done in the premises subsequent to the said second Monday of April, eighteen hundred and sixty-eight, shall be as valid as though done on said day. Duty of Supervisors.

SEC. 15. Any member of the said Board of Supervisors now in office or hereafter in office, and every county officer of said county now or hereafter in office, charged with duties under this Act, who shall wilfully fail, neglect or refuse to perform any duties imposed upon him by this Act, or to do any act required to be done by him or them under this Act, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of five hundred dollars, and shall be removed from office; and shall, in addition thereto, be liable for all damages sustained by any party from his or their failure. Penalties for neglect.

SEC. 16. This Act shall be in force from and after its passage.

CHAPTER CCCCLXXII.

An Act to provide for the location, construction and maintenance of public roads in the County of Calaveras.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All roads in the County of Calaveras which have been located as public highways by order of the Board of Supervisors, and all roads in public use which have been recorded in county records as public highways, or which may hereafter be recorded as such by authority of the Board of Supervisors, as hereinafter provided, are hereby declared public highways. Public highways.

SEC. 2. From and after the first Monday in March, in the year A. D. eighteen hundred and seventy, the County Assessor of Calaveras County shall be ex-officio Road Commissioner of said Calaveras County and collector of road poll taxes therein. The said County Assessor shall enter upon the duties of the Road Commissioner.

office of Road Commissioner on the first Monday in March succeeding his election, and shall hold the office for a term of two years; but before so doing he shall, in addition to the bond required of him by law as County Assessor, execute to The People of the State of California a bond, in such penal sum as the Board of Supervisors may require, with two or more sufficient sureties, to be approved by the Board of Supervisors, conditioned for the faithful performance of all the duties required of him by law as Road Commissioner, and shall take the oath of office.

Duties and powers.

SEC. 3. It shall be the duty of the Road Commissioner, immediately after entering upon the duties of his office, to lay off and divide the public roads in the county in sections, not exceeding six miles in length nor less than three miles in length, which he shall number and describe in a book to be called the "Calaveras County Road Book." He shall distinctly specify therein what he shall deem necessary for the improvement and keeping in repair and good condition the said public roads and highways. And when the Commissioner shall have so laid off the said roads as aforesaid, he shall submit his report to the Board of Supervisors, at their first regular meeting thereafter, a majority of whom shall have power to modify or amend the report of the Commissioner, and who shall give their written assent to the report, or report so amended or modified, which shall be the warrant of the Road Commissioner and his guide in the performance of his duties; and the Road Commissioner shall, within five days thereafter, give public notice for at least one week, by printed notices posted at six public places in each township in the county, designating the time and place for the taxable inhabitants of the county to meet in their respective townships, at the town or towns designated by the Commissioner in the public notices aforesaid, at which time and place it shall be the duty of said Commissioner to attend and sell out, at public sale, for the term of two years, each section or subdivision of said public road lying within said township, to the lowest bidder; but the Commissioner shall have power to refuse any and all bids, if he shall deem the same too high; and if any section or sections of said roads shall remain unsold, on account of no bid having been made for the same, it shall be lawful for said Commissioner thereafter to let out such section or sections at private contract; *provided*, the said Commissioner shall not be, directly or indirectly, interested in taking or keeping in repair any section or sections so let out as aforesaid; and *provided* further, that not more than the yearly proportion of any such purchase or contract shall be paid in any one year; and be it further *provided*, that no Commissioner shall sell, by public or private contract, any section or sections of the public highway for a longer time than he shall be entitled to hold his office by appointment or election.

Bonds of contractors.

SEC. 4. The Road Commissioner shall exact bonds from the purchaser or contractor of any section or sections of the public roads, in such sum as shall amount to double the sum specified in the contract, with two or more sufficient sureties, who shall verify to the amount for which they become surety in like manner as is prescribed by law for the verifying of sureties on

official bonds; which said bonds shall be made payable to The People of the State of California, to be approved by the Board of Supervisors, and conditioned for the faithful performance of the specifications in the contract. All bonds, contracts and agreements required under the provisions of this Act shall be filed with the Clerk of the Board of Supervisors, who shall, on application therefor, and the payment to him the legal fee for the same, make out and deliver to the party or parties so applying, duplicates of all such bonds, contracts or agreements.

SEC. 5. Any person or persons purchasing or contracting for any section or sections of road, as aforesaid, shall write his or their names, respectively, in the Commissioner's book opposite the section or sections so contracted for, and also the amount of the purchase or contract price. Record.

SEC. 6. It shall be the duty of the purchasers or contractors, as aforesaid, to keep their respective sections in good and substantial repair during the said term of the contract; and should any purchaser or contractor neglect or refuse to make the improvements, or to keep in repair the section or sections so purchased or contracted for, according to the terms and specifications of the contract, upon complaint being made to the Commissioner, it shall be the duty of the Commissioner to immediately examine the section or sections so complained of, and, if he shall deem the complaint well founded, to give notice to the party or parties complained of to make the improvements and put his or their section or sections of the road in good repair, according to the terms of the contract, within ten days thereafter; and if he or they shall refuse or neglect to comply with such notice until the expiration of the ten days, it shall be the duty of the Road Commissioner to have the said section or sections improved or repaired according to the terms specified in the contract; and the cost of improving and repairing the same shall be collected by the Commissioner from such person or persons so refusing or neglecting, or from his or their sureties, in like manner as other debts of equal amount are now collected by law, with the costs of suit; but in no event shall the costs and charges of making the improvements and repairs by the Commissioner mentioned in this section become a charge against the county. Breach of contract.

SEC. 7. Any contract for opening or repairing or improving roads shall not be transferred to a third party without due notice and consent of the Road Commissioner; and the consent, in writing, of a majority of the Board of Supervisors shall be necessary to release the first contractor and his bondsmen, and the Road Commissioner shall require a bond from the second contractor or purchaser, as hereinbefore provided; and in case of the death, removal or otherwise disability of any contractor or contractors to comply with the terms of the contract, it shall be the duty of the Road Commissioner to sell the unexpired term of the purchase or contract at public sale or at private contract, as hereinbefore provided. When contracts may be transferred.

SEC. 8. It shall be the duty of the Road Commissioner to take the general charge and supervision of all public roads in said county, and lay out new roads or parts of roads, and vacate and alter any parts of the existing road or roads that may Commissioner to have supervision of roads.

hereafter be established by law, if he shall deem it necessary, in the manner hereinafter provided.

Opening and
vacating
roads.

SEC. 9. Whenever any person or persons, citizens and residents of the county, shall desire to have a new road laid out and established as a public road, or an existing road vacated, altered or changed, such person or persons shall petition the Road Commissioner therefor by a petition signed by at least twelve property holders, taxpayers and residents of the vicinity where the new road is proposed to be established or the old one changed or altered, setting forth in detail a description of such road, and stating the point where the same will commence and where it will terminate, and the reasons for establishing such new road or altering or changing the old one. It shall be the duty of the Road Commissioner upon receiving such petition to give public notice thereof, for a period of at least twenty days, by causing to be posted along the line of the road proposed to be established, altered or changed one printed notice for each one half mile of said road or fractional part thereof, and by two publications in some newspaper published in the county, stating the time and place when and where he will meet the parties interested, to decide and determine whether or not such proposed new road is required by the public interest, or the proposed change or alteration of the old road is demanded, and notifying all persons interested therein to be and appear before him at such time and place. If the Road Commissioner, after meeting the parties so interested at the time and place designated in his notice as hereinbefore provided, and hearing all the evidence and reasons given for and against the establishment of such new road, or alteration or change of an old road, shall determine and decide that the establishment of such new road, or alteration or change of the [old] one, is not demanded or required by the public interest, or that the expense and costs of establishing such new road or changing the old one would be greater than could be paid by the Road Fund, no further proceedings shall be had in relation thereto; but should the Road Commissioner determine and decide that the establishment of such new road, or change or alteration of such old road, is demanded and required by the public interest, he shall immediately select and appoint two disinterested persons, residents of the county and taxpayers, who, in company with the Road Commissioner, shall proceed to view out and locate such new road, or change or alter such old road, in accordance, as near as may be, with the petition of the parties interested, and make an estimate of the cost of the same, and appraise the amount of damages that may accrue to any person or persons by reason of such road passing through private lands, which said estimates and appraisement shall be made out in detail, in writing, and signed by the Road Commissioner and the persons appointed by him to assist in making such estimates, and shall be by the Road Commissioner presented to the Board of Supervisors for their approval; and if they shall approve the same the Road Commissioner shall immediately declare such new road a public highway, and shall divide said road newly located, changed or altered into section or sections and shall record the same in his road book, and have the same sold, contracted or made, as provided in section three of this Act.

SEC. 10. Any person or persons having an interest therein and who shall be dissatisfied with the decision of [the] Road Commissioner, as provided in section nine of this Act, may appeal therefrom to the Board of Supervisors, before whom all such proceedings may be had, as provided by section nine of this Act to be had before the Road Commissioner; and upon such appeal being taken, the Road Commissioner shall, upon demand being made therefor by the party or parties interested, file with the Board of Supervisors a written statement, giving in detail the reasons for his decision, and the decision of the Board of Supervisors therein shall be final.

Contestants
to be heard.

SEC. 11. In all proceedings had under sections nine and ten of this Act, so far as the same relate to the viewing out and surveying and locating new roads, the expense attending the same shall be paid by the party or parties interested; and the Road Commissioner, before proceeding to take action upon a petition for the establishment of a new road, or change or alteration of an old one, may require the parties so petitioning to make a deposit of a sum sufficient to pay for all labor and expense of the Road Commissioner and the Viewers appointed by him to assist in viewing out said road and making the appraisements and estimates, which sum shall not exceed twenty-five dollars, which shall cover all expense attending the same; and no charge therefor whatever shall be made against the county, except upon the order of the Board of Supervisors, made therefor upon petition of parties interested, filed with the Board at the time the first petition was filed with the Commissioner.

Payment of
expenses of
survey.

SEC. 12. It shall be the duty of the Road Commissioner to inspect the roads twice in each year—that is, during the months of April and May, and November and December; and if he shall deem the work done is sufficient and according to contract, he shall then, if required by the contractor or contractors, draw an order on the Treasurer of the county on the County Road Fund in favor of said contractor or contractors for the amount of said work; *provided*, that should the contractor or contractors be dissatisfied with the decision of the Commissioner, it shall be lawful for the contractor or contractors to make application to a Justice of the Peace in the same or an adjoining township, who shall appoint, together with the parties, three persons competent and not interested, whose duty it shall be to make inspection of said work and report to the said Justice whether the same has been so performed according to the contract, or otherwise, whose decision shall be final and conclusive.

Payment of
contractors.

SEC. 13. The Road Commissioner shall be the custodian of all public property now belonging to or which hereafter shall be purchased for the use of the public roads in said county, and shall be held responsible for its loss. He shall deliver the same to his successor in office, and take a receipt from him for the same, specifying each article.

Custody of
road prop-
erty.

SEC. 14. The Road Commissioner shall keep a correct account of all sums due or claimed to be due to any and all contractors or purchasers of sections of the public roads, and all orders drawn by him on the County Road Fund in favor of any and all contractors or purchasers, and of all sums expended by him

Commis-
sioner to
make semi-
annual re-
ports.

in the improvement and repairs of any public road or roads sectionized and sold where the contractor or contractors have refused or neglected to perform his or their contract, and of all road poll taxes collected by him, together with the names of all persons paying the same; and he shall report the same to the Board of Supervisors, under oath, in a semi-annual report, on the first Monday in January and July in each year. Upon receiving such report, and the same appearing satisfactory to the Board of Supervisors, they shall make a settlement with the Road Commissioner, and shall allow him for each day's services actually and necessarily performed in superintending and inspecting the work on the public highways or roads, four dollars per day; *provided*, the amount allowed such Road Commissioner shall not exceed in the aggregate in any one year the sum of four hundred dollars.

Collection of
road poll tax

SEC. 15. Every male inhabitant of Calaveras County over twenty and under fifty years of age shall be required to pay to the Road Commissioner annually a road poll tax of two dollars each, and it shall be the duty of the Road Commissioner to procure from the Auditor road poll tax receipts, and shall demand and collect from each person in the county liable to pay such road tax the sum of two dollars for the current fiscal year, beginning on the first Monday in March and ending on the first Monday in March thereafter. Upon the payment of this sum he shall give such person a road tax receipt, writing thereon in ink the date of payment and the name of the person paying the same, and sign his own name thereto. If any person liable to pay such road tax shall fail or refuse to pay the same upon demand, the Road Commissioner may enforce the collection thereof in the same manner in all respects as is provided by law for the collection of State poll taxes by sections sixty-six and sixty-seven of an Act entitled an Act to provide revenue for the support of the Government of this State; and the Commissioner shall keep a list of all persons of whom he demands such tax, a list of persons who shall pay the same, and a list of names of those who have not paid such tax, with the names of the delinquents marked so as to be known and distinguished from those who have paid.

Road tax re-
ceipts.

SEC. 16. The Clerk of the Board of Supervisors shall cause proper road tax receipts to be printed in blank form, with marginal notes and figures, which shall declare that the amount of two dollars has been received from the person (writing his name) to whom the receipt is given. Said receipt, before being issued, shall be signed by the Chairman of the Board of Supervisors and by the Auditor of the county, in writing, and upon delivery to the taxpayer shall be signed by the Road Commissioner. Said road tax receipts shall be of uniform appearance, but the style thereof shall be changed annually. No other receipts shall be used by the Road Commissioner in the collection of said road tax, and they only in the manner prescribed by this Act.

Duties of
Auditor.

SEC. 17. The Auditor shall issue to the Road Commissioner annually, upon his entering upon the duties of his office, as many road tax receipts as he may require, duly signed, taking his receipt therefor; and the road tax receipts so delivered shall be

accounted as so much cash paid him at two dollars each. The Road Commissioner shall settle with the Auditor his account of road [tax] receipts quarterly on the first Mondays in the months of March, June, September and December; and all road tax receipts returned by him to the Auditor shall be deducted from the amount issued to the Road Commissioner as aforesaid, and all moneys collected by the Commissioner for road tax shall be paid by him quarterly as aforesaid unto the County Treasury, less his percentage for collecting, for the benefit of the County Road Fund; and he shall take a receipt therefor from the County Treasurer, which he shall present to the County Auditor in his settlement with said Auditor, who shall credit the Commissioner with the sums of money so paid into the County Treasury; and the Road Commissioner shall be liable on his official bond if he shall fail to assess and collect said road tax from each and every person liable to pay the same, in the manner hereinbefore provided, for the full amount of said tax and costs of suit. The Road Commissioner shall be entitled to receive fifteen per cent. upon the gross amount of road taxes he may collect.

Commissioner to make quarterly payments.

SEC. 18. If any person shall wilfully obstruct any public highway, street or lane by felling any tree across the same, or by placing any other obstructions therein, or by excavating or digging therein, or shall destroy any ford or crossing of any creek, gulch, river or stream of any character by digging away the banks or by damming, deepening or widening the same, or by filling up or in any manner injuring or destroying any gutter, sewer or culvert constructed for the purpose of conveying away water from any road, he, she or they shall be deemed guilty of a misdemeanor, and upon conviction thereof, on complaint of the Road Commissioner or other person, before any Justice of the Peace in the county, shall be punished by a fine in any sum of not less than twenty nor more than fifty dollars, or imprisoned in the County Jail not less than twenty nor more than fifty days, or by both such fine and imprisonment, in the discretion of the Court; and such person or persons so convicted shall forfeit five dollars for every day he, she or they shall suffer such obstruction to remain after he, she or they shall have been convicted and ordered by the Justice before whom the conviction was obtained to remove such obstruction, which said amount so forfeited shall be added to the fine and collected by process of execution in the same manner as other judgments are collected; *provided that*, if any person or persons shall wish to dig or construct any ditch across any public highway, street or lane, for the purpose of conveying water for mining, mechanical, agricultural or other necessary or useful purposes, they shall be permitted to dig or construct such ditch; in which case the owner or owners of such ditch shall construct or cause to be constructed and kept in repair, at their own costs and expense, good and substantial bridges and crossings over such ditch or ditches. If the owner or owners of any such ditch or ditches shall fail or neglect to construct such bridge or crossing and keep the same in repair, he, she or they shall be liable to prosecution and fine, as hereinbefore provided in this section.

Penalties for obstructing roads.

Ditches may be constructed.

SEC. 19. The term highway, whenever and wherever used in this Act, shall be taken and construed, and is hereby declared

Highway.

to include all bridges, fords, causeways and plank roads connected with such highway or used therewith; and the terms highways and public roads, as used in this Act, are hereby declared to be (the) synonymous terms.

Fines. SEC. 20. All fines and forfeitures collected under the provisions of this Act shall be paid into the County Treasury for the benefit of the County Road Fund.

Neglect of duty. SEC. 21. Suit may be brought against the Road Commissioner and his sureties, either by a citizen of the county or by the Board of Supervisors, for wilfully neglecting or refusing to perform the duties of his office, as required by this Act, or for malfeasance in office, before any Court of competent jurisdiction; and damages may be awarded against the Commissioner and in favor of the county in judgment entered against said Commissioner, which shall be collected in the manner prescribed by law, and the Board of Supervisors may suspend or remove the Commissioner.

Vacancy. SEC. 22. Whenever a vacancy shall occur in the office of Road Commissioner, by removal from office for cause shown, by resignation, death or otherwise, the Board of Supervisors shall appoint another person to act as Road Commissioner, who shall qualify in the manner hereinbefore prescribed, and who shall hold his office until the next general election for Road Commissioner, and until his successor is elected or appointed and qualified, unless sooner removed for cause.

Property tax for road purposes. SEC. 23. The Board of Supervisors of said county shall have power to levy a property tax, not to exceed ten cents upon each one hundred dollars worth of taxable property within the county, for road purposes, to be levied and collected at the same time and in the same manner as other property taxes are levied and collected; and the property tax thus levied and collected shall be paid in to the County Treasurer for the benefit of the public roads of the county, and shall become a part and parcel of the County Road Fund, which may be expended by the Road Commissioner and Board of Supervisors in the manner prescribed by this Act.

Disbursement. SEC. 24. All moneys disbursed by the County Treasurer from the County Road Fund shall be paid out on orders drawn on said fund by the Road Commissioner, with approval of the Board of Supervisors, or by order directly from the Board of Supervisors.

Free of toll. SEC. 25. The Road Commissioner shall be and is hereby authorized, entitled and privileged to pass over all toll roads, turnpike roads, ferries and bridges within said county, with his animal or animals and vehicle, free of toll, at all times when in the discharge of his official duties.

SEC. 26. All Acts and parts of Acts, so far as the same may conflict with the provisions of this Act, are hereby repealed.

SEC. 27. This Act shall take effect and be in force from and after the first Monday in March, A. D. eighteen hundred and seventy.

CHAPTER CCCCLXXIII.

An Act to authorize Henry S. Dexter, administrator of the estate of Annie B. Dexter, deceased, to sell certain real estate of said deceased.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Henry S. Dexter, administrator of the estate of Annie B. Dexter, deceased, is hereby authorized to sell, at public or private sale, all the right or interest which the said Annie B. Dexter had in her own right at her death to the following described real estate situated in the City of San Francisco and the State of California, and more particularly described as two certain city slip lots, numbers ninety-four and ninety-five, situated on the southerly side of Commercial street, one hundred and seventy-five feet easterly from the easterly line of Drumm street, in said city. Authorized.

SEC. 2. No such sale shall be valid until the same shall have been submitted to and approved by the Probate Judge of the said City and County of San Francisco; and upon such sale, before the execution of the conveyance, the said administrator shall file in the Probate Court of the said county such a bond as said Judge may require; or if no such bond be required by said Probate Judge, then said administrator shall be liable upon his official bond for the due and proper application of the proceeds arising from such sale. Subject to approval of Probate Judge.

SEC. 3. The said administrator, upon any such sale being made and approved, and upon the filing of the bond as herein before provided, if such bond shall have been required, may execute and acknowledge, and deliver to the purchaser, a good and sufficient deed of conveyance of the premises sold, which shall operate to convey all the title and interest said Annie B. Dexter had at her death to said property. Conveyance.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCCCLXXIV.

An Act to authorize Montgomery Godley, the administrator with the will annexed of the estate of Charles G. McChesney, deceased, to sell certain land belonging to the estate of said deceased.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Montgomery Godley, the administrator with the will annexed of the estate of Charles G. McChesney, deceased, is hereby authorized and empowered to sell, for cash in gold coin Authorized.

of the United States, the following described piece of land situate, lying and being in the City and County of San Francisco, State of California, and bounded and described as follows, to wit: Commencing at a point on the northerly line of Jackson street distant thirty feet westerly from its intersection with Sansome street; thence, running westerly along said northerly line of Jackson street, twenty feet; thence, at right angles northerly sixty feet, to the southerly line of Gold street; thence easterly, along said southerly line of Gold street, twenty feet; thence, at right angles, southerly and parallel with Sansome street, sixty feet, to the place of beginning—at such time and in such manner, whether at public or private sale, as shall be most advantageous to said estate, without any order of sale made by the Probate Court of the City and County of San Francisco. Before making such sale the administrator shall give such additional bond as the Probate Judge may require for the faithful performance of all the duties herein required and for the faithful application of the proceeds of such sale, such bond to be approved by the Probate Judge.

Description.

Report to be made to Probate Court. Sec. 2. The said administrator with the will annexed shall make a full report of any such sale as shall be made by him to the Probate Court of the City and County of San Francisco, as in other cases of sale of real estate in the Probate Court, and the Judge of said Court shall examine the same and confirm or set aside the said sale, as in other cases of sales of real estate by executors or administrators.

Conveyance. Sec. 3. The said administrator with the will annexed is hereby authorized, upon the confirmation of any such sale as is hereinbefore provided, and the compliance on the part of the purchaser or purchasers with the terms of such sale, as set forth in section one of this Act, to execute, acknowledge and deliver to the said purchaser or purchasers a legal conveyance of the premises sold, which shall be as valid and binding as if the same had been made by the said Charles G. McChesney in his lifetime.

Sec. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXXV.

An Act to authorize Romualdo Pacheco, trustee for the infant heirs of Juana Castro, deceased, to sell certain real estate of said infant heirs.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized. SECTION 1. Romualdo Pacheco, as trustee of and for the infant heirs of Juana Castro, deceased, by and under the direction of the Probate Judge of the County of San Luis Obispo, with the consent of Juan Castro, father and guardian of said infant heirs, is hereby authorized and empowered to sell, at pub-

lic or private sale, as shall by him be deemed most advantageous for the interest of said minors, the whole or any individual interest of said minors of and in the "Rancho Sury," in the County of San Luis Obispo, devised to them by the last will and testament of John Wilson, deceased.

SEC. 2. The said trustee is hereby authorized, with the consent of said guardian and by the direction of said Probate Judge, to execute, acknowledge and deliver to the purchaser a conveyance of the property sold, which shall absolutely and forever convey to and vest in the grantee all the interest, right, title, claim, demand, reversion and remainder, legal and equitable, of the aforesaid minors, in and to the property described in the deed of conveyance. Conveyance.

SEC. 3. The said trustee, upon any such sale or sales being made as aforesaid, shall thereupon file in the Probate Court of the said County of San Luis Obispo such bond, with two sureties, to be approved by said Probate Judge, in double the amount of the entire amount of such sale or sales, conditioned for the due and proper application of the said funds for the benefit of the said infant heirs. Bond.

SEC. 4. This Act shall take effect from and after its passage.

CHAPTER CCCCLXXVI.

An Act for the relief of H. B. Underhill, late District Attorney of San Joaquin County.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of four hundred and three and four one-hundredths dollars is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to pay H. B. Underhill, late District Attorney of San Joaquin County, being the amount of percentage due him for obtaining a judgment on the official bond of Mark A. Evans, late Treasurer of San Joaquin County; and the Controller of State is hereby authorized and directed to issue his warrant for the said sum to H. B. Underhill or his assigns, and the Treasurer of State to pay the same. Appropriation.

CHAPTER CCCCLXXVII.

An Act authorizing John Hayes and Maria Hayes, guardians of William C. Kisting and Caroline A. Kisting, minors, to sell real estate of said minors at public or private sale.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Authorized. SECTION 1. John Hayes and Maria Hayes, administrator and administratrix, with the will annexed, of the estate of John W. Kisting, deceased, and guardians of the infant heirs of the said John W. Kisting—namely, William C. Kisting and Caroline A. Kisting—are hereby authorized and empowered to sell, at private or public sale, as they may deem proper, any interest in real estate belonging to one or both of the said heirs, situated in the City and County of San Francisco, on such terms as to them
- Conditions. may seem proper and beneficial to the estate of said heirs; *provided*, that the said sales shall be reported to the Judge of the Probate Court of said City and County of San Francisco, and that he approve of the said sales, and that, as guardians of the said heirs, they be required to account for the proceeds of said sales; and *provided* further, that the said John Hayes and Maria Hayes, administrator and administratrix and guardians of the said minors, shall not be permitted by any provision of this Act to sell or in any way dispose of any of the real estate, or any interest therein, of any of the real property returned in the inventory of the property belonging to said estate, or any of the real estate, or any interest therein belonging to said estate, which may already have been distributed by order or decree of the Probate Court.
- Conveyance. SEC. 2. That the said John and Maria Hayes, as such administrator and administratrix and guardians of said heirs, be and they are hereby authorized to execute and deliver to the purchaser or purchasers of said interests good and sufficient deeds of conveyance for the property sold.
- SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCLXXVIII.

An Act for the relief of T. M. Brown.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Appropriation. SECTION 1. The sum of three hundred dollars is hereby appropriated, out of any money in the General Fund and not otherwise appropriated, and the Controller of State is required to

draw his warrant for said amount in favor of T. M. Brown, Sheriff of Klamath County, or his order; said sum being the amount paid and expended by said T. M. Brown for the capture of Indian Frank, the murderer of R. L. Stockton, the Indian Agent of the Hoopa Valley Reservation, on _____ day of _____, A. D. eighteen hundred and sixty-seven.

Sec. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCLXXIX.

An Act to authorize the construction and maintenance of a wharf in the County of Monterey.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Charles Moss and Donald Beadle, and their asso- Authorized.
ciates and assigns, are hereby authorized to construct and maintain a wharf in the County of Monterey, at the point known as "Moss Landing," near the mouth of Salinas River, in the Bay of Monterey.

Sec. 2. The said Charles Moss and Donald Beadle, and their associates and assigns, are hereby authorized to use for said Land granted.
purposes a strip of land, not exceeding five hundred feet in width, fronting along the shore of the Bay of Monterey, at said landing, and extending into the bay far enough, without obstructing the navigation of the said bay, to accommodate the draught of such vessels as the commerce of the district may require.

Sec. 3. The construction of said wharf shall be commenced Construction
within six months, and completed within two years after the passage of this Act; and the term of the privilege hereby granted shall be and is twenty years from the passage of this Act.

Sec. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXXX.

An Act to authorize the guardian of Minnie Locke, Belle Locke and Willie H. Locke, infant heirs of Frederick A. Woodworth, deceased, to lease certain real estate in the City and County of San Francisco.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The guardian of Minnie Locke, Belle Locke and Authorized.
Willie H. Locke, infant heirs of Frederick A. Woodworth, de-

May execute
lease.

ceased, is hereby authorized and empowered to lease all the interest of the said infant heirs in real estate in the City and County of San Francisco for a period not exceeding twenty years from the first day of June, eighteen hundred and sixty-eight; and such lease shall be valid and binding upon all parties in interest, their heirs, executors, administrators or assigns, as though the same had been executed by the owner thereof when of full age and ability to act; *provided*, however, that no lease shall be binding upon the infant heirs when they arrive at maturity which does not provide for the permanent improvement of the property leased, by the erection thereon of substantial buildings, partaking of the realty.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCLXXXI.

An Act to amend an Act entitled an Act to authorize P. K. Austin and his associates to construct and maintain a turnpike road from the Town of San Rafael to Point San Quentin, and to collect toll for travel thereon, passed March first, eighteen hundred and sixty-four.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Franchise.

Section 2. Said company, when incorporated as aforesaid, shall have full powers to build, erect, construct and maintain a public toll road or a railroad from San Rafael, across the marsh and swamp lands, to Point San Quentin, in Marin County, and shall have the right of way for that purpose, and shall enjoy all the rights, privileges and immunities thereunto appertaining, for the space of twenty years from the completion of said road; *provided*, that nothing in this Act shall be so construed as to authorize the appropriation or obstruction of any portion of any public road now used, or any obstruction of the navigation of San Rafael Creek.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCLXXXII.

An Act to amend an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment of all the legal voters thereof, and for the prevention and punishment of frauds affecting [the] elective franchise, approved March nineteenth, eighteen hundred and sixty-six.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of said Act is hereby amended so as to read as follows :

Section 2. In the Great Register, the County Clerk, on application or on the return of the Assessor, shall register every inhabitant of his county who, by virtue of the citizenship, lawful age and other qualifications prescribed by the Constitution, is or may be within six months a qualified elector and legal voter thereof; and every person registered in one county, on removing to another county in this State with intent to reside there, shall apply to the County Clerk of the county where he is registered for a certificate of such registration, which shall be given him on demand, setting forth the entries as they exist in the respective register aforesaid, and certifying that it is given for the purpose of cancelling the registration therein and authorizing the registration of the applicant in any other county where he may next become a resident; on the production of which certificate to the County Clerk of the county to which he shall have removed, and the filing and cancellation thereof, and not otherwise, he shall be entitled to be there registered; and every person not producing such certificate shall, to entitle him to registration in any county, be required to make oath before the County Clerk or Assessor, as the case may be, that he is not registered in any other county; and any person wilfully and knowingly testifying falsely before such County Clerk or Assessor shall be deemed guilty of perjury, and upon conviction thereof shall be punished accordingly; and whenever any certificate of registration shall be given to any person in the form and for the purposes in this section expressed, the County Clerk shall at the same time cancel the registration of such person by entering in the proper column the word "Removed."

County Clerk to register names.

SEC. 2. Section three of said Act is hereby amended so as to read as follows :

Section 3. The manner of registration shall be as follows : Clear and distinct entries shall be made in said books, setting forth in separate columns the name at full length (without the use of initials) of the person registered; his age, omitting fractions of years; the country of his nativity; his occupation; the particular city, town, township, ward or precinct of his residence; if a naturalized citizen, when, where and by what Court he was admitted to become a citizen of the United States; also, the date of registry, and a number affixed to each

Manner of registration.

name, which numbers shall run successively in the order of registration; and to the truth of the facts stated in such entries the person registered shall be duly sworn, which also shall be noted and verified by the word "Sworn," to be entered in a separate column opposite the name; and if any person so sworn shall knowingly and wilfully testify falsely, he shall be deemed guilty of perjury, and upon conviction thereof shall be punished accordingly.

SEC. 3. Section four of this Act is amended so as to read as follows:

Cancellation Section 4. In the Great Register aforesaid there shall also be provided and left a blank column for the cancellation of the registration when required, by entering in said column opposite the name of the person registered the word "Dead," when authentic information shall be communicated to the County Clerk of the decease of such person; and the word "Removed" when such person shall remove from the county; the word "Insane" when the insanity of the person shall have been legally established; and the word "Infamous" when such person shall have been duly convicted of any infamous crime. And any competent Court before whom any person shall have been duly found insane, or adjudged guilty of bribery, perjury, forgery or other infamous crime, shall at the same time, or if it be then omitted may afterwards, order that such person, until duly restored to his rights, be excluded from the right of suffrage and registration on the Great Register; or if he already be registered therein, that his registration be cancelled. Insane persons shall recover their rights on becoming of sound mind, and persons convicted of any of the aforesaid offences may be restored to their rights by pardon and restoration to citizenship.

SEC. 4. Section five of said Act is hereby amended so as to read as follows:

Duty of Assessors. Section 5. It shall be the duty of the Assessors of the several counties, personally or by their deputies, to enroll and return to the respective County Clerks from time to time, as the same shall come to their knowledge, the names of all unregistered inhabitants of their counties who by this Act are required to be registered, together with the particulars required to be entered and set forth in the registration of such persons, as provided in section three, to the end that such persons be registered in the proper book, as therein required; and the Assessor or his deputies shall examine on oath each person so enrolled and returned, in relation to the facts and particulars so required to be set forth, and in his returns shall note the fact of such examination and sworn verification by the word "Sworn," with the date of administering the oath. The County Clerk, finding the return sufficient for the purpose, shall register the names returned accordingly. Any defects in such returns shall be pointed out by the County Clerk, in order that the errors or defects may be corrected when practicable, and that persons entitled to registration may suffer no prejudice or unnecessary delay thereby. The County Clerk and the Assessor shall be allowed for their services aforesaid, payable out of the County Treasury, such compensation as the Board of Supervisors shall fix, not exceeding twenty-five cents to the County Clerk for

Errors.

Pay.

each name registered, and twenty-five cents to the Assessor for each name duly and properly returned as aforesaid.

SEC. 5. Section six of said Act is hereby amended so as to read as follows :

Section 6. No person, having been an alien, shall be entitled to be registered in the Great Register unless he shall produce to the County Clerk or Assessor his certificate of naturalization, or, in case of its loss, shall, by the testimony of at least one registered citizen of this State, prove to the satisfaction of the County Clerk or Assessor that he has resided in the United States five years, and in this State six months, at least, next preceding his application, and that he is reputed to be a naturalized citizen of the United States, and is such, according to the best of such deponent's knowledge, information and belief; in which case, and such proof being made, the applicant's affidavit shall be received to establish the fact of naturalization, as well as the existence and loss or destruction of his certificate; and such affidavit so taken, with the name of the witness sworn in each case subscribed thereon, shall be returned by the Assessor to the County Clerk, who shall file the same in his office and place the name of the applicant on the Great Register.

Naturalized citizens.

SEC. 6. Section seven of said Act is hereby repealed.

SEC. 7. Section eight of said Act is hereby amended so as to read as follows :

Section 8. Persons born without the limits of the United States, who may claim to have become citizens thereof by virtue of the naturalization of their fathers while they were under twenty-one years of age and dwelling within the United States, shall, to entitle them to registration, produce to the Assessor or County Clerk a certificate in due form, under the seal of the proper Court, showing that their fathers were so naturalized, and make proof of their residence and minority at the time; or, being unable to produce such certificate, shall make the same proof of residence and reputed citizenship as is required in section six; and thereupon their own oaths, or the oath of some registered citizen, deposing to such naturalization of the father and the residence and minority of such person at the time, according to the best of deponent's knowledge, information and belief, shall be received by the County Clerk or Assessor as evidence of the fact; and in such case the applicant shall be admitted to permanent registration without further proof.

Citizens by virtue of naturalization of parents.

SEC. 8. Section nine of said Act is hereby amended so as to read as follows :

Section 9. In all cases other than those provided for in the sixth and eighth [sections] of this Act, the Assessor or County Clerk shall require satisfactory proof of citizenship on the part of all persons not personally known to them to be natural born citizens of the United States before admitting them to registration. Such proof may be given by authentic documents, or by the testimony on oath of any competent witness, and common repute may also be received as evidence in such cases. The County Clerk and Assessor shall each of them have power to administer oaths and examine any person on oath touching the right of such person, or of any other person, to registration.

Proof of citizenship.

Upon every certificate or document presented and accepted as evidence of naturalization, in pursuance of which registration in the Great Register shall be accorded, the County Clerk or Assessor, as the case may be, shall at the same time indorse the fact, date and purpose of such presentation, and sign his name thereto.

SEC. 9. Section ten of said Act is hereby amended so as to read as follows :

Refusal of
registration.

Section 10. Persons entitled to registration, whose registration shall be refused either by the County Clerk or Assessor, may proceed by mandamus against such Clerk or Assessor to procure their registration; but no costs shall be allowed in such proceeding. In cases not otherwise provided for in this Act, the registration of any person not duly qualified therefor may be cancelled whenever the fact shall be made to appear in a proceeding in the nature of quo warranto, which may be instituted against such person in the County Court of the county where he is registered, on the sworn complaint of any registered citizen thereof setting forth the material facts of the case. The party interested shall be duly summoned, and may appear and answer as in ordinary actions in the District Courts; and the Court, upon hearing, at such time as may be appointed for the purpose, the parties having due and reasonable notice, shall proceed to render such judgment as the law and the facts shall require. If such judgment be for the cancellation of such registration, an appeal may be taken to the Supreme Court by the party aggrieved, in the same manner as other appeals are taken to the Supreme Court from the County Court.

Cancellation

SEC. 10. Section eleven of said Act is hereby amended so as to read as follows :

Citizens.

Section 11. Persons duly registered in the Great Register shall be deemed citizens of the State of California.

SEC. 11. Section twelve of said Act is hereby amended so as to read as follows :

Poll lists.

Section 12. During the month of July, eighteen hundred and sixty-seven, and during the month of August every four years thereafter, the County Clerks (except when and as may be otherwise ordered by the Board of Supervisors) of the several counties of this State shall make out and certify a general list, and during the month of August next preceding any general election, a supplementary list, alphabetically arranged according to surnames, of all persons who then stand registered upon the Great Register (omitting those whose names are cancelled by the proper entries), with the entries opposite each name, and the register number, as they appear in said book, and shall cause to be printed and transmitted to the Board of Elections of each election precinct in his county at least ten printed copies thereof; *provided*, that such supplementary list, unless otherwise ordered as aforesaid, shall contain only the names of persons registered after the making out of the general or supplementary list next preceding it; and whenever it shall appear, or be proven to the satisfaction of the County Clerk or the Board of Election that a mistake has been made in registering, listing or printing the name of any elector, by mis-spelling or otherwise, either in the general list or the printed copy

thereof, the said County Clerk or Board of Elections shall have power to correct such error, and it shall be his or their duty to do so upon the application of the party whose name is erroneously registered, listed or printed.

SEC. 12. Section thirteen of said Act is hereby amended so as to read as follows:

Section 13. The Board of Supervisors of each county throughout the State, including the City and County of San Francisco, are empowered, and immediately after the passage of this Act shall proceed to establish a convenient number of election districts in their respective counties, and to define the boundaries thereof, which they shall have power to alter from time to time, and shall also have power to establish and designate the precincts or places for holding the polls in each district, which they may change from time to time as the convenience of voters may require; *provided*, that no precinct shall be established or changed within thirty days next preceding any general election; and *provided* further, that every election district shall be so constructed as not in any case to embrace more than one township, nor parts of two or more townships, and in such manner that its exterior limits shall not cross the exterior boundaries of any township, incorporated town or city, or any ward, district or other territorial subdivision in and for which local officers are to be elected, except that school districts shall not be considered such territorial subdivisions within the meaning of this section, and except that the Board of Supervisors may designate any incorporated town or city, with its vicinage, as a precinct without regard to its corporate lines; and in such case, for any municipal election, the corporate authorities of such town or city shall cause the poll lists therefor to be made up in accordance with the provisions of this Act, as nearly as may be practicable.

Election
Districts.

SEC. 13. Section fifteen of said Act is hereby amended so as to read as follows:

Section 15. The Board of Supervisors of the several counties in this State shall appoint the Clerk and Judges of Election, except in those counties where said officers shall be declared elective by an order of the Board of Supervisors thereof. When elective, the Clerk and Judges of Election shall be chosen at the general election.

Officers of
elections.

SEC. 14. Section nineteen of said Act is hereby amended so as to read as follows:

Section 19. The Clerk of Elections shall, during the period prescribed in the last section for making out and completing the poll lists, and when the Board is not in session upon his own authority, enter upon said list, subject to the revision and correction of the Board, the names of all persons still residing in his district enrolled in the next preceding poll list made out in pursuance of this Act, and also the names of all persons found upon the Great Register of the county whom he personally knows to be, or who, by the oath of any householder or legal voter of his district known to him, shall be satisfactorily proved to be bona fide residents of his district.

Revision of
poll lists.

SEC. 15. Section twenty-two of said Act is hereby amended so as to read as follows:

Section 22. The Board of Registration shall be in session on

Duties of
Board of
Registration

the said thirtieth day next preceding any such election as aforesaid, or if that be Sunday then on the day following, at the office of the Clerk of Elections, for the purpose of determining applications on behalf of persons claiming the right to be enrolled on the poll list, erasing names improperly entered or improperly remaining thereon, and correcting all errors in relation thereto. They shall insert and enroll the name of every person entitled to be enrolled who may have been omitted from any cause, and shall erase the name of every person improperly placed or remaining on said list, so far as they are able to ascertain the same; and for that purpose, the said Board, and each member thereof, shall have power, then or at any other time whenever necessary, to administer oaths and examine on oath any person touching his own or the right of any other person to be enrolled on the poll list, or touching the qualification of any such person as an elector; and the said Board, by a summons to be issued under the hand of the Clerk of Elections, may call before the Board at any stated meeting, or before the Clerk of Elections at his office, at a day and hour to be specified in such summons, any person to give testimony touching any of the matters aforesaid; and any person who shall fail or refuse to obey such summons shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the County Jail not exceeding fifty days, or by both such fine and imprisonment; and if any person so sworn as a witness shall knowingly and wilfully testify falsely, he shall be deemed guilty of perjury, and upon conviction thereof shall be punished accordingly.

Witnesses
may be
summoned.

SEC. 16. Section twenty-three of said Act is hereby amended so as to read as follows:

Poll lists for
Clerks of
Election.

Section 23. Within five days after the making out and completion of the poll list as aforesaid, the Clerk of Elections shall transmit to the County Clerk a certified copy thereof, with all the entries opposite each name in full, and the County Clerk, if the same shall be so ordered by the Board of Supervisors, shall, as soon as possible thereafter, and at least five days before the election, make out and cause to be printed and delivered to each of the Clerks of Elections in the several election precincts ten printed copies, by him certified, of all the poll lists so transmitted to him, attached or connected together, but separately and distinctly arranged and headed.

SEC. 17. Section twenty-four of said Act is hereby amended so as to read as follows:

Final meet-
ing of
Board of
Registration

Section 24. The Board of Registration shall hold their final meeting for the purpose of revising and correcting the poll list commencing on the third day next preceding the election, or if that day be Sunday, then on the day following, and continuing their sessions, by adjournment from day to day, or from time to time, up to the time of opening the polls on the day of election, and no longer; after which time no additional names shall be enrolled for that election, except upon the day of election at the polls, by decision of the Judges and Inspectors, upon establishment of the fact of the omission of the name of a citizen entitled to vote under the provisions of this Act, as hereafter provided. At such final meeting they shall erase from the poll

list the names of all persons not then actually residing in such district, or who, though actual residents of the district, are not qualified by citizenship to vote, or who for any reason are not then entitled to be or remain enrolled on said list.

SEC. 18. Section twenty-seven of said Act is hereby amended so as to read as follows:

Section 27. In case any person entitled to vote by reason of registration and enrolment, as provided in this Act, shall remove from the precinct where he has enrolled between the time of his enrolment and the day of election, he shall be entitled to vote in the precinct into which he shall have removed upon presenting to the Board of Registration a certificate signed by the Clerk or a Judge of Elections of the precinct in which such voter was last enrolled, showing that the name of such voter has been erased at his request from such poll list, accompanied by the affidavit of the applicant and at least one enrolled citizen of such precinct, stating the time and the particular locality of the residence of the applicant; *provided*, that registration in the Great Register aforesaid shall, until the contrary is proved, be received by the Board of Registration as sufficient evidence that the person registered was at the time of registration a citizen of the United States, domiciled in the county.

Change of residence.

SEC. 19. Section twenty-eight of said Act is hereby amended so as to read as follows:

Section 28. Registration in the Great Register being the only authentic record of domiciliation and citizenship, made upon the pre-requisite and proper evidence presented at the time and in the manner prescribed by law, none but those whose names stand registered and uncanceled upon the Great Register of the county shall be enrolled upon the poll lists in such county. And if the name of any person who is entitled to be placed upon the poll list, under the provisions of this Act, should be omitted from the poll list of the precinct in which he resides, it shall be lawful for him to appear at the polls in such precinct, on the day of election, and present to the Clerk and Judges of election a certificate of his registration from the County Clerk, together with a written or printed statement under oath, subscribed by himself and two qualified voters of such precinct, stating that he is the person described in the certificate, the length of time and particular locality of his residence in the precinct or district, and that he was entitled to have his name upon such poll list, with the reason why he did not apply within the proper time for enrolment; and if the facts thus exhibited show that he was entitled to such enrolment, the officers of election shall thereupon enroll his name and receive his vote. Any wilful mis statement on the part of either said voter or the other persons subscribing the affidavit referred to shall be deemed to be perjury, and, upon conviction, the offender shall be punished accordingly. Such statement and affidavit shall be sent up with the election returns, and shall be filed by the County Clerk in his office.

Enrolment on poll lists.

SEC. 20. Section thirty-three of said Act is hereby amended so as to read as follows:

Section 33. Every Justice of the Peace, Constable, Judge and Clerk of Elections, and every Supervisor, Assessor and

Voters to
be notified
to register.

Deputy Assessor, shall use all practicable diligence to notify the inhabitants of his county, township, district or precinct, to register their names in the proper register and poll lists, as required in this Act; and it shall be the duty of every such officer to give special and personal notice, as far as practicable, to every person hereafter coming to reside in such county, township, ward or district, who, according to the provisions of this Act, ought to be registered, requiring him to register and enroll his name as aforesaid.

SEC. 21. Section thirty-five of said Act is hereby amended so as to read as follows:

Penalties for
frauds.

Section 35. If any member or officer of the Board of Registration or Board of Judges of Election, County Clerk, Assessor or his deputy, shall wilfully or fraudulently register or attempt to register, enroll, or admit any person to be enrolled on the poll list, or admit any person to vote at any election, knowing him not to be qualified to be enrolled or to vote as aforesaid, or shall refuse to register or enroll any person on said poll list knowing him to be entitled to be so enrolled, or refuse to admit the vote of any person knowing him to be entitled to vote, or shall otherwise knowingly and fraudulently act in violation or contravention of the provisions of this Act, he shall, on conviction, for each and every such offence, be punished by fine not exceeding one thousand dollars, or by imprisonment in the State Prison not less than one year or more than five, or by both such fine and imprisonment. If the County Clerk, Assessor or Deputy Assessor, or the members of any Board of Supervisors, or any of them, shall wilfully neglect or refuse to perform any specific duty enjoined upon him or them by this Act, or shall, in his official capacity, knowingly and fraudulently act in contravention or in violation of its provisions, or either of them, or place or attempt to place the name of any person upon the Great Register not entitled to be there, or place or attempt to place any fictitious names upon the Great Register, he shall, on conviction thereof, be punished as hereinbefore in this section provided.

Neglect of
duty.

SEC. 22. Section thirty-seven of said Act is amended so as to read as follows:

Compensation.

Section 37. The Clerk and Judges of Elections shall be allowed such compensation as the Board of Supervisors shall prescribe, not exceeding three dollars a day each for all the time that they are necessarily employed. The expense of printing lists and blanks in the several counties, when required by this Act, shall be provided for by the Board of Supervisors; and said expense, as well as the aforesaid compensation of the Clerk and Judges of Elections, being first duly approved, allowed and audited as other demands are required to be, shall be paid out of the County Treasury.

Expenses.

No fees.

SEC. 23. No fees shall be charged by any officer for issuing any certificate authorized or required by this Act.

Inspector of
Elections.

SEC. 24. In all cases where the term "Clerk of Elections" appears in this Act, to designate the presiding officer of the Board of Registration and presiding officer of the Board of Judges of Elections, such presiding officer shall be hereafter known and designated as the Inspector of Elections.

SEC. 25. It shall be the duty of the Secretary of State to cause a sufficient number of copies of the Registry Act to be furnished by the State Printer to supply to the County Clerk of each county in this State ten copies thereof for each election precinct in his county, prior to the first day of July next; and each such County Clerk is hereby required to distribute the same to the several precincts, with the supplemental copies of the Great Register. The cost of such printing shall be computed as other State printing is estimated, and shall be audited and paid in like manner as other accounts of the State Printer.

SEC. 26. Elections for School Trustees, or other officers of school districts, are hereby excepted from the operations of the Registry Act.

SEC. 27. This Act shall take effect from and after its passage; and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAPTER CCCCLXXXIII.

An Act to aid in giving effect to an Act of Congress relating to the California and Oregon Railroad Company.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whereas, by the provisions of a certain Act of Congress of the United States of America entitled an Act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon, approved July twenty-fifth, eighteen hundred and sixty-six, certain grants were made to, and certain rights, privileges, powers and authority were vested in and conferred upon "The California and Oregon Railroad Company," a corporation duly organized and existing under the laws of the State of California; *therefore*, to enable the said company to more fully and completely comply with and perform the requirements, provisions and conditions of the said Act of Congress, and all other Acts of Congress now in force or which may hereafter be enacted, the State of California hereby consents to said Act; and the said company, its successors and assigns, are hereby authorized and empowered, and the right, power and privilege is hereby granted to, conferred upon and vested in them, to construct, maintain and operate, by steam or other power, the said railroad and telegraph line mentioned in said Acts of Congress, hereby confirming to and vesting in the said company, its successors and assigns, all the rights, privileges, franchises, power and authority conferred upon, granted to or vested in said company by the said Acts of Congress, and any Act of Congress which may be hereafter enacted.

Consent
given to Act
of Congress.

CHAPTER CCCCLXXXIV.

An Act to authorize the construction of a tramroad or railroad in the County of Santa Clara.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right granted.

SECTION 1. There is hereby granted to J. N. Thompson, John Widney, T. J. Askins, J. P. Pierce, R. H. Ham, John West, C. Peoples, W. C. Parker, George Furgerson, Wm. H. Stevens, A. W. Parsons, N. Palmer, H. Shantzer, B. F. Hayden, and their executors and assigns, the right to construct and maintain, for the period of twenty-five years, a tramroad or railroad in the County of Santa Clara, from the Town of Saratoga to the Town of Santa Clara; and thence, through said town, to a point at or near the Town of Alviso, to be selected by said grantees or their assigns; and the said grantees and their assigns shall have the right to commence the work on the said road at such point on the route herein described as may be found desirable; *provided*, that said work shall be commenced within one year and completed within four years from the passage of this Act.

Route.

May construct wharf

SEC. 2. Said grantees, their associates and assigns, are hereby authorized to construct and maintain a wharf at the point on the Bay of San Francisco where said railroad shall terminate. Said wharf may extend into the bay a sufficient distance to allow cars loaded with lumber or merchandise to be loaded on board vessels for water transportation. A space of one hundred feet in width on each side of said wharf is hereby set apart for the free access and egress from said wharf.

Portions of laws applicable.

SEC. 3. For the purposes named in sections one and two of this Act, the parties named therein and their assigns are hereby granted all the rights and privileges granted or conferred to or upon railroad corporations by the first eight subdivisions of section seventeen, and by sections eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, fifty-one, fifty-two, fifty-three and fifty-five of an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, and the Acts since passed amendatory of said sections; and by section two of an Act entitled an Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, approved May sixth, eighteen hundred and sixty-two, so far as the provisions of said Acts are applicable.

Motive power.

SEC. 4. The grantees named in section one may employ, as a motive power on the road herein authorized, any suitable me-

chanical or steam engines, or animals, or combination of any or all of them; *provided*, that nothing herein shall be construed to warrant any public offence or nuisance.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLXXXV.

An Act to amend an Act entitled an Act to provide for the construction of a railroad from Mokelumne City to Woodbridge, in the County of San Joaquin, approved March twenty-seventh, eighteen hundred and sixty-two.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of said Act is hereby amended so as to read as follows :

Section 1. The right to lay out, construct and run a line of *Franchise.* railroad, to keep in repair and use the same by running thereon cars propelled by steam or other motive power, for the convenient and profitable use thereof, and by such route as may be deemed most advantageous and convenient, from a point on the Sacramento River, opposite the Town of Rio Vista, to the Town of Woodbridge, in San Joaquin County, is hereby granted to H. R. Leonard, and his associates and assigns, for the term of twenty-five years; *provided* the construction of said road is commenced on or before the first day of October next, and completed in three years thereafter; and *provided*, also, that suitable drawbridges shall be erected wherever the road crosses the Mokelumne River and Georgiana Slough; the said draws to be not less than forty feet in the clear, and shall be kept open at all times for vessels navigating said streams, so as not to obstruct navigation.

SEC. 2. This Act shall take effect immediately.

CHAPTER CCCCLXXXVI.

An Act supplementary to an Act entitled an Act to provide for the construction of a wagon and turnpike road in the Counties of San Luis Obispo and Santa Barbara, approved April second, eighteen hundred and sixty-six.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time
extended.

SECTION 1. The grantees of the Act to which this is supplementary, and their assigns, are hereby granted one year from the passage of this Act in which to complete the road the construction of which was provided for in section one of said Act. All the rights, privileges and immunities granted to John B. Ward, Francis J. Ward, José Antonio Estudillo, and their associates and assigns, by the Act to which this Act is supplementary, are hereby revived and extended to the said parties for the period mentioned in said Act.

CHAPTER CCCCLXXXVII.

An Act to amend an Act to divide the State into Judicial Districts, approved April twenty-fifth, one thousand eight hundred and sixty-three.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of said Act is hereby amended so as to read as follows:

Thirteenth
District.

Section 6. The Thirteenth Judicial District shall be composed of the Counties of Tulare, Fresno, Merced and Mariposa.

SEC. 2. Section seven of said Act is hereby amended so as to read as follows:

Fifth Dis-
trict.

Section 7. The Fifth Judicial District shall be composed of the Counties of San Joaquin, Tuolumne and Stanislaus.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCCCLXXXVIII.

An Act to provide a Law Library for the Supreme Court.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. That the sum of five thousand dollars each year, for the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, be and the same is hereby appropriated, out of any moneys not otherwise appropriated, for the purchase of a law library for the use of the Supreme Court, to be called the "Supreme Court Library." Said moneys so appropriated, together with such other moneys as may be provided by law for said purpose, shall be designated the "Supreme Court Library Fund."

Appropriation.

SEC. 2. That the sum so appropriated shall be expended, under the direction and in pursuance of the orders of the Supreme Court, for the purchase of such law books as shall be selected by a majority of the Justices of said Court, and in paying the expenses of procuring and transporting the said books to the library-room of said Court; and the same shall be drawn from the Treasury at such times and in such sums as the said Court shall require, in pursuance of an order entered in the minutes of said Court. Upon filing a copy of such order, certified by the Clerk of said Court, under the seal of the Court, with the State Controller, the said Controller, without any further or other warrant or authority, and without the approval of any other Board or officer, shall draw his warrant upon the Treasurer for the amount required, payable to the order of the party designated in said order, out of the Supreme Court Library Fund.

Disbursement.

SEC. 3. The law library purchased in pursuance of the provisions of this Act shall be for the exclusive use of the Supreme Court and of the Justices and officers of said Court; and no party, other than said Justices and officers, shall be authorized to remove said books from the library of said Court, except when wanted in the Court-room of said Court, at the argument of causes, in which case such books as may be required may be removed to the Court-room, in charge of the Bailiff, who shall be responsible for the same while so in his charge.

Use of library.

SEC. 4. The Secretary of the Justices of the Supreme Court, under the supervision of the Court, shall be the Librarian of said library, and shall be responsible for the safe keeping of the books of said library. Before the books shall be used he shall number the volumes consecutively and enter them in a catalogue, to be kept in said library, and cause to be firmly pasted on the inside of the front cover of each volume, and having printed thereon in large capital letters, as a heading, the words "Supreme Court Library of the State of California," followed by a printed copy of section three of this Act.

Librarian.

SEC. 5. The Librarian of the State Library is hereby authorized and required to deliver to the Librarian of said Supreme Court Library one copy of each volume of the reports of the

State Librarian deliver books.

decisions of the Supreme Court of the State of California, one copy of each volume of the statutes and laws of California, one copy of the journals of both houses of the Legislature for each session, and one copy of the statutes of the United States, where there is a sufficient number of such copies, for each of the Justices of said Court, and one copy of all duplicates of law books of any kind which may now or hereafter be in said State Library; and the receipt of said Librarian of said Supreme Court Library for said books so directed to be delivered shall be to the State Librarian a sufficient voucher therefor.

Books published by authority of State.

SEC. 6. The Secretary of State is hereby authorized and required to transmit to said library, as soon as published, one copy for each of the Justices of the Supreme Court, of all reports of decisions of said Court, of all volumes of statutes hereafter published, of the journals and reports of each session of the Legislature, and of all such other books pertaining to the laws of the State which may be hereafter published under the authority of the State.

Supreme Court Library Fund.

SEC. 7. Upon filing the transcript on appeal, or the papers instituting any original proceeding in the Supreme Court, in all civil cases, the Clerk of the said Court shall demand and collect, for the use of said Supreme Court Library Fund, before filing the same, of the party filing said transcript or instituting such original proceeding, in the same manner as other costs in said causes are collected, the sum of five dollars, for which sum so required to be collected the said Clerk shall be responsible; and he shall pay the same over to the Treasurer of State at the same time and in the same manner, and under the same responsibilities, as other costs are collected and paid over in said causes, specifying in his reports the amounts and purpose for which collected, and in what suits collected; and the said sums so collected shall be taxed as costs in the proceeding against the losing party. All fees for the admission of attorneys to practice in the Courts of this State, hereafter to be collected, the Clerk shall in like manner collect and pay into the State Treasury, for the use of said Supreme Court Library Fund. Said moneys so collected or otherwise provided for the use of said fund shall constitute a part of said Supreme Court Library Fund, and shall be expended in keeping up and extending said Supreme Court Library, and shall be subject to be drawn out of the Treasury and expended, in pursuance of the orders of the Court, in all respects and upon similar vouchers as in this Act provided with respect to the moneys hereinbefore appropriated. And the Clerk shall also, before the adjournment of each term of Court, report to the Court the number of cases in which said fees have become due, and the number of licenses issued to attorneys, and the amount collected and paid over for the use of said fund since his last report.

Librarian to make annual reports.

SEC. 8. The Librarian of said library shall keep an accurate account of the moneys expended for the purposes of said library, and of the books purchased; and annually, on the first Monday of December, report to the Governor of the State of California the state of said account, and the condition of said library, with a statement of the books purchased and received from other sources during the preceding year, and of the whole number of

volumes in said library; and he shall file a duplicate of said report with the Clerk of the Court.

SEC. 9. This Act shall take effect from and after its passage.

CHAPTER CCCCLXXXIX.

An Act for the relief of David L. Brittin.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of the State of California is hereby directed to draw his warrant on the Treasurer of said State, payable out of any moneys in the General Fund, in favor of David L. Brittin, for the sum of five hundred dollars. Controller to draw warrant.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXC.

An Act to amend an Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health, and against accidents, approved April second, eighteen hundred and sixty-six.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven of said Act is hereby amended so as to read as follows:

Section 11. It shall be lawful for the company to invest its capital in funds, as follows:

First—In loans upon unencumbered and improved real estate within the State of California, which shall be worth, at the time of the investment, fifty per cent more than the sum loaned. How capital may be invested.

Second—In the purchase of or loans upon interest-bearing stocks, bonds and other securities of the United States and of the States thereof.

Third—In the purchase of or loans upon interest-bearing bonds of any incorporated city or city and county in the State of California.

Fourth—In the purchase of or loans upon any stocks of companies formed under the laws of this State, which shall have, at the time of such investment, a value in the City and County of San Francisco of not less than sixty per cent. of their par value, and which shall be rated as first class securities.

But no loans shall be made on any securities specified in subdivisions three and four in any amount beyond seventy-five per cent. of their market value, except mining stocks.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCXCI.

An Act entitled an Act to ratify and confirm a certain contract made by the Supervisors of the City and County of San Francisco with John B. Felton, and to provide for the payment of the same.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Ratified. SECTION 1. The contract made by the Board of Supervisors of the City and County of San Francisco with John B. Felton, on the sixteenth day of September, A. D. eighteen hundred and sixty-seven, whereby a certain percentage is to be allowed said J. B. Felton upon whatever amount he shall save said city and county by resisting a suit known as Jesse L. Wetmore vs. The City of San Francisco, be and hereby is in all things ratified and confirmed.

Payment. SEC. 2. The said Board of Supervisors may order paid any sum due upon said contract according to its terms, and the Auditor shall audit and the Treasurer of said city pay the same according to the order of said Board; *provided*, in no event shall said amount thus to be paid exceed the sum of twenty thousand dollars.

SEC. 3. This Act shall take effect immediately.

CHAPTER CCCCXCII.

An Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in the County of San Mateo.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Appraisal. SECTION 1. The Governor of the State of California is hereby authorized to appoint three Commissioners, whose duty it shall be, whenever requested by the officers of the San Mateo Tanning and Manufacturing Company, to appraise the value of land belonging to the State, bounded and described as follows: Commencing at a point where the northerly boundary line of the said company's twenty and twenty-nine hundredths acre tract

of land, in the County of San Mateo, intersects the line of high tide, and extending thence due east to depth of nine feet of water at low tide; thence southerly, following the line of nine feet depth of water at low tide, to a point due east of a point on the main shore one hundred feet north of the mouth of San Bruno Creek; thence due west to said last named point; thence northerly, following the line of high tide, to the place of beginning. And said Commissioners shall certify the amount found to be the value of said land to the Treasurer of State and also to the Surveyor-General; and upon the approval of the survey of the County Surveyor by the Surveyor-General, and upon the payment to the Treasurer of State, for the benefit of the General Fund, of the amount so found to be the value of said land, the Register of the State Land Office shall certify said approval and payment to the Governor, whereupon a patent shall issue for said land to said corporation.

Survey.

SEC. 2. Within thirty days after the appraisement of said Commissioners, the Surveyor of the County of San Mateo shall make out a plat and field notes of said survey. He shall within ten days thereafter record the same in his office and forward duplicate copies of the same to the Surveyor-General; and it shall be the duty of the Surveyor-General, upon examination and approval of said survey, to return one of the duplicate copies, with his approval indorsed thereon, to said County Surveyor, to be by him delivered to the parties desiring the survey; *provided*, said approval and return of duplicate shall be within ten days after the receipt of said plat and field notes.

Plat and field notes.

SEC. 3. All expenses attending said appraisement by the Commissioners, together with all the cost incident to an accurate survey of the said lands by the Surveyor of the County of San Mateo, shall be paid by said company.

Expenses.

SEC. 4. The said company or its assigns shall not have the power to make any use of said land, or any part thereof, which shall interfere with the navigation of the Bay of San Francisco.

Navigation not to be obstructed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCXCIII.

An Act to authorize the construction of a railroad bridge across Napa Creek, at or near Suscol, in the County of Napa.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sonoma County and Vallejo Railroad Company, a company duly incorporated under the laws of this State, is hereby authorized and empowered to build and maintain, on the line of its road, at or near Suscol, in the County of Napa, a railroad bridge across Napa Creek, and have and enjoy all rights and privileges and immunities thereunto belonging, and

Authorized to construct bridge.

shall have the right of way across said creek, and the privilege of using the same for that purpose, which is hereby granted and ceded to said company; *provided*, within one year from the passage of this Act the said company shall commence the construction of said bridge, and complete the same within two years thereafter.

Description. SEC. 2. The said bridge shall be constructed in the best and most approved plan of railroad bridges, and shall have a draw or opening of sufficient dimensions, not less than sixty feet wide, as will admit the passage of the largest class of steamers plying in or upon said creek to any point above said bridge, and the said company shall at all times keep the said draw or opening in good working condition, and open the same when required for the accommodation of commerce.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER CCCCXCIV.

An Act for the relief of Anna Lee.

[Approved March 30, 1868.]

Preamble. WHEREAS, on the sixteenth day of April, A. D. one thousand eight hundred and sixty-six, Hon. F. F. Low, then being Governor of the State of California, did commission and appoint Harvey Lee, District Judge of and for the Sixteenth Judicial District, composed of the Counties of Alpine, Mono, Kern and Inyo; and whereas, said Harvey Lee was accidentally killed two months afterwards; therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation. SECTION 1. The sum of fourteen hundred dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the relief of Anna Lee, widow of Hon. Harvey Lee, late Judge of the Sixteenth Judicial District; and the Controller is hereby authorized to draw his warrant in favor of said Anna Lee, and the Treasurer is hereby authorized to pay the same.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER CCCCXCV.

An Act to amend an Act entitled an Act concerning the Military of the State of California, approved April second, eighteen hundred and sixty-six.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the above entitled Act is hereby amended so as to read as follows:

Section 1. The organized uniformed troops of the State shall be designated and known as the National Guard of the State of California. This force shall consist of companies of different arms, not to exceed in all sixty, as follows: Forty-eight companies of infantry, eight of cavalry and four of artillery, and shall be located throughout the State with reference to the military wants of the State, means of concentration and other military requirements. The Commander-in-Chief, Major-General, Adjutant-General and the Brigadier-Generals of each brigade shall constitute a Board for location and organization of the National Guard; and it is hereby made the duty of such Board to assemble within sixty days after the passage of this Act, to determine and locate this force, commencing first with the present organized troops of the State; and *provided* further, that such Board shall hereafter determine what new companies shall be organized under the provisions of this Act.

Number of companies.

Location and organization

SEC. 2. Section fourteen of the above entitled Act is hereby amended so as to read as follows:

Section 14. The companies of the National Guard shall be armed and equipped in the same manner as similar corps in the United States Army, and shall consist of the following officers, non-commissioned officers and privates, viz: To each company of cavalry, one Captain, one First Lieutenant, one Senior and one Junior Second Lieutenant, five Sergeants, four Corporals, one Trumpeter, one Farrier and not less than thirty or more than eighty privates. To each infantry company there shall be one Captain, one First Lieutenant and one Second Lieutenant, five Sergeants, four Corporals, one Drummer, one Fifer and not less than forty or more than one hundred privates. Light batteries shall have one Captain, two First Lieutenants, two Second Lieutenants, one First Sergeant, one Quartermaster Sergeant, six Sergeants, twelve Corporals, two Musicians, one Wagoner and not less than forty privates.

Officers and privates composing companies.

SEC. 3. Section thirty-one of the above entitled Act is hereby amended so as to read as follows:

Section 31. Each company shall assemble at least once a month for drill or military instruction; *provided*, that the companies located in the City and County of San Francisco and in the City of Sacramento shall each assemble once a week for drill or military instruction; and all officers or members who shall absent themselves from such assemblages for three consecutive assemblages, without sufficient excuse acceptable to the

Company drill.

Penalty for absence.

commanding officer, shall be debarred from the privileges and exemptions hereinafter provided for the National Guard; and if a non-commissioned officer or private shall be reported to the commanding officer of the regiment or battalion, he may, upon the recommendation of the commanding officer of the company to which such non-commissioned officer or private belongs, at his discretion, expel such non-commissioned officer or private.

Records.

Commanders of companies shall cause to be kept a book, in which shall be entered the number of officers, non-commissioned officers and privates, respectively, present at each drill provided for in this section.

SEC. 4. Section thirty-two of the above entitled Act is hereby amended so as to read as follows:

Parades.

Section 32. The National Guard of California shall parade at least three times in each year, namely: July fourth (National anniversary), by regiment or battalion, if practicable; September ninth (anniversary of California's admission into the Union), by battalion, if practicable; and in the month of May, by company—which last shall be for target practice; *provided*, that such target practice shall be strictly in accordance with the usage of troops in the United States service—the results of such target practice to be reported to the commanding officer of the regiment or battalion to which such company is attached, who shall report the same to the General of Brigade; and *provided* further, that upon occasions of reception or upon the celebration of any event of public importance, the commanding officer of the brigade shall have authority to order out any portion of the National Guard under his command to join such parade. Any company parading at any of the parades hereinbefore provided for with a less number than thirty-two rank and file shall be reported to the Adjutant-General and by him notified to the Commander-in-Chief, who, at his discretion, may disband the same; *provided*, that no person under military orders for parade, drill, or other military service, shall be subject to arrest on civil proceedings while going to or on such parade.

Target practice.

May be ordered out.

Arrest.

SEC. 5. Section forty-five of the above entitled Act is hereby amended so as to read as follows:

Exemptions.

Section 45. All officers, non-commissioned officers, musicians and privates of the National Guard who shall fully comply with all the military duties provided in this Act shall be entitled to the following privileges and exemptions, viz: Exemption from payment of poll tax, road tax, and head tax of every description; exemption from jury duty and from service on any *posse comitatus*. Horses, arms, equipments, military stores and uniforms of all officers, non-commissioned officers, musicians and privates, used for military purposes by the National Guard, shall be exempt from execution. All officers, non-commissioned officers, musicians and privates who shall have faithfully served in the military service of this State for the space of seven consecutive years, and received the certificate of the Adjutant-General of the State certifying the same, shall thereafter be entitled to exemption from further military and jury service, except in time of war. And it is hereby made the duty of the Adjutant-General to issue such certificate of exemption when it shall appear that the party applying is lawfully entitled to the same.

Certificates.

SEC 6. Section forty-seven of the above entitled Act is hereby amended so as to read as follows :

Section 47. There shall be audited and allowed by the Board of Military Auditors, and paid out of the Military Fund, upon the warrant of the State Controller, to the commanding officer of each company of cavalry or infantry of the National Guard, for armory rent and incidental expenses of an armory, care and cleaning of arms and military property in charge of such company, the sum of not more than fifty dollars per month; and there shall be audited and paid in like manner to the commanding officer of each light battery the sum of not more than twenty-five dollars per month for each gun under their command; and to the commanding officer of each regiment, for incidental expenses, the sum of not more than fifteen dollars per month; and to the commanding officer of each battalion the sum of not more than one dollar per month for each company in his battalion; *provided*, however, that no claim shall be paid under the provisions of this section except an itemized account of the expenditures hereinbefore provided for be made out, signed and sworn to, in duplicate, by the officer claiming the same, and transmitted through the proper military channel to the Adjutant-General of the State—one to be filed in the office of the Adjutant-General, and one to be sent to the Board of Military Auditors; upon which they shall audit the demand. There shall also be audited and allowed by the Board of Military Auditors, and paid out of the Military Fund, upon the warrant of the State Controller, to each Brigadier-General of Brigade, the sum of one dollar per month for each military company in his brigade, to defray the expenses of books, stationery, postage and expressage, etc., and other incidental expenses necessary to the discharge of his office; *provided*, that the Brigadier-General may order and require two or more companies to occupy and use the same armory.

Allowance and payment of monthly expenses.

Itemized accounts.

SEC 7. Section forty-eight of the above entitled Act is hereby repealed.

Repealed.

SEC 8. Section sixty-two of said Act is hereby amended so as to read as follows :

Section 62. Commissioned officers, while on active duty in the service of the State, shall receive the same pay and emoluments as is paid to the officers of the United States Army of similar grade serving on the Pacific Coast, the same to be audited by the Board of Military Auditors upon the pay-roll, properly made up and signed by such officer; *provided*, that such officer shall be detailed for active duty only upon order of the Commander-in-Chief; and *provided* further, that in the ordinary duties of inspection or mustering of a company, battalion or regiment of the National Guard, required by this Act, such duties shall be performed by the officers of such company, battalion or regiment, without compensation; and in case any officer be detailed for special duty in any matter relating to the National Guard, or care of State military property, by order of the Commander-in-Chief, he shall be allowed pay proper and mileage only, or such reasonable travelling expenses as the Board of Military Auditors may allow, upon sworn vouchers showing actual expenditures.

Pay of commissioned officers.

Special duty

SEC. 9. Section sixty-six of the above entitled Act is hereby amended so as to read as follows :

Tax to be levied.

Section 66 For the payment of the expenses of maintaining the National Guard of this State, the equipments, rents of armories, and all necessary expenses for the organization and establishment of the National Guard under the provisions of this Act, there shall be levied and collected, as other taxes of the State are levied and collected, the sum of one and one quarter cents on each one hundred dollars of taxable property, which shall be paid into the Military Fund, subject to the order of the Board of Military Auditors, on warrants of the Controller of State.

Acts repealed.

SEC. 10. All Acts and parts of Acts requiring payment of any fee upon the acceptance of a commission by any officer of the National Guard, in so far as such Acts relate to military commissions, are hereby repealed.

SEC. 11. All provisions of the Act to which this is amendatory, in relation to the supply of clothing, shall be and the same are hereby repealed.

Proviso.

SEC. 12. This Act shall take effect on the first day of April, eighteen hundred and sixty-eight; and all Acts and parts of Acts in conflict with this Act are hereby repealed; *provided*, that all armory rents due to the first of April, eighteen hundred and sixty-eight, shall be audited, allowed and paid in the same manner as if section forty-seven of the Act to which this is amendatory had not been amended or repealed.

CHAPTER CCCCXCVI.

An Act supplementary to an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Second Judicial District.

SECTION 1. All the provisions of an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six, are hereby made applicable to the Second Judicial District of this State; *provided*, that not more than two hundred dollars shall be drawn from the County Treasury of each of the several counties in said judicial district in any one year for said Reporter.

SEC. 2. This Act shall be in force from and after its passage.

CHAPTER CCCCXCVII.

An Act granting to the Omnibus Railroad Company certain rights therein named.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right is hereby granted to the Omnibus Railroad Company, in the City and County of San Francisco, being the assignee of the parties named as the grantees of an Act entitled an Act to provide for a railroad within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one, to lay down and maintain within the City and County of San Francisco an iron railroad, with a single or double track, with all the necessary switches, side tracks and turnouts, as follows: From and connecting with said company's railroad on Third street, at Brannan street; thence, on and along said Brannan street, to any point in and upon First street. Also, from and connecting with the said company's railroad on Brannan street at Second street; thence, on and along Second street to Townsend street; thence, on and along Townsend street, to and connecting with said company's track on Third street. Also Market street, from Third street in the direction of Sansome street, and so as to connect at any convenient point with the said company's railroad running into Sansome street.

Right to extend railroad.

Route.

SEC. 2. The right granted in section one of this Act is upon the condition that the said extension of said railroad shall be completed upon said streets and between said points, at least upon a single track, within one year from and after May first, eighteen hundred and sixty-eight; and said period of one year is hereby granted within which to complete the same, except on Second and Townsend streets, and on those streets within two years after they are respectively graded to the official grade.

Conditions.

SEC. 3. Nothing in this Act shall be so construed as to repeal or abrogate in any manner Order Number Seven Hundred and Fifty-seven, passed by the Board of Supervisors of the City and County of San Francisco, March fourth, eighteen hundred and sixty-seven, and approved by the Mayor of said City and County, March fifth, eighteen hundred and sixty-seven; and the same is hereby ratified and confirmed in all respects whatever.

Ratified.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCXCVIII.

An Act to encourage the planting and cultivation of shade and fruit trees upon the public roads and highways of this State.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors
may au-
thorize.

SECTION 1. The Board of Supervisors of any county of this State may, by an order of such Board, to be passed at a regular meeting of such Board and to be entered in the minutes thereof, authorize the planting and cultivation of shade and fruit trees, by persons owning lands in such county, upon the public roads and highways adjacent to such lands.

Regulations.

SEC. 2. The Board of Supervisors may, by order entered upon their minutes, designate the roads or highways upon which such trees may be planted, so describing such road, by reference to places and boundaries, that the same may be readily ascertained. They shall also, in such order, direct the species of trees to be so planted, their age when planted, their distance from each other, and their position with reference to the traveled road, and also all such other rules and regulations as they shall deem proper to secure the proper planting, growth and protection of such trees, and also to prevent their obstructing the travel upon such road.

When trees
planted,
notice to be
filed.

SEC. 3. Whenever any person shall plant, upon any public road, in front of land owned by him, shade or fruit trees, in accordance with the provisions of this Act, and also of such rules as the Board of Supervisors may prescribe hereunder, such person so planting such trees shall file with the Board of Supervisors of such county a written statement, setting forth therein the road or places upon which such trees are planted, the number and species of trees thus planted, and the time of planting.

Owner to
make state-
ment of
result in
four years.

SEC. 4. Four years from and after the date of planting such trees and giving the notice as provided in section third, the person planting such trees, or his legal representative, may present to the Board of Supervisors of such county his statement in writing, verified by the oath of such applicant, setting forth therein the number and species of trees originally planted, when and by whom planted or caused to be planted, and the number then living and in a thrifty condition; and for any wilful misstatement contained in such report the party making the same may be prosecuted for the crime of perjury.

Payment
for trees.

SEC. 5. Upon filing such verified statement, the Board of Supervisors of such county shall allow to the party making the same the sum of one dollar for each and every tree so planted and growing thriftily, the same to be audited and paid out of the General Fund of such county as other claims are allowed, audited and paid.

Act not to
apply.

SEC. 6. Nothing contained in this Act shall be construed to apply to any trees planted before the passage of this Act, or

unless planted and cultivated as required by the orders of the Boards of Supervisors.

SEC. 7. This Act shall be in force from and after its passage.

CHAPTER CCCCXCIX.

An Act to confer upon the California Pacific Railroad Company, duly incorporated and working under the general railroad laws of the State, certain rights and privileges.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The grant heretofore made to the San Francisco and Marysville Railroad Company by an Act entitled an Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain rights and privileges, approved April twenty-fourth, eighteen hundred and fifty-eight, of one half mile of water front on the northeast side of Napa Bay or the Straits of Carquines—which half mile was required to be in one body, and not to interfere with the then existing rights or possessions of any person, and to be designated by the said company by survey and plot—is hereby ratified and confirmed to the California Pacific Railroad Company, the successor of the said San Francisco and Marysville Railroad Company. Rights transferred.

SEC. 2. The said incorporated company are hereby authorized and granted the privilege of connecting and keeping across the Sacramento River, in the line of their road, at or near the City of Sacramento, and above or north of the present bridge, a railroad bridge, for the use and benefit of said road; *provided*, said company shall construct the same with a good and sufficient draw of not less than seventy-five feet in width, and so located and constructed as not to interfere with or impede the navigation of said river or to interfere with the bridge now constructed; nor shall said company ever charge any tolls whatever upon their said bridge. May construct bridges over Sacramento river.

SEC. 3. The said company is further authorized and granted the privilege of constructing and keeping across the Sacramento River, on the line of their road, at or near the Town of Knight's Landing, Yolo County, a railroad bridge for the use and benefit of said road; *provided*, said company shall construct the same with a good and sufficient draw of not less than sixty feet in width, and so located and constructed as not to interfere with or impede the navigation of said river.

SEC. 4. The provisions of this Act shall not in any manner affect any legal or equitable claims now existing on any of the lands hereinbefore described, in favor of any claimant under the State, nor affect any suit or proceeding which is now pending respecting the same, arising out of any claim now made; but Existing claims.

the Courts of the State may proceed and adjudicate upon said rights, and patents or other evidences of title may issue for the same to the parties entitled thereto under any existing laws of this State, the provisions of this Act to the contrary notwithstanding.

SEC. 5. This Act shall take effect immediately.

CHAPTER D.

An Act amendatory of and supplementary to an Act entitled an Act to provide for the preservation of the Spanish archives, title papers of land claims, and records relating thereto, in the custody of the United States Surveyor-General for California, approved March twentieth, eighteen hundred and sixty-six.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Appropriation.

SECTION 1. The sum of eight thousand dollars in gold coin of the United States is hereby appropriated out of the General Fund, from any money not otherwise appropriated, for the purpose of continuing the translation and engrossment of the Spanish archives, title papers of land claims, and records relating thereto, in the custody of the United States Surveyor-General for California, pursuant to an Act of the Legislature of the State of California, approved March twentieth, eighteen hundred and sixty-six; which money, so appropriated, shall be drawn and paid in the manner provided for in the sixth section of said Act; *provided*, that the compensation shall not exceed the rates hereinafter named, to wit :

For engrossing English, fifteen cents per folio.

For engrossing Spanish, sixteen cents per folio.

For translating Spanish, nineteen cents per folio.

For tracing the maps in a volume accompanying the espedientes in said office, a sum not exceeding one thousand dollars.

Conditions.

And *provided* further, that the said sum so appropriated shall complete and place in the office of the Secretary of State true and faithful translations and copies, in the same manner as work heretofore performed, of all the said espedientes in said office, together with said volume of maps; and the better to secure this purpose, the Secretary of State shall withhold two thousand dollars of said appropriation until the whole of said work is completed.

SEC. 2. Section three of said Act is hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

CHAPTER DI.

An Act supplementary to an Act to authorize certain parties to construct a wharf in the County of Solano, approved April eighteenth, one thousand eight hundred and fifty-seven.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Virginia Street Wharf Company are hereby authorized to extend their wharf outward into Vallejo Bay to the depth of eighteen feet of water at low tide, with all the privileges and subject to the restrictions contained in the original Act of which this is supplementary; *provided*, said extension shall not exceed one hundred and fifty feet from the westerly end of said wharf as at present constructed. ^{May extend wharf.}

CHAPTER DII.

An Act to aid in carrying out the provisions of an Act of Congress relating to the Stockton and Copperopolis Railroad Company.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the Stockton and Copperopolis Railroad Company, a corporation duly organized under the laws of this State, and whose articles of association were duly filed in the office of the Secretary of State on the eleventh day of October, eighteen hundred and sixty-five, is hereby designated as the company to be vested with the rights, privileges, franchises and grants created and conferred by the Act passed by the Congress of the United States of America entitled an Act granting lands to aid in the construction of a railroad from the City of Stockton to the Town of Copperopolis, in the State of California, approved March second, eighteen hundred and sixty-seven. ^{Company designated.}

CHAPTER DIII.

An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Section 4. All property of every kind, name and nature whatsoever within this State shall be subject to taxation.

SEC. 2. Section thirteen of said Act is hereby amended so as to read as follows:

Section 13. Between the first Monday in April and the first Monday in August in each year the County Assessor shall ascertain by diligent inquiry and examination all property in his county, real or personal, and also the names of all persons, corporations, associations, companies or firms owning, claiming or having the possession or control thereof; and he shall then determine the full cash value of all such property, and shall list and assess the same to the person, firm, corporation, association or company owning or having the possession, charge or control thereof. For the purpose of enabling the Assessor to make such assessment he shall demand from each person and firm, and from the President, Cashier, Treasurer or managing agent of each corporation, association or company within his county a statement, under oath or affirmation, of all the real estate and personal property within the county owned, claimed by, or in the possession or control of such person, firm, corporation, association or company; and if any portion of such personal property shall consist of United States bonds or an interest therein, then a further statement, showing that such bond or property therein then held, owned, claimed, possessed or in charge or control of such person, firm, corporation, association or company has not been exempted from taxation for the same fiscal year, and that no other person, firm, corporation, association or company has previously used the same bond, or any part thereof, to exempt property from taxation for the same fiscal year, giving, if demanded by the Assessor, the number and amount of such bond. If any person, officer or agent shall neglect or refuse, on demand of the Assessor or his deputy, to give, under oath or affirmation, the statement required by this section, the Assessor shall make an estimate of the value of the property which [such] person, officer or agent neglected or refused to render under oath or affirmation, and the value so fixed by the Assessor shall not be reduced by the Board of Equalization. If the owner of any property not listed by another person shall be absent or unknown, the Assessor shall make an estimate of the value of such property. If the name of the absent owner is known to the Assessor, the property

Duties and powers of County Assessor.

Refusal to give statement of property.

shall be assessed in his, her or their name; if unknown to the Assessor, the property shall be assessed to unknown owners.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DIV.

An Act to amend an Act entitled an Act to confer further power upon the Governor of this State in relation to the pardon of criminals.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

[SECTION 1.] Section one of an Act entitled an Act to confer further powers upon the Governor of this State in relation to the pardon of criminals, approved April fourth, one thousand eight hundred and sixty-four, is amended to read as follows:

[Section 1.] The Board of State Prison Directors are hereby authorized and required to grant to every convict confined in the State Prison of this State who shall well behave himself, and who shall perform regular labor during good health, either for the State authorities or in the employ of any contractor using convict labor by authority of the State, a credit of five days for each month of such regular work and good behavior during the first two years of his imprisonment. For such work and good behavior, an allowance shall be made of six days for each month of the third and fourth years; seven days for each month of the fifth and sixth year; of eight days of each month of the seventh and eighth year; of nine days for each month of the ninth and tenth years; and of ten days for each month after ten years. Such credit to be computed in favor of every such convict as a commutation of sentence, and to be deducted from entire term of penal servitude to which such convict shall have been sentenced; *provided*, that this rule of commutation shall be so applied that any refusal to labor, breach of the prison rules, or other misconduct, shall work a forfeiture of the credits of time thus earned, or such part of it as the Board of State Prison Directors may determine. The power to declare such forfeiture shall rest in the Board of State Prison Directors alone, or a majority thereof; and time once forfeited shall not be restored, except by a majority of the Board of Directors in such case, and then only when circumstances shall order [render] such restoration urgently necessary.

SEC. 2. This Act shall apply to all persons now imprisoned in the State Prison, and the commutation herein provided for shall be computed from April fourth, A. D. eighteen hundred and sixty-four.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DV.

An Act to repeal an Act entitled an Act relative to the Board of Supervisors of Amador County, defining their powers and duties, approved March thirty-first, eighteen hundred and sixty-six.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Repealed.

SECTION 1. An Act entitled an Act relative to the Board of Supervisors of Amador County, defining their powers and duties, approved March thirty-first, eighteen hundred and sixty-six, is hereby repealed.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DVI.

An Act to improve the navigation of the Sacramento and San Joaquin Rivers, their sloughs and tributaries.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Rights
granted.

SECTION 1. The right is hereby given to the California Steam Navigation Company, a corporation organized under the laws of this State, to improve the navigation of the Sacramento River, its sloughs and tributaries, and the San Joaquin River, its sloughs and tributaries, by dredging, wingdamming, side-damming, piling, and in any other manner which the said company may see fit to adopt; also, the right to remove snags and other obstructions from the said streams. The entire costs and expenses of improving the navigation of said streams and removing obstructions from the same shall be paid by said California Steam Navigation Company.

SEC. 2. This Act shall take effect immediately.

CHAPTER DVII.

An Act to amend an Act entitled an Act to authorize the County Treasurer of the County of Contra Costa to collect the State and county taxes in said county, approved April second, eighteen hundred and sixty-six.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of said Act is hereby amended so as to read as follows :

Section 2. All real and personal property and poll taxes due on return of the assessment roll to the Tax Collector shall be payable at the office of the Treasurer and ex officio Tax Collector in and for the County of Contra Costa; *provided*, that nothing in this Act shall be construed to affect the existing provisions of law for the collection of licenses and poll taxes not delinquent; and *provided* further, that the County Treasurer shall be empowered and it shall be his duty to appoint a Deputy Collector, to accompany the Assessor at the time of his assessment, for the purpose of collecting personal property taxes from those persons who have no taxable real estate; and it shall be lawful for him to appoint the Sheriff, or any one of his deputies, such Deputy Collector, who shall, when appointed, be empowered and authorized to collect, and demand and enforce collection of all taxes assessed upon personal property against those persons who have not real estate taxed, in the same manner as is required of Tax Collectors under the Revenue Laws of this State; and *provided* further, that the Sheriff of Contra Costa County shall not be required to execute any separate bond as Tax Collector, except such as he or his deputy, who may be appointed by the Treasurer, shall be required to execute to the Treasurer as Deputy Tax Collector under him, as provided by law; and such Deputy Tax Collector shall receive for collecting such taxes due on personal property assessed against persons owning no real estate, the same fees and percentage allowed by the Revenue Laws of this State; and *provided* further, that nothing in this section contained shall affect or alter any law now in force authorizing the Sheriff to collect licenses or any personal property or poll tax not delinquent.

SEC. 2. This Act shall take effect immediately.

CHAPTER DVIII.

An Act to divide the County of Mono into Supervisor Districts, fixing compensation of the Board of Supervisors and providing payment for the same, and defining their power and duties.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Districts.

SECTION 1. The Board of Supervisors of Mono County shall, at their first regular meeting after the passage of this Act, divide the county into three Supervisor Districts, and shall number said districts consecutively from one to three. Each district shall be entitled to one Supervisor. The present Supervisors shall be Supervisors of their respective districts and hold office for the terms for which they were elected, respectively.

Board of Supervisors

SEC. 2. The Board shall consist of three members, a majority [to] constitute a quorum for the transaction of business. They shall elect one of their number as Chairman of the Board, and the County Clerk shall be Clerk thereof. The Supervisors shall be qualified electors of the respective districts they represent, and shall be elected by the qualified electors of said districts in the manner provided by law, and shall hold office for the term of three years from and after the first Monday of the month subsequent to their election and until their successors are elected and qualified. Whenever an election is ordered for Supervisors, notice shall be given of the number and boundaries of the district in which said election is to take place.

Vacancies.

SEC. 3. Whenever it becomes necessary to elect a Supervisor to fill any vacancy occasioned by death, removal or resignation, or any other cause, the person elected shall hold office for the remainder of the unexpired term for which his predecessor was elected.

Compensation.

SEC. 4. Each member of the Board of Supervisors shall be entitled to receive for his services per diem and mileage not exceeding four dollars for each day's necessary attendance on the business of the county, and twenty-five cents per mile for each mile necessarily travelled in going only to the county seat, and not to exceed in the aggregate during any one year the sum of three hundred dollars.

Tax to be levied.

SEC. 5. The Board of Supervisors of Mono County are hereby authorized and empowered annually to levy a special tax on all the taxable property of the county for the purpose of creating a Supervisor Fund. Said tax shall be levied and collected at the same time and in the same manner that other county taxes are levied and collected, in an amount sufficient to pay the per diem and mileage of Supervisors, as provided in section four of this Act; *provided*, that in the year one thousand eight hundred and sixty-eight, said tax may be levied at any time prior to the first Monday of July.

SEC. 6. All Acts or parts of Acts inconsistent with the provi-

sions of this Act, so far as the same is applicable to the County of Mono, are hereby repealed.

SEC. 7. This Act shall take effect from and after its passage.

CHAPTER DIX.

An Act to authorize the Justices of the Peace of the City and County of San Francisco to appoint a Janitor for their Court-rooms.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Justices of the Peace of the City and County of San Francisco are authorized and empowered to appoint a Janitor for their Court-rooms, at a salary not exceeding seventy-five dollars per month, and his salary shall be allowed by the Auditor of the City and County of San Francisco, and be paid in the same manner that the Justices are paid, out of the Special Fee Fund. Authorized.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DX.

An Act to fix the rate of taxation for State purposes.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An ad valorem tax of one dollar upon each one hundred dollars value of taxable property of this State is hereby levied for the twentieth fiscal year, to be applied to the purposes following: To the Interest and Sinking Fund of eighteen hundred and fifty-seven, thirty cents; to the Interest and Sinking Fund of eighteen hundred and sixty, one and a quarter cents; to the Soldiers' Relief Interest and Sinking Fund, four cents; to the Soldiers' Bounty Interest and Sinking Fund, twelve cents; to the Capitol Fund, ten cents; to the School Fund, eight cents; to the Pacific Railroad Fund, eight cents; for a State Prison Building Fund, three cents; for a General Fund, twenty-two and a half cents; for the Military Fund, one and a quarter cents. Rate for
twentieth
fiscal year.

How to be
applied.

SEC. 2. An ad valorem tax of ninety-seven cents upon each one hundred dollars value of taxable property of this State is hereby levied for the twenty-first fiscal year, to be applied to the purposes following: To the Interest and Sinking Fund of Rate for
twenty-first
fiscal year.

How to be
applied.

eighteen hundred and fifty-seven, thirty cents; to the Interest and Sinking Fund of eighteen hundred and sixty, one and a quarter cents; to the Soldiers' Relief Interest and Sinking Fund, four cents; to the Soldiers' Bounty Interest and Sinking Fund, twelve cents; to the Capitol Fund, ten cents; to the School Fund, eight cents; to the Pacific Railroad Fund, eight cents; for a General Fund, twenty-two and a half cents; for the Military Fund, one and a quarter cents; and the said taxes so levied are hereby directed to be collected and paid for State purposes upon the assessed value of all property in the State subject to taxation.

SEC. 3. This Act shall take effect from its passage.

CHAPTER DXI.

An Act declaring certain streams in the County of Alameda navigable.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Declared
navigable.

SECTION 1. So much of the creek known as "San Leandro Creek" as lies between its mouth in the Bay of San Francisco and what is now known as "Andrew's Landing," and so much of San Lorenzo Creek as lies between its mouth in the Bay of San Francisco and what is now known as "Roberts' Landing," and so much of the creek known as "Johnson Creek" as lies between its mouth in the Bay of San Francisco and what is now known as "Simpson's Landing," and so much of the north branch of Alameda Creek as lies between its mouth and what is now known as "Eden Landing," in the County of Alameda, are hereby declared navigable streams.

SEC. 2. This Act shall take effect immediately.

CHAPTER DXII.

An Act to amend section thirty-eight of an Act regulating elections, passed March twenty-third, one thousand eight hundred and fifty.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty-eight of said Act is hereby amended so as to read as follows:

Section 38. The Board of Supervisors of each county shall meet at their usual place of meeting on the first Monday after

each election to canvass the election returns; and if the returns from each precinct in the county or township where polls were opened at such election shall not have been received by the County Clerk at that time, then said Board shall adjourn from time to time until said returns shall be received, but not beyond the second Monday after such election; and the said Board shall then proceed in public to open the returns and estimate the vote of such county or township for each person voted for, and for and against each proposition voted upon at such election, and declare the result thereof. The Clerk of said Board shall at such meeting enter on the records of such Board a statement of the result of such election, containing the names of the persons voted for and the propositions voted upon; the office to fill which each person was voted for; the number of votes given at each precinct to each of such persons, and for and against each of such propositions; the number of votes given in the county to each of such persons, and for and against each of such propositions, and the whole number of votes cast in said county; *provided*, that in the Counties of Humboldt, San Diego and Trinity the Board of Supervisors shall not be required to meet until the second Monday after such election; and *provided* further, that nothing in this Act shall affect the provisions of the Act to provide for choosing Electors of President and Vice President of the United States.

Supervisors
to examine
returns and
declare
result.

Record.

SEC. 2. This Act shall go into effect from and after its passage.

CHAPTER DXIII.

An Act to amend section eight of an Act to authorize the Board of Supervisors of Santa Cruz County to issue and sell bonds of said county, and to provide for the payment of the same, and other matters relating to the revenue of said county, approved March tenth, eighteen hundred and sixty-six.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of the above entitled Act is hereby amended so as to read as follows:

Section 8. Whenever, at any time in each year, there shall remain in said Interest Fund a sum of five hundred dollars or more, after deducting from said sum a sufficient amount to pay the interest then due and to become due on or before the second day of July next following, the said Board of Supervisors shall advertise in a newspaper published in said county for the period of three weeks for sealed proposals for the redemption of said bonds; and one week from the expiration of the time of such publication the said Supervisors shall open the sealed proposals and shall pay the bonds offered at the lowest prices, as far as

Redemption
of bonds.

Proviso. the money in the Interest Fund will extend; *provided*, that no bids shall be considered for more than the par value of said bonds. Should there be no proposals made for par value or less, then the money in said Interest Fund shall be used for the redemption of the said bonds, according to the number of their issue, of which the County Treasurer shall give the same notice as is required by law in the case of redemption of county warrants; and from the date of said notice last mentioned the bonds proposed to be redeemed shall cease to draw interest; and if any of such bonds shall not be presented for redemption within three months from the date of such notice, the County Treasurer shall apply the money for the redemption of bonds next in order of the number of their issue without giving further notice thereof.

SEC. 2. All laws and parts of laws, so far as they conflict with the provisions of this Act, are hereby repealed.

CHAPTER DXIV.

An Act to authorize an investigation of the management of the Industrial School of the City and County of San Francisco.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Powers
granted
to Commit-
tee.

SECTION 1. A. B. Forbes, Albert Dibblee, Thomas H. Selby, J. B. Roberts, George W. Beaver, Frank McCoppin and S. R. Throckmorton, who have been heretofore duly appointed a Committee to investigate certain grave charges against the management of the Industrial School of the City and County of San Francisco, by resolution adopted by the Board of Managers of the Industrial School Department, at a meeting of said Board held on the fifth day of March, A. D. eighteen hundred and sixty-eight, are hereby authorized and empowered, for the purposes of such investigation, to administer oaths to all persons who may appear and testify before them touching said charges, to issue subpoenas to compel the attendance of witnesses and to exercise all the functions of a Committee of the Legislature of this State, having power to send for persons and papers.

Penalties
for false
swearing.

SEC. 2. Any person or persons who shall wilfully and corruptly swear falsely to any matter or thing material to the matters or things to be examined into by said Committee of investigation, shall be deemed guilty of the crime of perjury, and shall be subject to all the pains and penalties for such crime according to the statutes of the State of California.

SEC. 3. This Act shall take effect immediately.

CHAPTER DXV.

An Act to provide for the inmates of the State Reform School.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Act creating a State Reform School in and for the State of California, and all amendments and supplemental Acts thereto, are hereby repealed.

SEC. 2. J. M. Sharkey and Lorenzo Hubbard are hereby appointed and created Commissioners, empowered and directed to contract with the authorities of the Industrial School of San Francisco, or with the United States authorities having in charge the United States Apprentice Ship at that harbor or at Marc Island, for the care, maintenance and instruction of the said boys or inmates legitimately of the State Reform School, on such terms and conditions as they may be able to effect; *provided*, that no contract with the Managers of the Industrial School shall be for a term exceeding two years from April first, eighteen hundred and sixty-eight, and in no event at a cost exceeding fifteen dollars per month for each and every such boy. The said contract shall include maintenance of a good and sufficient quality and quantity, medical attendance, medicines and instruction; and further *provided*, that said boys shall be treated in all respects as are others, inmates of the same school or ship, all of which shall be approved by the Board of State Medical Visitors, who shall visit the said Industrial School or ship as often as once in every six months.

SEC. 3. Immediately after such contract has been made, the Commissioners named in section two (2) of this Act shall cause the removal of the boys or inmates before specified to the Industrial School at San Francisco, or ship, as the case may be, or to such other proper place as may be agreed upon by the contracting parties.

SEC. 4. The Commissioners shall receive ten dollars per day, each, for every day actually spent in the performance of their duties, which, together with the expense of the removal of the boys, shall be paid from out the General Fund of the State Treasury; and upon presentation of the proper vouchers, the Controller of State is authorized and directed to draw his warrants for the amount upon the Treasurer of the State, who is hereby authorized to pay the same out of the General Fund.

SEC. 4 [5]. All children so received into and by said Industrial School of San Francisco, or the United States Apprentice Ship, shall thereafter be subject to the laws, by-laws and regulations governing said school or ship, and shall be cared for, maintained, apprenticed and governed under and by virtue of the regulations thereof.

SEC. 6. This Act shall take effect from and after its passage.

CHAPTER DXVI.

An Act to provide for the improvement of the navigation of the Stanislaus River.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Removal of obstructions** SECTION 1. James Burney and Archibald Leetch, and their associates and assigns, are hereby authorized and empowered to remove snags, sunken or overhanging trees, rafts or drifts, within or over the banks of that portion of the Stanislaus River lying between the confluence of said river and the San Joaquin River, and Burney's Ferry, on said Stanislaus River, a distance of about twenty-five miles, more or less.
- Rights given** SEC. 2. Said company shall have the right to enter upon any lands upon the banks of said river with their trains, while removing said obstacles, and to build locks, or wingdams or bulkheads wherever the same may be deemed necessary to facilitate the navigation of said river, [and] to dig channels or cut-offs across points or bends of the river, when the navigation of the same may be improved by so doing; *provided*, that they shall be liable to the owners of the lands so entered upon for damages they may sustain to growing crops or to their property by reason of building said locks or wingdams, said damages to be estimated by persons mutually chosen for that purpose or by suit in any Court having jurisdiction.
- Damages.**
- Tolls.** SEC. 3. Upon the completion of said work, said company shall have the right to charge and collect such tolls for the navigation of said rivers as the Board of Supervisors of the County of Stanislaus shall fix and determine, and no more, for the term of twenty years.
- Obstructions** SEC. 4. If any person shall wilfully prevent the free navigation of said river, by felling trees or otherwise, he or they shall be liable to the party or parties injured thereby for all damages which [the] party or parties may sustain by reason of such obstructions, which damages may be recovered in any Court of competent jurisdiction, with costs of suit, as in other cases.
- Completion of work.** SEC. 5. The said company shall not collect tolls for the navigation of said river until they shall have proven to the satisfaction of the Board of Supervisors of Stanislaus County that they have by their work rendered said river navigable, and said Board shall have made an order fixing the rates of toll.

CHAPTER DXVII.

Proposed amendment to the Constitution of the State of California.

[Approved March 30, 1868.]

The Legislature of the State of California, at its seventeenth session, commencing on the second day of December, A. D. one thousand eight hundred and sixty-seven, adopt and agree to the following additional section to Article One of the Constitution, which said additional section was proposed as an amendment to the Constitution and adopted by the Legislature of said State at its sixteenth session :

Relative to appropriations of money.

Section 22. The Legislature shall have no power to make an appropriation of money for any purpose whatever for a longer period than two years.

CHAPTER DXVIII.

An Act to re-district the County of Monterey and to provide for the election of Supervisors.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County of Monterey shall be divided into four districts for the purposes hereinafter named, which districts shall be known and designated (and known) as follows :

Districts.

District Number One—The Township of Monterey.

District Number Two—The Township of Alisal and San Antonio.

District Number Three—The Township of Pajaro.

District Number Four—The Township of San Juan.

SEC. 2. At the Presidential election in the year eighteen hundred and sixty-eight there shall be elected, by the electors of the respective districts, one Supervisor for Supervisor District Number Two and one Supervisor for Supervisor District Number Four, and one Supervisor for the county at large, to be elected by the electors of the county. Said Supervisors shall enter upon the duties of their office on the first Monday of December succeeding their election, and shall hold their office for the term of three years, except the Supervisor for the county at large, who shall hold his office for the term of four years. Said Supervisors shall, together with the Supervisors heretofore elected and qualified from Monterey Supervisor District and Pajaro Supervisor District, constitute the Board of Supervisors of said county, and shall receive the same compensation for their services, and shall succeed to all the powers and duties of the next preceding Board of Supervisors.

Election of Supervisors in 1868.

SEC. 3. At the general election for county officers for the year

Election in
1869, etc.

A. D. eighteen hundred and sixty-nine, and at each succeeding year, there shall be elected Supervisors as successors to those whose terms will next thereafter expire in said district wherein such election may be held, and shall be elected by the qualified electors of the respective district; *provided*, that the Supervisor for the county at large, and the Supervisors for their respective districts, who are to be elected hereafter, and in the manner as provided in this section, shall hold their office for the term of three years. Said Supervisors shall be elected at the time and place of holding the general election for county officers; and in the years in which there is no general election of county officers, they shall be elected at the Presidential election; and in the years in which neither of the aforesaid elections are held, such Supervisors shall be elected at a special election, to be held as prescribed by law.

President of
of Board.

SEC. 4. The Supervisor elected for the county at large, and his successor in office, shall, after the expiration of the Supervisorial term of the present President of the Board of Supervisors, be ex officio President of said Board.

SEC. 5. All Acts or parts of Acts in conflict with this Act are hereby repealed.

CHAPTER DXIX.

An Act to facilitate the City of Sacramento in procuring material to raise its streets and levees.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right to re-
move earth
from bed of
American
river.

SECTION 1. All the right and interest of the State of California in and to so much of the old bed of the American River as lies west of what would be Thirty-first street if said street was extended, is hereby granted to the City of Sacramento; *provided*, that no legal or equitable rights which may have heretofore accrued to any portion of said river bed shall be impaired by the passage of this Act; and *provided*, that no earth shall be taken from within one hundred and fifty feet of the base of the city levee; and *provided* further, that no earth, sand, sediment or deposit shall be taken or removed from such portion of said river bed as lies within the distance of two hundred yards east of the east bank of the Sacramento River.

Trustees
may con-
demn lands.

SEC. 2. The Board of Trustees of the City of Sacramento are hereby authorized to condemn for public use, in the same manner as the Board of City Levee Commissioners were authorized to condemn property for the construction of the levees, so much of the old bed of the American River, and of lands adjacent thereto, as they may deem necessary or proper for the purpose of furnishing sand, earth and gravel to fill or raise the streets, alleys and levees.

SEC. 3. All lands granted or procured under the provisions

of this Act shall be wholly under the control of the Board of Trustees, which body shall make all necessary rules and regulations in regard to taking dirt therefrom; and when such dirt is to be used elsewhere than on the streets, alleys or levees, may establish a rate of charges therefor and cause the same to be collected; *provided*, that all moneys collected under the provisions of this Act shall be paid into the City Treasury of said city in the same manner as other moneys are paid in, and shall be set apart and used only for the repair of streets.

Sec. 4. This Act shall take effect upon its passage.

CHAPTER DXX.

An Act to authorize the Governor of this State to make a full conveyance to the United States of certain property in the City and County of San Francisco heretofore sought to be conveyed under the provisions of the Act passed May third, eighteen hundred and fifty-four, entitled an Act to authorize the Governor of the State to convey certain property in the City and County of San Francisco to the United States for certain purposes.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Upon the payment into the State Treasury of the sum of one dollar, and upon demand by the United States District Attorney of California, the Governor of this State is hereby authorized and directed to convey to the United States, by good and sufficient deed by him in behalf of the State of California executed, all the right, title and interest which this State now has or may hereafter acquire, as also all claim and demand, at law or in equity, and as well in possession as in expectancy, in and to a certain tract or parcel of land situate in the City and County of San Francisco, and bounded and described as follows, to wit: All that certain lot or block of land, or beach and water property, in the City of San Francisco, bounded on the north by Jackson street, on the east by Battery street, on the south by Washington street, and on the west by Sansome street, being the lot or block of land known as and called the Custom-house Block; *provided*, that assessments for street improvements made in front of any portion or portions of the property which shall be leased for rent shall become a charge against such portions of the property so leased.

Conveyance
of Custom-
house Block.

Sec. 2. All Acts and parts of Acts inconsistent with or in violation of the provisions of this Act are hereby repealed.

Sec. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DXXI.

An Act to amend an Act entitled an Act providing for the time of holding the several Courts of Record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen of the above recited Act is hereby amended so as to read as follows:

Terms of
County
Courts.

Section 15. There shall be held in the several counties of this State terms of the County Court, commencing on the first Monday of January, March, May, July, September and November in each year; *provided*, that in the County of Tuolumne the terms of the County Court shall be held as now provided by law; *provided* further, that in the County of Placer the terms of the County Court shall be commenced on the first Monday of March, June, September and December of each year; *provided* further, that in the County of Santa Clara the terms of the County Court shall be commenced on the third Monday of February, May, August and November of each year.

SEC. 2. Section sixteen of said Act is hereby amended so as to read as follows:

Probate
Courts.

Section 16. The terms of the Probate Court shall be held at the same time as the terms of the County Courts; *provided*, that (except in the City and County of San Francisco) the County Court shall take precedence; but when the business of said Court is disposed of for the day, business in the Probate Court may be taken up; *provided* further, that in the County of Santa Clara the terms of the Probate Court shall be commenced on the first Monday of each and every month, so that there shall be twelve terms of said Court in every year.

SEC. 3. This Act to take effect and be in force from and after the first day of April, A. D. eighteen hundred and sixty-eight.

CHAPTER DXXII.

An Act to incorporate the Town of Watsonville, Santa Cruz County, California.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Incorporation.

SECTION 1. The inhabitants of the Town of Watsonville are hereby constituted a body corporate and politic under the name and style of the Town of Watsonville; and by that name and style they and their successors shall be known in law, have per-

petual succession and be invested with all the rights and privileges conferred by, and be subject to all the liabilities, restrictions and provisions of an Act entitled an Act to provide for the incorporation of towns, approved April nineteenth (19), one thousand eighteen hundred and fifty-six, so far as the provisions of said Act may be consistent with the provisions of this Act.

SEC. 2. The area of said Town of Watsonville shall be one ^{Area.} mile square, having for its centre a stake placed in the centre of Pajaro street, one half mile from the centre of Pajaro River, where the present San Juan and Santa Cruz stage road now crosses the said river, the boundary line parallel and at right angles with said Pajaro street as now laid out between Third street and the Pajaro River.

SEC. 3. The Board of Trustees, Treasurer, Assessor and ^{Election and terms of officers.} Marshal shall be elected by the qualified electors of said town on the first Monday of May, and shall hold their office for the term of two years and until their successors are elected and qualified; *provided*, that the first Board of Trustees, Treasurer, Assessor and Marshal shall be chosen in like manner at some time and place to be designated by the Board of Supervisors of the County of Santa Cruz, which time shall not exceed twenty days from the date of said order; and the said officers so chosen shall hold their offices until the first Monday of May ensuing and until their successors are elected and qualified.

SEC. 4. The Trustees of said town shall have power to make ^{Powers and duties of Trustees.} such by-laws and ordinances, not inconsistent with the laws of the United States and of this State, as they may deem necessary to prevent and remove nuisances, to prohibit disorderly conduct, to provide for licensing public shows and lawful games and bars at which spirituous liquors are sold, to construct works necessary for daily supplying the town with water, to provide such means as they may deem necessary to protect the town from injuries by fire, to levy and collect annually a tax on all property in said town not exceeding one half of one per cent. on the assessment valuation thereof, to impose and collect a poll tax of not exceeding one dollar per annum on every male inhabitant of twenty-one years of age and upwards, to impose and collect on dogs [a tax] not exceeding six dollars per annum on every dog found at large within the corporate limits of said town, and to pass such other by-laws and ordinances for the regulation and police of said town as they may deem necessary; but they shall not have power to contract any debt or debts which, singly or [in] the aggregate, shall exceed the sum of five hundred (\$500) dollars, unless by the consent of a majority of the voters of said town, of which voting at a special election ordered by the Trustees of said town, of which election public notice shall be given, by notices posted, or by publication in a newspaper, if there be one in said town, for at least ten (10) days prior to such election.

SEC. 5. Said Board of Trustees shall, in the event of a tax ^{Equalization} being levied under this Act and an assessment made, (shall) sit as a Board of Equalization for not less than two days—notice of which sitting shall be given by publication or by posting in three conspicuous places in said town, for at least ten days next

preceding the time fixed, that such assessment roll is open for inspection, and that said Board will sit as a Board of Equalization and hear all complaints. They may require testimony, and increase or diminish the assessment of particular persons or property, or add any property that may have been omitted, as may be just and equitable.

Salaries.

SEC. 6. The compensation of said Board of Trustees shall not exceed one dollar per annum. The Clerk of said Board shall receive not to exceed eighty dollars per annum. The Treasurer shall receive ten dollars per annum. The Assessor shall receive not to exceed forty dollars per annum. The Board of Trustees shall prescribe the duties and fix the compensation of the Marshal and all appointed officers.

Assessment and collection of revenue.

SEC. 7. The manner of making assessments and collecting town revenue shall be fixed by ordinance; and any Justice of the Peace of the Township of Pajaro who may be designated by said Board of Trustees shall have jurisdiction of any and all suits which may be brought before him to enforce the collection of said taxes; and any sale of property, real or personal, made in pursuance of any decree of said Justice, shall be as effectual to pass the title of the owner to the purchaser as if the same had been made under the Revenue Law of this State; and the provisions of an Act to provide revenue for the support of the Government of this State, approved May seventeenth, one thousand eight hundred and sixty-one, with the amendments thereto, so far as the same apply to proceedings at law to enforce the collection of delinquent taxes, and are not inconsistent with the foregoing provisions of this Act, are made applicable to this Act and to proceedings to enforce the collection of the aforesaid taxes.

Opening and repair of streets.

SEC. 8. The said Board of Trustees shall have power to lay out, open, widen, alter, improve, ornament and repair public streets and public squares within the limits of said town, and to establish the grades of said streets, and to regulate the width and manner of construction; and in the public streets and alleys already laid out, opened and used in said Town of Watsonville, or in the public streets and alleys which may be hereafter laid out and opened in said town, all expenses for graveling and planking the sidewalks, and the expense of all work and repairs necessary to keep such sidewalks in good condition, shall be assessed upon the owners of lots on each side of the street. Every owner of a lot, whether a resident or a non-resident, shall be liable for all the expense of planking or graveling the sidewalk in front of his lots; but the sewerage, grading, graveling, planking, and repairs of every kind to keep said streets and alleys in good condition, shall be done at the equal one third ($\frac{1}{3}$) expense of the adjacent lots on each side of the said streets and alleys, and in proportion to the frontage equitably adjusted at an assessed rate per foot, and one third of such expense shall be paid by the Town of Watsonville.

SEC. 9. Whenever three or more property holders shall petition the Board of Trustees, and the Trustees deem it necessary and convenient for the use of the public, to lay out and open any new street or alley in said town, they shall have power to do so; and the damages incurred by the laying out of

such streets and alleys shall be assessed upon the parties in the vicinity of said streets and alleys who, in the opinion of the Board of Trustees, are benefited by such location, and in proportion to the amount of frontage, equitably adjusted at an assessed rate per foot sufficient to cover and defray the total expense of such location. Opening and repair of streets.

SEC. 10. The Board of Trustees by ordinance may declare and establish the necessity of such work and repairs as is specified in the preceding sections of this Act, describing particularly in such ordinance the extent, kind and character of the work to be done, and fixing the time within which it shall be done; *provided*, a majority of the persons or occupants owning land on said streets or alleys proposed to be laid out and opened, repaired or gravelled, shall, within ten days from the date of said ordinance, file with the Clerk of the Board of Trustees a written protest against such proposed work as the ordinance may set forth. All proceedings by the Board of Trustees in relation to the work to be done shall be discontinued and shall not be renewed within one year from the date of said protest.

SEC. 11. Whenever such ordinance may be passed the owner or occupant of the lot may proceed to do the gravelling, paving or planking of the sidewalks, or the gravelling or planking of the street, each separate and distinct owner being at liberty and being required, under the direction of the Board of Trustees, to do or cause to be done, at his own expense, the work, repairs and improvements in front of his own premises, one third of the width of the street, and within such time as may be specified in such ordinance. Owners may perform work.

SEC. 12. Whenever such work shall not be done by such owner or occupant within the time prescribed, said Board of Trustees may levy an assessment upon all such lots where such work has not been done, sufficient in amount to defray the expense of such work; which assessment shall be levied and collected by suit in the same manner and under the same provisions of law whereby town taxes now are or may be hereafter collected; and every such assessment shall become, and hereby is declared to be, a lien upon said lots, severally, to attach at the date of publication of any such ordinance. Street assessments.

SEC. 13. All work herein authorized and required to be done by the Board of Trustees shall, in all cases, when not done by the owner or occupant of the lot, be let out to the lowest bidder offering adequate security. Before giving out any contract to do such work, the Trustees shall cause notices to be posted or inserted in a newspaper, if any be published in said town, for one week, inviting sealed proposals for the work contemplated to be done. Such proposal or proposals shall be opened and examined in public session, and all contracts shall be awarded as hereinbefore provided. Contracts.

SEC. 14. The Board of Trustees, in the name of the Town of Watsonville, are hereby authorized and empowered, under the provisions of the Act entitled an Act to provide for the incorporation of railroad companies, approved May twentieth, eighteen hundred and sixty-one, as contained in section twenty-four and following to section forty of said Act, inclusive, to condemn, Trustees may condemn lands.

take and appropriate lands, and the right of way through lands and premises, when the same cannot be obtained by purchase from or agreement with the owners, for the purpose of opening, widening, laying out and straightening streets and alleys in said town, for reservoir sites, tanks and cisterns, and for laying of pipes from the same, and for sewers, sewerage and drainage through any premises where the same may be necessary for the public health and convenience; and the provisions of said Act and the proceedings thereunder to be taken are hereby declared to be and are made applicable, in so far as the same can be so made, to the purposes hereinbefore set forth.

Road poll
tax.

SEC. 15. The Trustees of said town shall have power to order the Roadmaster of Pajaro Road District to expend one half of all the money collected by him within the bounds of the incorporation as a road poll tax and appropriate the same to keeping the streets of said town in repair.

Stray
animals.

SEC. 16. The Board of Trustees shall have power to establish a Pound for the impounding of stray and loose cattle, hogs and other animals found at large in said town, and appoint a Poundmaster, who shall have power, with the approval of the Trustees, to appoint a deputy to take charge of the same; and the Board of Trustees shall have power to pass all proper ordinances defining and prescribing the duties of such officers, to prohibit the owners of such cattle and animals from permitting the same to run at large, and to regulate the impounding; and the certificate of sale of the Poundmaster shall be and hereby is declared prima facie evidence of title to property sold by him under the provisions of the ordinances of said town.

SEC. 17. This Act shall take effect and be in force from and after its passage.

CHAPTER DXXIII.

An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

County
Judge to
enter land
at U. S.
Land Office.

SECTION 1. It shall be the duty of each of the persons who may be acting as a County Judge and Judge of the County Court of any county in this State to enter at the proper Land Office of the United States such quantity of land as the inhabitants of any unincorporated town situated in the county of such County Judge may be entitled to claim in the aggregate, according to their population, in the manner required by the laws of the United States and the regulations prescribed by the Secre-

tary of the Interior of the United States, and to make and sign all necessary declaratory statements, certificates and affidavits, or other instruments requisite to carry into effect the intentions of this Act and the intentions of the Act of Congress of the United States entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, and to make proof, when required, of the facts necessary to establish the claim of such inhabitants to the lands so granted by said Act of Congress.

SEC. 2. The County Judge of any county in this State, whenever he shall be so requested by a petition signed by not less than five resident householders in any unincorporated town whose names appear upon the assessment roll for the year preceding such application—which petition shall set forth the existence, name and locality of such town; whether such town is situated on surveyed or unsurveyed lands, and if on surveyed lands the quarter sections or lesser subdivisions covered thereby shall be stated; the estimated number of its inhabitants; the number of separate lots or parcels of land within such town site, and the amount of land to which they are entitled under said Act of Congress—shall estimate the cost of entering such land and of the survey and recording of the same, and shall indorse such estimate upon said petition; and upon receiving from any of the parties interested the amount of money mentioned in such estimate, the said County Judge may, if he shall deem it necessary, cause an enumeration of the inhabitants of such town to be made by some competent person, who shall be appointed for that purpose by such County Judge; and such enumeration shall be returned by the person so making the same, exhibiting therein names of all the heads of families and occupants of lots, lands or premises within such town site alphabetically arranged, verified by his oath, to the County Judge of the county.

SEC. 3. The said County Judge shall thereupon cause a survey to be made, by some competent person, of the lands which the inhabitants of said town may be entitled to claim under the said Act of Congress, located according to the legal subdivisions of the sections and by the section lines of the United States, and the same shall be distinctly marked by suitable monuments. Such survey shall further particularly designate all streets, roads, lanes and alleys, public squares, churches, school lots, cemeteries and commons, as the same exist and have been heretofore dedicated in any manner to public use; and, by measurement, the precise boundaries and area of each and every lot or parcel of land and premises claimed by any person, corporation or association within said town site shall be designated on the plat, showing the name or names of the possessor or occupant, and claimant, if other than the occupant, of each particular lot and parcel of land; and in case of any disputed claim as to lots, lands, premises or boundaries, the said surveyor, if the same be demanded by any person, shall designate the lines (in different color from the body of the plat) of such part of any premises so disputed or claimed adversely. A plat thereof shall be made in triplicate on a scale of not less than eighty feet to one inch, which shall be duly certified under oath by the surveyor, one

Estimate of expenses.

Payment.

Survey.

Plats.

of which shall be filed with the County Recorder of the county wherein the town is situated, one shall be deposited with the County Judge, and one shall be deposited with the Justice of the Peace resident in or nearest to such town. These plats shall be considered public records, shall each be accompanied with a copy of the field notes, and the County Recorder shall make a record thereof in a book to be kept by him for that purpose. The said surveyor shall number the blocks as divided by the roads and streets opened at the time of making such survey, and shall number the several lots consecutively in each block, and all other parcels of land within said town site surveyed as herein provided, which said numbers shall be a sufficient description of any parcel of land in said plat when mentioned by reference to such town plat; and such plats, field notes and records, and certified copies thereof, shall be prima facie evidence of the contents and correctness thereof in all the Courts of this State.

Notice to be given.

SEC. 4. Before proceeding to make such survey, at least ten days notice shall be given by the County Judge, by posting within the limits of such town site not less than five written or printed notices of the time when such survey shall commence, and by publication thereof in a newspaper published in such town, if one there be. The survey of said town lands shall be made to the best advantage, and at the least expense to the holders and claimants thereof; and the said County Judge is hereby authorized to receive bids for such surveying, and to let the same by contract to the lowest competent bidder.

Dedicated to public use.

SEC. 5. All streets, roads, lanes and alleys, public squares, cemeteries and commons, surveyed, marked and platted on the map of any town site, as prescribed and directed by the provisions of this Act, shall be deemed and considered, and they are hereby declared to be, dedicated to public use, by the filing of such town plat in the office of the County Recorder, and shall be inalienable, unless by special order of the Board of Supervisors of the county, so long as such town shall remain unincorporated; and if such town shall at any time hereafter become incorporated, then the same shall become the property of such town or city, and shall be under the care and subject to the control of the Board of Trustees or other municipal authority of such town or city.

Assessment on lands.

SEC. 6. Each lot or parcel of said lands having thereon valuable improvements, or buildings ordinarily used as dwellings or for business purposes, not exceeding one tenth of one acre in area, shall be rated and assessed by the said County Judge at the sum of one dollar; each lot or parcel of such lands exceeding one tenth and not exceeding one eighth of one acre in area shall be rated and assessed at the sum of one dollar and fifty cents; each lot or parcel of such lands exceeding in area one eighth of one acre and not exceeding one quarter of an acre in area shall be rated and assessed at the sum of two dollars; and each lot and parcel of such lands exceeding one quarter of an acre and not exceeding one half of an acre in area shall be rated and assessed at the sum of two dollars and one half; and each lot or parcel of land so improved exceeding one half an

acre in area shall be assessed at the rate of two dollars and one half for each half an acre or fractional part over half an acre; and every lot or parcel of land inclosed, which may not be otherwise improved, or uninclosed, claimed by any person, corporation or association, shall be rated and assessed at the rate of two dollars per acre or fractional part over an acre; and where upon one parcel of land there shall be two or more separate buildings, occupied or used ordinarily as dwellings, or for business purposes, each such building, for the purposes of this section, shall be considered as standing on a separate lot of land, but the whole of such premises may be conveyed in one deed; which moneys so assessed shall be paid in gold and silver coin of the United States, and shall constitute a fund from which shall be reimbursed or paid the moneys necessary to pay the Government of the United States for said town lands, and interest thereon, if such moneys shall have been loaned or advanced for the purpose and expenses of their location, entry and purchase, and the costs and expenses attendant upon the making of said survey and recording thereof.

Proceeds.

SEC. 7. Any sum of money remaining after defraying all the necessary expenses of location, entry, surveying, platting and recording of lands, and the expenses of the County Judge, hereinafter mentioned, shall be deposited in the County Treasury, to the credit of the fund of each particular town, and shall be kept separate by the County Treasurer, to be paid out by him only on the written order of such County Judge, until after the expiration of the time for a final settlement of the affairs of such town lands, as hereinafter provided; at which time any and all balances of moneys so remaining to the credit of each town shall be transferred by such County Treasurer to the School Fund of the particular school district in which said town shall be situated.

Surplus.

SEC. 8. Every person, corporation or association, claimant of any town lot or parcel of land within the limits of such town site, shall present to the County Judge, within six months after the plat shall have been filed in the office of the County Recorder, his, her or their affidavit, verified in person or by duly authorized agent or attorney, in which shall be concisely stated the facts constituting the possession or right of possession of the claimant, and that the claimant is entitled to the possession thereof as against all other persons, to the best of his knowledge and belief, to which shall be attached a copy of so much of the plat of said town site as will fully exhibit the particular lot or parcel of land so claimed, with the abutments; and every such claimant, at the time of filing such affidavit, shall pay to such County Judge such sum of money as said Judge shall thereon certify to be due for the assessment mentioned in section six of this Act, together with the further sum of five dollars in gold or silver coin of the United States, to be appropriated to the payment of the expenses incurred in carrying out the provisions of this Act; and the County Judge shall thereupon give to such claimant a certificate containing a description of the lot or parcel of land claimed, and setting forth the amounts paid thereon by such claimant. The County Judge shall procure a bound book for each town in his county, wherein he shall make proper

Affidavits to be made by claimants of lots.

Certificates.

entries of the substantial matters contained in every such certificate issued by him, numbering the same in consecutive order, setting forth the name of claimant or claimants in full date of issue and description of lot or lots claimed.

If assess-
ment not
sufficient to
pay expenses

SEC. 9. If it shall be found that the amounts hereinbefore specified as assessments and fees for cost and expenses shall prove to be insufficient to cover and defray all the necessary expenses, the County Judge shall be and he is hereby empowered to estimate the deficiency and to assess such deficiency pro rata upon all the lots and parcels of lands in such town and to declare the same upon the basis set down in section six of this Act, which additional amount, if any, may be paid by the claimant at the time when the certificate hereinbefore mentioned, or at the time when the deed of conveyance hereinafter provided for, shall be issued.

When deeds
to be de-
livered.

SEC. 10. At the expiration of six months after the issuance of the certificate mentioned in the preceding section, if there shall have been no adverse claim filed in the meantime, the said Judge shall make, execute, acknowledge and deliver to each claimant, or to his, her or their heirs, administrators or assigns, a good and sufficient deed of the premises described in the application of the claimant originally filed. No conveyance of any such lands made as in this Act provided shall be deemed to conclude the rights of third persons; but such third persons may have their action in the premises to determine alleged interest in such lands against such grantee, his heirs or assigns, to which they may deem themselves entitled either in law or equity; *provided*, that no action for the recovery of the possession of such premises, or any portion thereof, shall be maintained in any Court against the grantee named therein, or against his, her or their assigns, unless such action shall be commenced within two years after such deed shall have been filed for record in the office of the County Recorder of the county where such lands are situated; and *provided*, that nothing herein shall be construed to extend the time of limitation prescribed by law for the commencement of actions upon a possessory claim or title to real estate when such action is barred by law at the time of the passage of this Act; and *provided* further, that whenever mining claims shall have been located and held bona fide for mining purposes, prior to the passage of this Act, and where the same shall be prior in location to the claim of any occupant for other purposes, such mining rights, according to the metes and bounds so located and claimed, shall not in any manner be affected by the provisions of this Act; nor shall any sale be made, nor any title be conveyed by reason of any sale or pretended sale of such lands so claimed for mining purposes, until after the occupancy of such mining claims shall have been abandoned by the holders thereof.

Adverse
action to be
commenced
within two
years.

Mining
claims.

When
County
Judge may
decide.

SEC. 11. In all cases of adverse claims, or disputes arising out of conflicting claims to lands or boundary lines, the adverse claimants may submit the decision thereof to the County Judge by an agreement in writing, specifying particularly the subject matter in dispute, and may agree that his decision shall be final; in which case the said Judge shall hear the proofs, and shall execute a deed in accordance therewith; but in all other cases

of adverse claim the party out of possession shall commence his action in a Court of competent jurisdiction within six months after the filing of the town plat in the office of the County Recorder. In case such action be commenced, the plaintiff shall serve a notice *lis pendens* upon the County Judge, who shall thereupon stay all proceedings in the matter of granting any certificate or deed until the final decision of such suit; and upon presentation of a certified copy of the final decree of such Court in such action, the County Judge shall execute and deliver a deed of such premises in accordance with the decree. In case no such action be commenced within the time herein prescribed, the County Judge shall deliver his deed to the party in possession, as provided in section ten of this Act.

Action for
possession.

Sec. 12. The County Judge shall give public notice by advertisement for four weeks in some newspaper published in the county, if one there be, and if there be no newspaper published in said county then by not less than five written or printed notices posted within the limits of such town site, that the plat thereof has been filed in the Recorder's office. And if any person, company, association or other claimant of lands in such town shall fail, neglect or refuse to make application to the said County Judge for a deed of conveyance of the lands so claimed, and to pay the sums of money specified in this Act, within six months after the filing of said plat, the County Judge shall enter on his book the names of all such persons, with a description of the property or premises, and shall certify the same as delinquent for the amount of assessments certified to by such Judge as due under section six of this Act; and at the expiration of thirty days after making such entries, if such application be not made and such assessment be not paid, the said Judge shall proceed to advertise all such lots and parcels of land for sale in the same manner as real estate is required to be advertised under execution.

Notice of
filing of plat

Sec. 13. At the time of sale mentioned in said advertisement said Judge shall proceed to sell all such parcels of land so remaining delinquent, by public auction, to the highest bidder for cash, at some public place within the limits of said town site; and he shall give to the purchaser at such sale a certificate of his purchase, setting forth therein the description of the premises sold, the amount paid, and that the same is subject to redemption, as prescribed in the next section; *provided*, that no sale shall be made for less than the whole amount of assessments and the costs of making the sale, which costs shall be divided pro rata among the several parcels offered for sale.

Sale of delin-
quent lands.

Sec. 14. At any time within six months after such sale the original claimant shall be entitled to redeem such premises, by paying to the purchaser, or to the County Judge for the purchaser, double the whole amount of the purchase money, in gold and silver coin; but in case no redemption be made, the purchaser, his heirs or assigns, shall be entitled to demand and receive from the County Judge a deed of such premises, which deed shall be absolute as against the parties delinquent, and shall entitle the grantee, his heirs or assigns, to a writ of assistance from the District Court having jurisdiction of the premises.

Redemption.

Unclaimed
lands.

SEC. 15. If there shall be any unoccupied or vacant unclaimed lands within the limits of such town site the said Judge shall cause the same to be laid out and surveyed into suitable blocks and lots, and shall reserve such portions as may be deemed necessary for public squares and school-house lots; and shall cause all necessary roads, streets, lanes and alleys to be laid out through the same, and dedicated to public use; and the said Judge may sell the same in suitable parcels to possessors of adjoining lands, or to other citizens of said town, at a price not less than one dollar per acre or fraction of an acre, in gold coin; and in case two or more claimants apply for the same tract or parcel of the same tract, he shall sell the same by auction to the highest bidder; and if any such lands remain unsold at the end of six months after the filing of the town plat, the said Judge shall proceed, in the same manner and at the same time that any delinquent lands shall be sold, to sell such vacant lands to the highest bidder for cash, and shall give deeds therefor to the several purchasers.

School lots.

SEC. 16. All school lots and parcels of land reserved for school purposes, as aforesaid, by order of the County Judge, shall be conveyed to the School Trustees of the school district in which such town is situate, without cost or charge of any kind whatever.

False oaths.

SEC. 17. If any person shall falsely make oath to any affidavit required to be made by this Act, he or she shall be deemed guilty of perjury, and upon conviction shall be punished accordingly.

Deeds
fraudulently
obtained.

SEC. 18. If any guardian or administrator, or tenant, joint tenant, tenant in common, coparcener or partner in the possession of any of the lands mentioned in this Act, shall fraudulently procure, or cause, permit, suffer or allow any deed to be obtained therefor for his or her sole benefit, or by his or her neglect allow the same to be done by others, such deed shall be null and void, and shall convey no title; and an action may be brought by any party injured or aggrieved thereby or claiming any interest in such premises, for the recovery of such interest, at any time within five years after the discovery of such fraud.

Vacancy in
office of
County
Judge.

SEC. 19. In case a vacancy shall occur from any cause in the office of County Judge during the pendency of any of the proceedings to be taken under this Act, upon the election or appointment of a successor it shall be the duty of the County Clerk to make out a certificate under seal showing the facts and the name of such successor and file the same with the County Recorder, who shall record such certificate in book of deeds and shall attach the original to the town plat book in his office.

Compensa-
tion.

SEC. 20. For services performed under this Act the County Judge shall be entitled to receive, out of the moneys provided for to be paid into his hands, the sum of one dollar per mile for all travel necessarily performed by him on such duty; for every deed executed by him, the sum of five dollars, as provided in section eight of this Act, which shall include the acknowledgment and revenue stamp thereon required; and for every certificate issued by him the sum of fifty cents.

Currency.

SEC. 21. All moneys required to be paid by any person under this Act shall be paid in gold and silver coin, except that for the

payment of the price of the land to the Government of the United States, the County Judge shall be authorized and required to purchase at the market price so much in legal tender notes as may be requisite therefor.

SEC. 22. Every County Judge, when fulfilling the duties imposed upon him by the Act of Congress aforesaid and by this Act, shall keep a correct account of all moneys received and paid out by him. He shall deposit all surplus moneys with the County Treasurer of his county; and at the end of one year from the time when the town plat of any town shall be filed in the County Recorder's office he shall settle up all the affairs pertaining to said town and shall pay over to the County Treasurer all moneys belonging to said town, for the use and benefit of the school district in which said town may be situate; *provided*, that if any claims to lands in such town shall be the subject of litigation the same shall be finally settled by such County Judge whenever the final decree of the Court shall be served upon him.

Duties of
County
Judge.

SEC. 23. Whenever the affairs of any such town shall be finally settled and disposed of by such County Judge, he shall deposit all books and papers relating thereto in the County Court of his county, to be thereafter kept in the custody of the County Clerk as public records, subject to the inspection of any citizen.

SEC. 24. No mere informality, failure or omission, on the part of any of the persons or officers named in this Act shall invalidate the acts of such person or officer, but every certificate or deed granted to any person pursuant to the provisions of this Act shall be deemed, taken and considered as conclusive evidence that all preliminary proceedings in relation thereto have been correctly taken and performed.

Informality
not to
invalidate
deeds.

SEC. 25. This Act shall take effect and be in force from and after its passage; *provided*, that the towns of Shasta and Red Bluff shall be and are hereby excepted and exempted from the operation of its provisions.

CHAPTER DXXIV.

An Act for the encouragement of silk culture in this State.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be paid from any money in the Treasury not otherwise appropriated, to the producer claiming a premium under the provisions of this Act, the following sums for the articles herein enumerated, produced or grown within this State, for the term of four years from the second day of April, eighteen hundred and sixty-six:

Premiums
to be paid.

First—To each person one premium of two hundred and fifty

For mul-
berry trees. dollars for growing and cultivating five thousand or more mul-
berry trees of the age of two years, planted in suitable form
and at proper distances for permanent silk culture.

Silk cocoons. *Second*—For the production of each one hundred thousand silk
cocoons, in good merchantable condition, three hundred dol-
lars; but no person shall receive a premium for any cocoons
on which he has already been paid a premium.

Persons
excluded. SEC. 2. Any person or persons hereafter claiming a premium
under the provisions of an Act entitled an Act for the encour-
agement of silk culture in California, approved April second,
eighteen hundred and sixty-six, shall be and are hereby excluded
and debarred from receiving any premium under the provisions
of this Act; and no person claiming under this Act shall be
entitled to or receive any premium under said Act of eighteen
hundred and sixty-six.

Conditions. SEC. 3. The conditions and requirements of the Act entitled
an Act for the encouragement of agriculture and manufactures
in California, approved April twenty-fifth, eighteen hundred
and sixty-two, and also of the Act supplemental to the same,
approved April twenty-seventh, eighteen hundred and sixty-
three, are made applicable to this Act.

Act
repealed. SEC. 4. An Act for the encouragement of silk culture in
California, approved April second, eighteen hundred and sixty-
six, is hereby repealed.

SEC. 5. This Act shall take effect and be in force from and
after its passage.

CHAPTER DXXV.

*An Act to authorize John B. Ward and his associates to construct and
maintain a wharf in Santa Barbara County.*

[Approved March 30, 1868.]

*The People of the State of California, represented in Senate and
Assembly, do enact as follows:*

Franchisee. SECTION 1. The right to build, maintain and use a wharf out
from the Guadalupe Ranch, in the County of Santa Barbara, is
hereby granted to John B. Ward, his associates and assigns,
for the term of twenty years.

Land
granted. SEC. 2. For the purposes of said wharf, there is hereby
granted to the party named in section one, his associates and
assigns, the right to use and occupy a strip of land three hun-
dred feet wide, commencing at high water mark and extending
into the bay or ocean until a sufficient depth of water shall be
obtained for the accommodation of commerce; *provided*, the free
navigation of the bay or ocean shall not be obstructed, and the
franchise herein granted shall continue for the term of twenty
years.

Conditions. SEC. 3. The said Ward, his associates and assigns, shall com-
mence the construction of said wharf within two years and
complete the same within four years from the passage of this

Act. Said wharf shall be firmly and substantially built of such material and of such dimensions as to make it sufficient for the requirements of the commerce of the vicinity.

SEC. 4. If said wharf shall not be commenced within two and finished within four years from the passage of this Act all the rights herein granted shall be forfeited. Forfeiture.

SEC. 5. This Act shall take effect and be in force from and after its passage

SEC. 6. Said John B. Ward shall have the right to collect such tolls and wharfage as the Board of Supervisors of Santa Barbara County may from time to time allow. Tolls and wharfage.

CHAPTER DXXVI.

An Act to authorize Lyman Leslie, Paul K. Hubbs, and their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The right to build and maintain a wharf from the high land of Maryland street, upon Marin street, in the City of Vallejo, County of Solano and State of California, to extend upon the said Marin street to low water mark, as thus extended of the width of thirty feet, and thence, as said Marin street may be extended, of the width of one hundred and fifty feet, and extending till it reaches the depth of twenty feet of water at low tide, on Napa Straits, with the use and occupancy of the lands thus covered by water, to Lyman Leslie, Paul K. Hubbs, and such associates as they may connect with them for said purposes, and their successors and assigns, for and during the term of twenty years from and after the passage of this Act. The lands upon which said wharf shall be constructed shall extend equal distance on each side from the central line of said Marin street continued in a direct course. Right granted.

SEC. 2. The said Lyman Leslie, Paul K. Hubbs, and their associates or assigns, shall, within two years from the passage of this Act, construct a wharf of sufficient dimensions to accommodate the trade and commerce of the said city at that point desired, and shall from time to time enlarge, and, as necessary, repair the same; and if they shall fail to so construct and keep said wharf in repair, the rights and privileges herein conceded shall be fully determined and forfeited. Conditions.

SEC. 3. The builders and owners, the parties aforesaid, shall be allowed to charge and collect and recover such wharfage and tolls as may be prescribed by the Board of Supervisors of said county. Wharfage and tolls.

CHAPTER DXXVII.

An Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Salary.

SECTION 1. Each member of the Board of Supervisors of the City and County of San Francisco, excepting the Mayor, ex officio President of said Board, shall, after the passage of this Act, be allowed a salary during the time he is in office of one hundred dollars a month; and the Auditor of said city and county is hereby directed to audit and the Treasurer to pay such salaries, monthly, out of the General Fund.

Valid ordinances.

SEC. 2. The votes of seven members constituting the Board of Supervisors shall be necessary to pass any ordinance, order or resolution; but in the event of a veto by the Mayor, then nine votes shall be necessary to pass any ordinance, order or resolution over such veto, otherwise such ordinance, order or resolution shall be of no validity.

Office may be declared vacant.

SEC. 3. If a member of said Board of Supervisors shall hereafter absent himself from the State, or shall neglect to attend the meetings of said Board, for the period of ninety days, his office may be declared vacant by the Board and a successor may be appointed for the unexpired term, as provided in other cases.

Act to be construed.

SEC. 4. This Act shall be construed so as to harmonize with existing laws in regard to the powers and duties of the said Board of Supervisors; and all such laws shall continue in full force except so far as they may be inconsistent or in conflict with the provisions of this Act, and only so far as they are inconsistent or in conflict with this Act they are hereby repealed.

SEC. 5. This Act shall take effect immediately.

CHAPTER DXXVIII.

An Act to amend an Act entitled an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section thirty-six of said Act is hereby amended so as to read as follows :

Section 36. Every Overseer of Roads and Highways shall have power to require a team, or a cart, wagon or plough, with a pair of horses or oxen and a man to manage them, from any person having the same within his district who shall have been assessed three days or more and who shall not have commuted for his assessment; and the person furnishing the same upon such requisition shall be entitled to a credit of two days for each day's service therewith.

Power of Overseers.

SEC 2. Section fifty-five of said Act is hereby amended so as to read as follows:

Section 55. Whenever the Commissioner of Highways and Board of Supervisors shall lay out, alter or discontinue any road or highway, either upon application to the Commissioner or otherwise, they shall cause a survey to be made of such road and shall incorporate such survey in an order to be made by and entered in the minutes of the Board of Supervisors, and showing the date of making such order; such survey in all cases to be of the centre of the road only, unless otherwise expressly required by order of the Board of Supervisors, and the order of the Board of Supervisors in all cases to specify the width of the road or highway. All roads in Sonoma County which have been used as public roads for a period of five years, and have been worked upon by the people of said Sonoma County required by law to do such work for the public on such public roads from time to time, for a period of five years, are and the same are hereby declared to be public highways; and all persons at present the owners or occupants of lands, or those under whom they claim title, who have neglected to resist such use of their lands for a period of five years from the commencement of such use, shall be deemed to have dedicated so much of their lands as may have been so used without objection by them to the use of the public as a highway, and are estopped from claiming any damages as is provided for in cases of laying out roads by section sixty-three of this Act; and it shall be the duty of the Board of Supervisors of Sonoma County to cause descriptive surveys of all public roads in said county to be made and entered on record in the office of the Clerk of the Board of Supervisors, such survey to be made immediately after the regular meeting of such Board of Supervisors in the month of May, Anno Domini eighteen hundred and sixty-eight.

When surveys of roads to be made.

Declared public highways.

Descriptive surveys.

CHAPTER DXXIX.

An Act to authorize the Board of Supervisors of El Dorado County to appropriate money for the relief of David L. Britten.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of El Dorado County are hereby authorized and empowered to examine and pass

Authorized.

upon the claim of David L. Britten and allow him such amount as in their judgment he is entitled to, not to exceed one thousand dollars, payable out of the General Fund of said county, as relief for damages sustained by said Britten in the arrest of criminals in said county, in the year eighteen hundred and sixty.

SEC. 2. This Act shall take effect immediately.

CHAPTER DXXX.

An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three hundred and forty-six of said Act is amended to read as follows :

Challenge
of jurors.

Section 346. Particular causes of challenge are of two kinds :

First—For such a bias as when the existence of the facts is ascertained in judgment of law disqualifies the juror, and which is known in this Act as implied bias.

Second—For the existence of a state of mind on the part of the juror in reference to the case which, in the exercise of a sound discretion on the part of the triers, leads to the inference that he will not act with entire impartiality, and which is known in this Act as actual bias ; but a hypothetical opinion, founded on hearsay or information supposed to be true, unaccompanied with malice or ill will, shall not disqualify a juror or be a cause of challenge for either actual or implied bias.

SEC. 2. Section three hundred and fifty-seven is amended to read as follows :

Trial of
challenge.

Section 357. On the trial of a challenge for actual bias, when the evidence is concluded, the Court shall instruct the triers that it is their duty to find the challenge true if in their opinion the evidence warrants the conclusion that the juror has such a bias against the party challenging him as to render him not impartial ; and that if from the evidence they believe him free from such bias they must find the challenge not true ; that a hypothetical opinion, unaccompanied with malice or ill will, founded on hearsay or information supposed to be true, is of itself no evidence of bias sufficient to disqualify the juror. The Court shall give them no other or further instruction, but may more fully explain this instruction.

CHAPTER DXXXI.

An Act to amend an Act entitled an Act to amend an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirty of said Act is hereby amended so as to read as follows:

Section 30. The said Commissioners shall proceed to view the tract or tracts of land described in the petition, as ordered by said Court or Judge, and shall ascertain and assess:

Duties of Commissioners in assessing damages for lands condemned.

First—The value of the land sought to be appropriated, and of each and every estate or interest therein. If the land consists of different tracts, each tract and each estate or interest therein shall be separately assessed.

Second—If the land sought to be appropriated constitutes only a part of a larger tract, they shall next assess the damages which, in their judgment, will accrue to the portion not sought to be taken by reason of its severance from the portion sought to be taken and the construction of the railroad in the manner proposed by said company; and in assessing such damages they shall include the cost of good and sufficient fences along the line of said railroad, and the cost of cattle guards where fences may cross the line of said railroad, unless said railroad company shall have offered or agreed, in their petition, to construct the same; in which case the cost of the same shall not be included in said damages; *provided*, if said land be uninclosed, said company shall not be required to construct said fences and cattle guards until the owners of the land shall have constructed fences abutting upon said railroad. The damages to each tract, and to each estate or interest therein, shall be separately assessed.

Third—If, as aforesaid, the land sought to be appropriated constitutes only a part of a larger tract, they shall next ascertain and assess separately how much in their judgment the portion not sought to be appropriated, and each estate or interest therein, will be benefited, if at all, by the construction of said railroad; and if the benefit shall be equal to the damages assessed as aforesaid, the owner or owners of the land shall be allowed no compensation except the value of the land sought to be appropriated; but if the benefit shall be less than the damages, the former shall be deducted from the latter, and the remainder shall be the only damages allowed over and above the value of the land taken.

On or before the time or times appointed by said Court or Judge, the Commissioners shall file their report in the office of the Clerk of said Court, which shall be signed by them, and

Adverse
claims.

shall contain a full account of their proceedings, including the testimony taken by them and their rulings upon the admission or exclusion of testimony, and the exceptions, if any, taken to such rulings by any of the parties to the proceeding. The Commissioners may include all the tracts of land in one report, or they may make several reports, including one or more tracts, at their option, provided the Court or Judge shall have made no order in the premises. In case there shall be adverse or conflicting claims to the land or any portion thereof, the Commissioners shall not undertake to determine the same; but the parties thus asserting such claims shall present the same by petition to the Court or Judge after the report of the Commissioners shall have been filed, and the Court or Judge shall proceed to hear and determine the same. In such cases the company may pay the sum awarded by the Commissioners to the Clerk of the Court, to abide the order of the Court or Judge upon the final determination of such conflicting claims, and shall not be liable for any costs which may be caused by such litigation.

Sec. 2. This Act shall take effect from and after its passage.

CHAPTER DXXXII.

An Act amendatory of and supplementary to an Act entitled an Act to authorize the formation of limited partnerships, passed April fourth, A. D. eighteen hundred and fifty, and the several Acts amendatory thereto.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section second of an Act to authorize the formation of limited partnerships, passed April fourth, eighteen hundred and fifty, as amended by the Act entitled an Act to amend an Act to authorize the formation of limited partnerships, passed April third, eighteen hundred and fifty-four, shall be amended to read as follows:

General and
special part-
ners.

Section 2. The said partnerships may consist of one or more persons, who shall be called general partners, who shall be jointly and severally responsible as general partners are by law, and of one or more persons who shall contribute to the common stock a specific sum in actual cash payment as capital, who shall be called special partners, and who shall not be personally liable for any debts or liabilities of the partnership except in the cases hereinafter mentioned.

Sec. 2. Section seventh of said Act is amended so as to read as follows:

Business of
partnership.

Section 7. The business of the partnership shall be conducted under a firm name and style, in which the names of the general partners only shall be inserted, and the general partners

only shall be authorized to transact business for the partnership except as provided in section five of this amendatory Act; and no special partner shall be authorized to sign for the partnership, or to bind the same. If the name of any special partner shall be used in said firm with his consent or privity, or if he shall personally make any contracts respecting the concerns of the partnerships other than is provided in said section five of this amendatory Act, with any person except the general partners, he shall be deemed and treated as a general partner.

SEC. 3. Section twelve of said Act is hereby amended so as to read as follows:

Section 12. No dissolution of a limited partnership shall take place except by operation of law, or as provided for in the section four of this amendatory Act, before the time specified in the certificate before mentioned, unless a notice of such dissolution shall be recorded in the Recorder's office in which the original certificate or the certificate of renewal or continuation of the partnership was recorded, and unless such notice shall also be published for three successive weeks in some newspaper printed in the county where the certificates of the formation of such partnerships were published according to the provisions of this Act; and if no newspaper shall, at the time of such dissolution, be printed in such county, then the notice of such dissolution shall be published in some newspaper in this State nearest thereto.

Dissolution
of limited
partnership.

SEC. 4. Every alteration which shall be made in the names of the partners, in the nature of the business, or in the capital or shares thereof, or in any other matter specified in the original certificate, and the death of any partner, whether general or special, shall be deemed as dissolution of the partnership; and every such partnership which shall, in any manner, be carried on after any such alteration shall have been made or such death shall have occurred, shall be deemed a general partnership in respect to all business transacted after such alteration or death, unless renewed as a special partnership according to the provisions of this Act.

Changes in
business to
dissolve
partnership.

SEC. 5. A special partner may, from time to time, examine into the state and progress of the partnership concerns, and may advise as to their management. He may also loan money to, and advance and pay money for, the partnership; and may take and hold the notes, drafts, acceptances and bonds of or belonging to the partnership as security for the payment of such moneys and interest, and may use and lend his name and credit as security for the partnership in any business thereof, and shall have the same rights and remedies in these respects as any other creditor might have. He may also negotiate sales, purchases and other business for the partnership; but no business so negotiated shall be binding upon the partnership until approved by a general partner. Excepting as herein mentioned, he shall not transact any business on account of the partnership, nor be employed for that purpose, as agent, attorney or otherwise. If he shall interfere contrary to these provisions, he shall be deemed a general partner.

Rights and
liabilities of
special
partners.

SEC. 6. In case of the insolvency or bankruptcy of the partnership, no special partner shall, except for claims contracted

When special partner may claim as a creditor.

pursuant to section five of this amendatory Act, under any circumstances, be allowed to claim as a creditor until the claims of all the other creditors of the partnership shall be satisfied.

SEC. 7. This Act shall take effect immediately, and shall apply as well to such partnerships existing at the time of the passage hereof as to those thereafter formed.

Act to apply.

CHAPTER DXXXIII.

An Act to authorize certain persons to remove improvements placed upon public lands after said lands have become private property.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Authority given.

SECTION 1. Any inhabitant of this [State] who has put or placed improvements upon any lands belonging to this State or to the United States, or who has the right of possession of such improvements on said lands, shall have the right to remove such improvements from said lands at any time within six months after such lands shall have become the private property, by purchase or otherwise, of any person or persons, firm, corporation or company, either within or without this State; and such inhabitant shall not be liable to an action for damages for the removal of any such improvements within the time above stated. All houses, barns, sheds, out-houses, buildings and fences, and all orchards and vineyards, shall be deemed and held to be improvements within the meaning of this Act.

SEC. 2. This Act shall take effect immediately.

CHAPTER DXXXIV.

An Act to provide for changing the corporate name of the First Congregational Church of the City of Oakland and ratifying and confirming the acts of its Trustees.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Name changed.

SECTION 1. That the corporate name of the First Congregational Church of the City of Oakland be changed to the First Congregational Religious Society of Oakland; and all acts heretofore done and performed by the Trustees of said corporation for and in behalf of said corporation, whether under the name of the First Congregational Church of the City of Oakland or

under the name of the First Congregational Religious Society of Oakland, are hereby ratified and confirmed and made valid.

SEC. 2. Said corporation is hereby authorized to have six (6) Trustees, with power to fill vacancies; and the increase of the number of Trustees from five (5) to six (6), heretofore made, is hereby ratified and confirmed and made valid; and all the acts heretofore done and performed by said Trustees for and in behalf of said corporation are hereby ratified, confirmed and made valid as the acts of said corporation.

SEC. 3. This Act shall take effect immediately.

CHAPTER DXXXV.

An Act to authorize William Bihler to construct a wharf on the Petaluma Creek.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. William Bihler, his associates and assigns, are hereby authorized to build a wharf in front of his own lands on the easterly side of Petaluma Creek, near Lakeville, commencing at high water mark and running into the creek to a point where the water is ten feet deep at low tide; *provided*, the same shall not obstruct the navigation of said creek.

SEC. 2. All the right of the State of California to the overflowed lands on which said wharf is built, together with the use of two hundred and fifty feet on each side, is hereby released to the said William Bihler, and his associates and assigns, for the term of twenty years; *provided*, said wharf shall be commenced within one year and completed within three years from the passage of this Act; and he may collect such tolls and wharfage as the Board of Supervisors of Sonoma County may from time to time fix upon.

CHAPTER DXXXVI.

An Act to provide for the assessment and collection of taxes on migratory bands of stock, farm animals and herds of hogs, in the Counties of Tuolumne and Calaveras.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the Assessor, whether Township, District or County, in the Counties of Tuolumne or

Taxes to be collected where herds are found.

Calaveras, to assess as personal property all bands of cattle, farm animals, sheep or hogs, driven in herds, whereof the owner or owners, driver or manager thereof are not resident in either of said counties, found roaming at large in the counties aforesaid; and there shall be collected from the persons aforesaid, or either of them, the same amount of tax as would be imposed on the owner or owners of said personal property if they were resident in said counties and possessed of personal property of like value. After the Assessor shall have ascertained the value of such property he shall assess the same according to the rate of taxation directed to be levied by law, and shall immediately give to the County, District or Township Collector of Taxes a certificate of such assessment, and the amount of tax due; and such Collector shall forthwith proceed to collect the same; and in the event of the neglect or refusal to pay the tax levied in pursuance of this Act, it shall be lawful for such Collector to proceed in a summary way, as provided by the Revenue Laws for immediate collections of taxes on personal property in other cases; *provided*, that no assessment shall be made, and no tax demanded or attempted to be collected, where the owner or owners, manager or driver, as aforesaid, shall produce a receipt for the lawful tax on such personal property assessed and paid in some other county; and *provided* further, that in the event of an assessment made in pursuance of this Act being deemed too high, and shall be objected to, the facts shall be reported to the Board of Supervisors of said counties at the session following such assessment and collection, for adjustment, which shall be made after three days public notice shall be given of their intention.

SEC. 2. This Act shall take effect immediately.

CHAPTER DXXXVII.

An Act to extend the time within which to complete a wagon road.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time extended.

SECTION 1. The time in which the grantees are required to complete a wagon road under the provisions of an Act to grant the right to construct a wagon road in Tulare County, approved April twenty-seventh, eighteen hundred and sixty-three, and the several Acts amendatory thereof, is hereby extended one year.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DXXXVIII.

An Act to amend an Act entitled an Act to provide for the construction of a turnpike road in Santa Clara and Santa Cruz Counties, approved April fourth, eighteen hundred and sixty-four.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of the Act entitled an Act to provide for the construction of a turnpike road in the Counties of Santa Clara and Santa Cruz is hereby amended to read as follows :

Section 1. Charles Maclay, his associates and assigns, are hereby authorized to construct and keep in repair a good wagon road, commencing at or near Macartysville, in Santa Clara County, and running westerly across the Coast Range of mountains, crossing the same at or near Tin Can Rancho, to a point on the Pescadero Creek, near its head waters, in Santa Cruz County; thence running down or near said stream to or near the Town of Pescadero, as the company may determine; and also to construct a branch toll road from the summit of the Coast Range Mountains, at a point where the Saratoga and Pescadero Turnpike Road passes; thence running down or near to the San Lorenzo Creek, in a southerly direction, until it intersects the county road now being made along the San Lorenzo Creek, as the company may determine; and said grantee, his associates, heirs and assigns, shall be and are hereby authorized to collect toll on the said road for the term of twenty years from the passage of this Act, to be regulated by the Boards of Supervisors of Santa Clara and Santa Cruz Counties, as provided in the Act approved April twenty-second, one thousand eight hundred and sixty-one, entitled an Act to authorize the Board of Supervisors of the County of Santa Clara to grant the right of way for the construction of turnpike roads.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAPTER DXXXIX.

An Act to authorize the Central Railroad Company of San Francisco to construct and maintain a railroad within the City and County of San Francisco, and to grant certain privileges named therein.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The right is hereby granted to the Central Railroad Company of San Francisco, a corporation organized under the laws of this State, their grantees, associates and assigns, to

Rights
granted.

lay down and maintain an iron railroad within the City and County of San Francisco, as follows: Commencing at the intersection of Turk and Fillmore streets, and connecting with the present road of said company at that point; thence along and upon Turk street to Devisadero street; thence in a southerly direction along and upon Devisadero street to Haight street; and at the intersection of Devisadero and Fulton streets, along and upon Fulton street, in a westerly direction, to Cemetery avenue. The right is also hereby granted to said railroad company, their grantees, associates and assigns, to extend the branch of their present road on Brannan street, as follows: To continue their road from its present terminus on Brannan street, by constructing it along and upon Brannan street and across Brannan Street Bridge, to Potrero avenue; thence along and upon Potrero avenue to such point at the southerly end of Potrero avenue as they may deem it practicable to build and maintain a railroad; and from Potrero avenue, by the streets found most practicable to the grantees, to Hunter's Point and Bay View Valley. The right is also hereby granted to said Central Railroad Company, their grantees, associates and assigns, to construct and maintain a single or double track road from the intersection of Post and Dupont streets, along and upon Post street, to Kearny street, connecting with the tracks of the North Beach and Mission Railroad Company on Kearny street; thence, with the consent of the North Beach and Mission Railroad Company, to run their cars along and upon the tracks of said North Beach and Mission Railroad Company, on Kearny street, each way between Post street and Bush street, with the necessary curves and connections at the intersection of Bush and Kearny streets, and Post and Kearny streets, to allow the cars of the Central Railroad Company to pass from the tracks of said company to the tracks of the North Beach and Mission Railroad Company on Kearny street, as hereinbefore mentioned; and in case said Central Railroad Company so connect their tracks on Kearny street, and thus change their route through Kearny and Post streets, they may at any time thereafter abandon their route from the intersection of Bush and Kearny streets through Bush to Dupont street, and through Dupont street from Bush to Post streets, and remove their tracks therefrom, without forfeiting any other portion of their franchise; *provided*, that upon such removal they leave the portions of said streets in good order and condition. Said roads to have a single or double track, at the option of said grantees, their associates and assigns, and to be constructed with rails of a similar pattern to those now laid on their present road, with the proper and necessary switches—said grantees to have the right to run cars on said road at convenient hours of the day and night for the transportation of passengers and light freight.

Change of
route.Repair of
streets.

SEC. 2. The owners of said railroad shall pave, plank or macadamize, as the proper authorities of the City and County of San Francisco may direct, the streets through which the said railroad shall run, between the rails and tracks thereof, and shall keep the same constantly in repair; *provided*, that said grantees shall not be required to pave or plank, as afore-

said, upon any of said streets until the same shall be graded, paved, planked or macadamized.

SEC. 3. The tracks of said railroad shall be laid as near the centre of the street as possible, with sufficient space between the tracks to admit of the passage of the cars. The road shall be so constructed as to offer as little obstruction as possible to the passage of vehicles; and where the roads herein provided for shall intersect any other road, the rails of each shall be so arranged or cut as to permit the cars to cross without obstruction. Any other railroad company hereafter formed may cross the roads herein provided for in like manner at any point. Tracks.

SEC. 4. No extra fare shall be charged on any of the extensions provided for in this Act, on Brannan street, Potrero avenue or Turk and Devisadero streets, nor upon the portions of Post and Kearny streets named in this Act. Fare.

SEC. 5. The cars upon said railroad shall be of the most approved construction for the comfort and safety of passengers, and be provided with brakes and other means of stopping the same when required. They shall be drawn by horses or mules, at a rate of speed not to exceed eight miles per hour. Cars and speed.

SEC. 6. Any person wilfully obstructing said railroad shall be guilty of a misdemeanor, and punished accordingly.

SEC. 7. The franchises and privileges hereby granted shall continue for the period of twenty-five years, to date from and after the passage of this Act. The work of constructing said road shall be commenced within one year and the road completed within three years from the passage of this Act. At the expiration of three years, if any portion of the road is not completed, the grantees will be deemed to have abandoned such portion of their route herein specified as they may have failed to build their road upon; but no time during which they shall be prevented by legal process from building their road shall be counted a part of said time. Conditions.

SEC. 8. Nothing in this Act shall be so construed as in any manner to prevent the proper authorities of said City and County of San Francisco from sewerage, grading, paving, planking, repairing or altering any of the streets hereinbefore specified; but all such work shall be done, if possible, so as not to obstruct the free passage of the cars upon the said railroad; and when the same shall not be possible, the said authorities, before the commencement of said work, shall allow the owners of said railroad time sufficient to enable them to shift the rails or take other means so as to avoid said obstruction during the continuance thereof, which they, the said owners, are hereby authorized to do. Rights reserved.

SEC. 9. The owners of said railroad shall pay to the City and County of San Francisco the sum of fifty dollars per annum as a license upon each car used by them upon said railroad—which payment shall be made quarterly to the said city and county; *provided*, that if the cars used upon the present road of the company upon which the yearly license of fifty dollars has been paid, are run on the road provided for in this Act, no additional license shall be charged upon such cars by reason of their being so used. License.

Further
privileges.

SEC. 10. The Board of Supervisors of the City and County of San Francisco, or their legal successors, are hereby authorized and empowered to grant to the said parties named in the first section of this Act, their associates and assigns, such additional rights, privileges and grants as said parties, their associates and assigns, may desire or deem necessary for the full and complete carrying out of the purposes and objects of the grants of this Act.

SEC. 11. This Act shall take effect and be in force from and after its passage.

CHAPTER DXL.

An Act to authorize the Board of Supervisors to order a re-survey of the lines of Nevada street, in the City of San Francisco.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered at any time within six months after the passage of this Act, but not afterward, to modify, change or alter, or re-locate the lines of Nevada street, in Block Number Nine, established and fixed as approved by them under the provisions of an Act to establish the lines and grades of streets in the City and County of San Francisco, approved April fourth, eighteen hundred and sixty-four, in case it should appear to the Board that the location of such lines was made by mistake, or inadvertance, or in such manner as to work manifest injustice to the holders of any property fronting on said street.

Survey.

SEC. 2. Said Board shall cause a careful survey of said street, the lines of which it is proposed to alter, to be made, showing the present location thereof and the proposed change therein to be made, and which survey shall be returned to and filed in the office of the Clerk of said Board; and upon the filing of said survey, the Clerk of said Board shall publish a notice for three weeks, stating that such survey has been filed and that the same is open for inspection in his office, where said survey shall be kept during the publication of said notice. Any property owner dissatisfied therewith may at any time within three weeks after the first publication of said notice file with the Clerk of the said Board objections thereto in writing, stating specifically the grounds of such objections, and the Clerk shall indorse thereon the date of such filing. After the expiration of said notice the Clerk shall cause such survey with the written objections thereto, if any, [to] be returned to and laid before said Board of Supervisors, who shall thereupon approve or reject the same survey, as may (be) in their judgment be just and proper. And if the same be approved by said Board, a certificate of that fact shall be entered upon said survey by the Clerk of said

If objection
made.

Board, with the seal of said Board affixed thereto; and such survey and approval, so certified, shall be attached to the map of such altered street remaining on file in the office of the Surveyor of said city and county under the provisions of the Act to which this Act is supplementary; and thereupon and thenceforth such corrected survey shall be and remain the true survey and location of said street, and said original map shall be held and deemed altered and corrected accordingly.

Sec. 3. This Act shall take effect from and after its passage.

CHAPTER DXLI.

An Act to confer certain powers upon the State Harbor Commissioners.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The said Board of State Harbor Commissioners, or a majority of them, are hereby authorized and empowered, at their discretion, to enter into new or supplemental indentures, one or more, with the Union Lumber Association or its assigns, in whole or in part, which shall provide for and require the permanent removal of said dock, or its completion and operation at some other point in said bay, south of Channel street, to be selected and designated by the said Board of State Harbor Commissioners, or a majority of them; or for the substitution and maintenance of some other dock instead thereof, as the wants of commerce may demand; and, in connection with any such contract or contracts to be made with said the Union Lumber Association for the removal of said dock, or substitution of some other dock, as aforesaid, but not otherwise, to enter into new covenants with said corporation or its assigns concerning the use and enjoyment by said corporation or its assigns of the said demised premises, and the receipts of the rents, issues and profits thereof, and of the premises so occupied by the said corporation, and the use and control and receipt of the rents, issues and profits thereof. Said contract may also provide that no dock shall thereafter be constructed or maintained within the limits of said demised premises, and that the term for which said premises were originally demised shall not be extended beyond the time mentioned in said indenture first aforesaid; and *provided* further, that the amount of the monthly rent reserved by the said original indenture to be paid to the said Board in gold coin shall not be diminished, and such new indentures or agreements, when so entered into by said Board pursuant to this Act, shall be valid and binding, and the same are hereby ratified and confirmed; *provided*, said Commissioners shall not be authorized to make any new contract in regard to said lands and premises

When
survey
approved.

May make
new con-
tracts with
Union
Lumber
Association.

Conditions.

except it be on the express condition that no dock shall thereafter be maintained thereon.

SEC. 2. This Act shall take effect from and after its passage.

CHAPTER DXLII.

An Act to confer power upon the Board of Supervisors of the City and County of San Francisco.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Authorized
to sell rail-
road stocks.

Proviso.

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized and empowered to dispose of, to the Southern Pacific Railroad Company, the shares of stock of the San Francisco and San José Railroad Company owned or held by the said city and county, upon such terms, and subject to such conditions, as the said Board may think expedient. The proceeds of all sales shall be paid into the Treasury of the said city and county; *provided*, that no disposition of said shares of stock to the Southern Pacific Railroad Company shall be effectual to vest the title to said shares in said company until it shall have completed and put in operation its section of railroad from San José to Gilroy.

SEC. 2. This Act shall take effect immediately.

CHAPTER DXLIII.

An Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Commis-
sioners to be
appointed.

SECTION 1. The Governor of the State shall appoint three persons, who shall constitute a Board of Tide Land Commissioners, and shall hold office for two years from the date of their appointment, and shall have the charge and disposition of all the salt marsh and tide lands belonging to the State of California, situated in the City and County of San Francisco, as hereinafter provided by this Act, and who shall be known and designated in this Act as "the Commissioners."

Official
bonds.

SEC. 2. Before entering upon their duties, and within ten days after their appointment, each of the Commissioners shall give to the State of California a bond in the sum of twenty-

five thousand dollars, with two or more sureties, conditioned for the faithful performance of the duties required of him under this Act, which bond shall be approved by the Governor and State Treasurer, in writing indorsed thereon, and be filed in the office of the Secretary of State. They shall also severally subscribe to and execute the following oath, which shall be attached to and filed with their bonds: Oath.

I, A B, do solemnly swear that I am not interested, directly or indirectly, by or for myself or any other, in any property or interests of property of the State of California within the limits of the City and County of San Francisco, to be sold under or by virtue of this Act under which I am appointed a member of the Board of Tide Land Commissioners, and that I will not be so interested during my term of office, nor will I become interested in any property or advantages, except my official salary as fixed by law, to result from the administration of my office or of my associate Commissioners.

A violation of the above oath, in any of its parts, or any other corrupt or wilful violation of duty in office, shall be a felony, for which the person offending shall be punished by a fine of not less than five thousand dollars nor more than twenty-five thousand dollars and imprisoned not less than one nor more than three years in the State Prison. The Governor may remove any Commissioner and fill the vacancy, as in other cases, according to law. Penalties.

SEC. 3. Within five days after having qualified as prescribed by section two of this Act, the Commissioners shall meet in San Francisco and organize as a Board, choosing one of their number as President, and elect a Secretary. The duties of the President shall be to preside at all meetings of the Board and perform such other duties as may be required of him by this Act. The Secretary shall attend the meetings of the Board and shall keep a clear and distinct minute of their proceedings at every meeting. He shall record the name of every Commissioner present at each meeting of the Board and voting on each resolution, act or proceeding, whether he voted in the affirmative or negative. Every such vote shall be taken viva voce and by ayes and nays. He shall perform such other services as are required of him by this Act, or as may be prescribed for him by the Board in accordance therewith. His minutes and record shall be open to inspection by the public during business hours. The Secretary may, at any time, be removed by a majority of the Commissioners and another appointed. The vote of a majority of the Board shall be necessary to adopt any resolution or motion. Duties of President and Secretary.

SEC. 4. The Commissioners shall take possession of all the salt marsh and tide lands, and lands lying under water, to the point that may be established as the water front, situate along the Bay of San Francisco, and situate in the City and County of San Francisco, belonging to the State of California, and have the same surveyed to a point not beyond twenty-four feet water at the lowest stage of the tide, and cause to be prepared two maps of the same, showing the quantity and extent of the property situated as aforesaid, and exhibiting all the municipal sub- Duties of Commissioners.

divisions, streets, alleys, blocks, squares and lots, which lots shall not exceed in area six thousand two hundred and sixty-one and one sixth square feet each. One of said maps they shall retain in their office at San Francisco, and the other they shall file in the office of the State Surveyor. After such preliminary survey the Commissioners, in conjunction with the Governor of the State, the Mayor of San Francisco and the President of the Chamber of Commerce of San Francisco, and who shall be known and designated in this Act as the "State Board," shall meet and by a two thirds vote establish the water line front of San Francisco; but they shall not have power to alter in any manner whatever the water line front of said city north of the terminus of Second street, as established by the Act passed March twenty-sixth, eighteen hundred and fifty-one. After the establishment of the water line front as above provided, the Commissioners shall have all the property lying within the same belonging to the State surveyed, subject to the approval of the State Board, into lots and blocks in accordance with the official map survey of the City of San Francisco, reserving so much thereof for streets, docks, piers, slips, canals, drains, or other use necessary for the public convenience and the purposes of commerce, as in their judgment may be required, and have two maps of the same prepared showing the property as re-surveyed to the water line front, the streets, blocks, reservations, and everything necessary to be shown by such maps; one of which maps shall be filed in the Surveyor-General's office, and the other shall remain in their office at San Francisco; *provided*, that the land belonging or granted to the California Dry Dock Company, and the overflowed land in front thereof, shall be and the same is hereby excepted from the operation of this Act; *provided*, that there is hereby granted and donated to the Southern Pacific Railroad Company and the Western Pacific Railroad Company, for a terminus in the City and County of San Francisco, to each of said companies, thirty acres, exclusive of streets, basins, public squares and docks, out of the aforesaid land, and lying southwardly from Channel street, and outside of the line known as the red line water front of Mission Bay, to be located jointly or severally by the said respective companies within ninety days from the passage of this Act, in a manner and form to be approved by the Governor, the Mayor of the City and County of San Francisco, and the President of the Chamber of Commerce of said city, or a majority of them, and so as not to extend beyond twenty-four feet of water at low tide, nor within three hundred feet of such line as may be established, under the provisions of this Act, as the permanent water line front of said city, together with the use of a right of way for said companies to said terminus over the lands of this State for the road beds and tracks of said company—the Board of Commissioners herein named to fix and designate the lands (not to exceed a strip two hundred feet in width for both said companies) over which said right of way shall be exercised; and *provided*, that such grant of land for terminus and the said right of way shall not be construed to interfere with the proper establishment and regulation of streets and alleys, docks, wharves and basins, culverts and sewers, and the laying down of gas and water pipes by

Establishment of a water line front.

Survey.

Donation of land for railroad terminus

Rights reserved to city and county.

the proper authorities of the City and County of San Francisco; and the authorities of the said City and County of San Francisco shall have such jurisdiction and control over said streets and crossings thereof as is or may be conferred by law in other cases, and said railroad companies shall so construct their roads as to cause the least obstruction to travel over and along their roads and at the crossings thereof; *provided*, that in case either of the said companies shall fail to comply with the conditions of this Act, such company shall forfeit their rights thereunder; and in such event the other company accepting and using the same for the purposes indicated shall receive thirty acres (exclusive of streets, basins, public squares and docks) for terminal purposes, and not exceeding one hundred feet in width for right of way; and the said companies are hereby authorized to extend their roads or purchase other roads so as to reach their terminus. And upon the location by the said companies of their terminus and terminal depots and stations upon the said premises, and the expenditure of one hundred thousand dollars thereon by each of said companies, the Governor shall issue patents therefor to the said companies respectively; *provided*, that unless the said companies shall, within thirty months from the passage of this Act, make the terminus of their roads upon the said premises, and expend thereon the said sum of one hundred thousand dollars each, then any grant herein contained shall be void as to the said company so in default, and the lands herein granted to such company shall revert to and be the property of the State; *provided*, that nothing in this Act shall be construed to interfere with the collection of dockage and wharfage by the State, nor with the right of the State to construct, adjoining the property granted, such wharves and docks as may from time to time be provided by law; *provided* further, that if the two hundred feet herein mentioned for the right of way, or any part thereof, shall at any time be abandoned or cease to be used as such roadway by said companies, then so much thereof as shall be so abandoned or disused shall revert to the State; and *provided* further, that if the said railroad companies, or either of them, shall not, within thirty days of the organization of the Board of Commissioners, notify such Board of the acceptance of the provisions of this donation and grant, the lands herein proposed to be donated and granted to the said company or companies so failing to notify said Board shall be sold at auction, as is otherwise provided in this Act; and in the event said companies, or either of them, shall accept the grant or donation herein made, the same shall be in lieu of all other grants of land made or to be made to the company accepting the same in the City and County of San Francisco at the present session of the Legislature; *provided*, that no part of said land granted or donated to said railroad companies shall be located on any land now in the bona fide possession and occupation of any citizen or citizens of this State.

SEC. 5. After the Commissioners shall have complied with the provisions of section four of this Act, they shall proceed to sell at public auction, and as hereinafter provided, in some public place in the City of San Francisco, all the right, title and interest of the State of California in and to the property

Forfeiture.

Conditions of donation.

Rights reserved to State.

Sale of State lands within water line.

Settlers may purchase at appraised value.

in the lots described in section four. Such sales shall be by lots, in accordance with the survey and map provided for in section four of this Act; *provided*, that in all cases where any settler was on the first day of January, A. D. eighteen hundred and sixty-eight, in the bona fide actual possession of any one lot by himself or tenant, and any additional lot in which he shall have had substantial improvements at the time aforesaid, or who had, within one year previous to the first day of January, A. D. eighteen hundred and sixty-eight, substantial improvements upon any such lot which have been destroyed by fire, the Commissioners may appraise the value of such lot or lots without the improvements, after sufficient sales have been made to furnish a proper standard of value; and at any time within sixty days after such appraisal such settler may purchase such lot or lots by paying twenty-five per cent. of the appraised value thereof at the time of such purchase, and the residue of such appraised value in three equal instalments, in one, two and three years, with interest as hereinafter provided; but the words "substantial improvements," as used in this Act, shall not be construed to mean or include any bridge, wharf, fence, or piles driven in the land, capped or otherwise. Such sale shall be conducted in accordance with and under such rules and regulations as the State Board shall prescribe; and *provided* also, that all sales made under the provisions of this Act, whether at private or public sale, before they shall be deemed complete, shall be approved by the State Board, such approval to be made within sixty days after the report of such sales shall be filed with the State Board. When such sale shall not be thus approved, such lot or lots shall be subject to re-sale by the Board of Commissioners, and the money paid by the purchaser at such disapproved sale shall be returned to him.

Sales to be approved by State Board.

Terms of sale.

SEC. 6. The terms of sale shall be as follows: Cash, in gold coin, twenty-five per cent. payable on the day of sale to the Commissioners; and seventy-five per cent., payable in one, two and three years thereafter, to the State Treasurer at Sacramento. The Commissioners shall receipt to each purchaser for the amount of his payment of twenty-five per cent., stipulating that if within one, two or three years thereafter he pays the additional seventy-five per cent., together with legal interest, to the State Treasurer at Sacramento, he shall receive a deed from the State of California for the property purchased by him. Notices of sale shall be published in two of the San Francisco daily papers and in one daily paper published at the Capital of the State, for thirty days prior to the day of sale. Such notices shall specify the property to be sold, by its numbers and locality as to streets, and by any other descriptions deemed necessary to inform purchasers, as also the time, place and conditions of sale. The compensation of the auctioneer shall be agreed upon by [the] State Board, and shall not exceed the half of one per cent. on the gross amount of sales.

Notice to be given.

Deeds.

SEC. 7. Upon a sale, and after the payment of the twenty-five per cent. provided in section six, the Commissioners, or a majority of the Board, shall sign and execute a deed of grant and release to the purchaser. Such deed shall convey all the right, title and interest of the State of California in the premises, and

shall be prima facie evidence of the regularity of all the preliminary proceedings and sale of the Commissioners, and shall also be prima facie evidence of title and right of possession in the grantee, his heirs and assigns, upon which actions for the recovery of real property or for injuries thereto may be maintained and defended in all the Courts of this State having jurisdiction thereof, which deed shall be forwarded by the Commissioners to the State Treasurer, who, upon the surrender to him of the Commissioner's receipt for the amount paid said Commissioners [and] the payment to him of the additional seventy-five per cent., with legal interest, as hereinbefore provided by this Act, shall deliver the deed to the grantee; and in case of non-compliance with the provisions of this Act on the part of the purchaser, by non-payment of either or any instalment aforesaid, all the money paid by him shall be forfeited and the property considered as unsold by the State.

Deeds.

Forfeiture.

SEC. 8. The Commissioners shall pay over to the State Treasurer all moneys received by them from sales of property within fifteen days after its receipt. At the close of each sale they shall file with the State Board and State Controller accounts of such sale, showing the amount of money received by them on account of such sale, the number and description of the property sold, the purchaser's name, and other needful information, and shall verify the same under oath.

Proceeds of sales.

SEC. 9. The Commissioners shall have power to adjourn any sale regularly called, from day to day, week to week, or month to month, by public proclamation; in which case, each postponement shall be re-advertised by publication of notice in the same manner as required in section six of this Act; but it shall not be lawful to ordain and call sales at intervals of time less than forty-five days, one sale from another; *provided*, that the Commissioners shall have power at any time during a public sale to pass or discontinue the sale of any property, when they deem such action to be best for the State.

Sales may be postponed.

SEC. 10. The cash proceeds of all sales shall be placed by the Treasurer to the credit of the General Fund.

SEC. 11. The Commissioners are empowered to employ a competent surveyor, and such assistants as may be necessary, to make the surveys and maps required by this Act; also, to rent for their use a suitable office in the City of San Francisco, the rent of which shall not be more than fifty dollars per month, and to do any other act or exercise any other power necessary to carry out the provisions of this Act.

Powers of Commissioners.

SEC. 12. All bills or accounts for expenses incurred in enforcing this Act shall be approved by the State Board; and the President and Secretary, after they shall have been so approved, shall certify the fact to the Controller of State, who thereupon shall draw his warrants, payable out of the General Fund, for the separate amounts of such bills or accounts, in favor of the parties to whom it is due.

Approval of accounts.

SEC. 13. The salary of the Commissioners shall be twenty-five hundred dollars each, payable quarterly out of the General Fund. The Governor of the State, Mayor of the City of San Francisco and President of the Chamber of Commerce shall each be enti-

Salaries.

- tled to five hundred dollars to cover expenses incurred in attending to the duties required under this Act. The Secretary shall receive a salary of one hundred and sixty-six and sixty-six one-hundredths dollars per month in full for all services required of him under this Act, payable monthly out of the General Fund.
- Legal advice.** SEC. 14. It shall be the duty of the Attorney-General of the State to give such legal advice and render such legal services as may from time to time be required of him by the Commissioners in connection with their duties under this Act.
- Office hours.** SEC. 15. The office of the Board shall be kept open by the Secretary during all proper business hours, as established by the Board.
- Deeds to be furnished at expense of State.** SEC. 16. All deeds under the provisions of this Act shall be furnished, duly executed and stamped, at the expense of the State, the stamps to be paid for out of the General Fund, in legal tender notes of the United States—the expense of acknowledgment to be paid in coin out of the General Fund; *provided*, that no charge shall be made for drawing such deeds, but the necessary blank deeds to be furnished by the Controller at the expense of the State.

CHAPTER DXLIV.

An Act for the relief of Mark W. Higgins.

[Approved March 30, 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 dollars is hereby appropriated, out of any money in the General Fund, to pay the claim of Mark W. Higgins, said sum remaining due and unpaid to said Mark W. Higgins for uniforms furnished by him to the Hugh O'Neill Guard, of the California State Militia, during the years eighteen hundred and sixty-three and eighteen hundred and sixty-six.
- Payment.** SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant for said sum in favor of said Mark W. Higgins, and the Treasurer of State is hereby authorized and directed to pay the same.
- SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAPTER DXLV.

An Act to extend the time of the corporation of the Soda Springs and Pitt River Turnpike Company for the further term of ten years from and after the term now limited.

[Approved March 30, 1868.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The term of the corporation known and designated as the Soda Springs and Pitt River Turnpike Company—^{Time extended.} a corporation situated and doing business in Siskiyou and Shasta Counties, of the State of California, having its principal place of business in Yreka, Siskiyou County, California—is hereby extended for the term of ten years from and after the expiration of its present term, with all the rights, privileges, franchises and immunities now attaching thereto.

SEC. 2. This Act shall take effect from and after its passage.

NOTE.—Words in brackets in the text of the printed statutes are not in the enrolled laws; words in parentheses are in the originals.



RESOLUTIONS.

CONCURRENT AND JOINT RESOLUTIONS.

ASSEMBLY RESOLUTIONS.

NUMBER I.—*Joint Resolution, in relation to having the mouth of Eel River, Humboldt County, California, surveyed by the General Government.*

[Adopted December 13, 1867.]

WHEREAS, It is believed, from partial unofficial surveys, that the mouth of Eel River, in Humboldt County, in this State, affords a good harbor for sea-going vessels of average capacity, which if known to be true would open up an extensive agricultural and lumbering trade and business along the valley of that river; therefore,

Survey of harbor.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress are instructed, and our Representatives requested, to urge upon the proper Department of the General Government the necessity and importance of having a thorough survey of the mouth of said Eel River made, and charts of the same made public as soon as practicable.

Resolved, That His Excellency Governor H. H. Haight be requested to forward a copy of this resolution to each of the Senators and Representatives from California in Washington City.

No. II.—*Concurrent Resolution.*

[Approved January 29, 1868.]

WHEREAS, The residents on either bank of the Sacramento River, between the City of Sacramento and the town of Princeton, in Colusa County, are now wholly without mail

Mail route
and Post
Offices.

Mail route
and Post
Offices.

facilities; and whereas, from the nature of the country said residents cannot be at all times supplied by any other means than by water; therefore,

Resolved by the Assembly, the Senate concurring, That our Representatives and Senators in Congress be requested to use their influence to have the Sacramento River between the points named declared a United States mail route, have service put thereon, and Post Offices established at such convenient points as said residents shall by petition designate.

Resolved, That His Excellency the Governor be requested to forward a copy of the above resolution to each of our said Representatives and Senators in Congress.

No. III.—*Concurrent Resolution, respecting a proposed Act of Congress for the establishment of a National School of Mines.*

[Approved February 4, 1868.]

In relation
to amend-
ment of
Act of Con-
gress.

WHEREAS, Senator Stewart, of the State of Nevada, has lately introduced into the Senate of the United States a bill for the establishment of a National School of Mines, which bill is in the words and figures following, namely:

“SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the tax levied and collected upon gold and silver bullion be set apart, so long as the same shall be collected by the Government, as a special fund for the endowment and support of a School of Mines, to be located on the line of the Pacific Railroad, west of the Rocky Mountains, as near as practicable to the centre of the mining States and Territories.

“SEC. 2. *And be it further enacted,* That each State and Territory located in whole or in part west of the eastern base of the Rocky Mountains may appoint one member of a Board of Directors, a majority of whom shall constitute a quorum; and in case of failure on the part of any State or Territory so to appoint, the President shall appoint such member, by and with the advice and consent of the Senate; but no part of the fund herein provided for shall be expended in salaries, traveling or other personal expenses of the said Board of Directors.

“SEC. 3. *And be it further enacted,* That the said Board of Directors shall have power to make rules and regulations for the organization and government of the school, shall appoint its professors, teachers and officers, and exercise supervision and control over the fund herein appropriated.

“SEC. 4. *And be it further enacted,* That no professor, teacher or other officer of the institution shall be removed, except upon charges and specifications duly investigated by the Board of Directors; and the decision of the Secretary of the Treasury, to whom the facts and the evidence shall be reported, shall be conclusive.

"SEC. 5. *And be it further enacted*, That tuition in this institution shall be free to any citizen of the United States who may present proper evidences of qualification, to be determined by the faculty; and it shall also be free to students from other countries, duly recommended by the authorities of the schools in which they shall have become qualified; but all expenses for books and stationery, and all personal expenses for lodging, subsistence and traveling, shall be borne by the students themselves.

In relation to amendment of Act of Congress.

"SEC. 6. *And be it further enacted*, The primary object of the school being an increase of the bullion products of the country, by the practical application of science to mining and the diffusion of correct knowledge among miners as to the best methods of treating the ores, no charge will be made for assays, tests, metallurgical or other experiments, except to cover the actual cost of material used.

"SEC. 7. *And be it further enacted*, That the Secretary of the Treasury, on and after the first day of July, eighteen hundred and sixty-eight, shall set apart the fund hereby appropriated for the purpose named in this Act; and he shall, after receiving a report from the Board of Directors, locate the school and furnish plans and specifications for all necessary buildings and improvements, which shall be plain and substantial, and upon the most economical plan consistent with the purposes of the institution.

"SEC. 8. *And be it further enacted*, That, in order that the Board of Directors may be placed in possession of the most approved systems of education, the Secretary of the Treasury shall cause an examination to be made of the principal mining schools of Europe, and a report to be prepared upon the same, the expense of such service to be paid out of the unexpended balance of the appropriation heretofore made for the collection of mining statistics.

"SEC. 9. *And be it further enacted*, That the duties now performed by the Special Commissioner appointed by the Secretary of the Treasury to collect mining statistics in the States and Territories west of the Rocky Mountains shall, upon the organization and completion of the School of Mines created by this Act, be performed under a permanent system under the faculty of said institution, and their report shall be transmitted annually to the Secretary of the Treasury, to be by him laid before Congress.

"SEC. 10. *And be it further enacted*, That the professors and teachers, under the direction of the President of the institution, shall make annual visits to the principal mining districts, accompanied by their respective classes, for the purpose of examining the mines, mills, and modes of working, and instructing the pupils in the practical operations of mining and metallurgy; and the said professors and teachers shall also, as far as their time will permit, give free lectures to the miners on geology, mineralogy, metallurgy and mining engineering, and kindred subjects.

"SEC. 11. *And be it further enacted*, That the Secretary of the Treasury shall require from the disbursing officer or officers

In relation
to amend-
ment of Act
of Congress.

appointed by the Board of Directors, such bonds and vouchers as he may deem necessary for the security and proper disbursement of the fund.

"SEC. 12. *And be it further enacted*, That from and after the expiration of the fiscal year commencing July first, eighteen hundred and sixty-eight, not exceeding one half of the fund arising from the tax levied upon gold and silver bullion shall be expended by or on behalf of the institution, the remaining half to be set apart by the Secretary of the Treasury and invested in Government securities, which shall remain, both principal and interest, a permanent fund for the support and maintenance of the institution; and no part of the reserved half, either principal or interest, shall be drawn so long as the Government shall continue to impose a tax upon gold and silver bullion; but after such tax shall have ceased the interest on the reserved fund shall be used for the purposes hereinbefore mentioned."

AND WHEREAS, It is of the greatest importance to the mining interests of the Pacific Coast, and of the United States, that all legislation upon this subject should be well considered and studiously directed to the attainment of the greatest possible benefit to those interested; therefore,

Resolved by the Assembly of the State of California, the Senate concurring, That our Representatives in Congress be requested, and our Senators be instructed, to procure, if possible, the said bill to be amended before its passage, to the following effect:

First—The first section of said bill to be so amended as to provide that the said School of Mines shall be located on or conveniently near the line of the Pacific Railroad, west of the Rocky Mountains, at such place as shall be selected for that purpose by the first Board of Directors of said school.

Second—The second section of said bill to be so amended as to provide that the Board of Directors of said School of Mines shall be selected by a Board of Directors appointed by the Legislatures or Executives of the States located, in whole or in part, west of the western base of the Rocky Mountains, each State and Territory having one member of said Board for each Senator, Representative or Delegate in Congress to which it may be entitled, and making its appointment of such Directors in such manner as its Legislature shall from time to time direct.

Third—The fifth section of said bill to be so amended as to provide that no person shall receive gratuitous instruction at said School of Mines, except citizens of the United States, or persons who shall have declared their intention to become such; *provided*, that none shall be excluded who possess only a thorough common school education.

Fourth—The eighth section of said bill to be so amended as to provide that the examination of mining schools prescribed in that section shall be made by one of the professors of said National School of Mines, to be appointed by the Secretary of the Treasury after the said National School of Mines shall have been organized and put in operation, and that such professor, after being so appointed, shall visit the principal mines

situated in the region of the Pacific Coast, and prepare thorough, accurate and digested statements of their geological and mineralogical structure, their constructions, machinery and processes, and shall then proceed to an examination of the principal mining schools of the United States and Europe; and that the professor of said National Mining School to be appointed for this purpose shall be thoroughly and technically educated in the sciences of mineralogy, general and analytical chemistry and metallurgy, and professionally expert in the same.

In relation
to amend-
ment of Act
of Congress.

Fifth—The tenth section of said bill to be so amended as to leave it to the discretion of the Board of Instruction of said National School of Mines to what extent visits shall be made to the principal mining districts for the purposes of instruction.

And further, to procure, if possible, an Act of Congress to be passed, either as a substitute for said bill or as an amendment thereto, or by an independent enactment, by which an annual subsidy of a fixed amount, and for a definite term of years, shall be granted out of the funds designated in section one of said bill, to each of the States and Territories mentioned in said bill which shall establish a College of Mines, in connection with a College or Colleges of Agriculture and the Mechanic Arts, as contemplated by an Act of Congress entitled an Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July second, eighteen hundred and sixty-two.

Resolved, That his Excellency the Governor be requested to transmit certified copies of the preceding preamble and resolutions to our Senators and Representatives in Congress, and to telegraph to them at once that resolutions have been passed on the subject, and have been forwarded to them, and ask that action on said bill be in the meanwhile delayed; and also, to transmit copies of the same, for information, to the Senators, Representatives and Delegates in Congress of the States of Nevada and Oregon, and the Territories of Washington, Idaho, Montana, Utah and Arizona.

No. IV.—*Concurrent Resolution.*

[Approved February 19, 1868.]

WHEREAS, The First Battalion of Mountaineers, California Infantry Volunteers, commanded by Lieutenant-Colonel S. G. Whipple, were mustered into the service of the United States on the twenty-second day of June, A. D. eighteen hundred and sixty-three, and were received by the United States Government as a part of the quota of troops required of California during the late civil war, and did service for the Government in suppressing Indian disturbances in the Counties of Humboldt, Trinity, Klamath and Del Norte, in the years eighteen hundred and sixty-three, and eighteen hundred and sixty-four and eighteen hundred and sixty-five, and that while so engaged at said service the said battalion were fed, armed

Bounty for
California
Volunteers.

Bounty for
California
Volunteers.

and paid by the General Government, and in all respects were regarded and treated by the Government as a part of the volunteer force at that time in the United States service; and whereas, it has been decided by the War Department at Washington City that the men composing this aforesaid battalion are not entitled to bounty, thereby discriminating against those meritorious citizen soldiers; therefore,

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to take such proper action, by bill or otherwise, as may seem best, to have the men who composed the said First Battalion Mountaineers, California Infantry Volunteers, placed on the same footing with other volunteer soldiers.

Resolved, That His Excellency Governor H. H. Haight be requested to forward a copy of these resolutions to each of our Representatives and Senators in Congress.

No. V.—*Concurrent Resolution.*

[Approved February 26, 1868.]

Selection of
lands for col-
lege pur-
poses.

WHEREAS, Most of the available public lands in the State of California have been reserved by the United States on account of railroad grants; and whereas, the State of California has made provision for the establishment of a Mining College in connection with the Agricultural College, which the General Government should foster and encourage; therefore,

Resolved by the Assembly, the Senate concurring, That our Representatives in Congress be requested, and our Senators instructed, to procure, if possible, the passage of a law authorizing the State to select, acre for acre, any portion of the one hundred and fifty thousand acres of land granted to the State for the benefit of an Agricultural College, from the even numbered sections within any of said railroad reservations.

No. VI.—*Concurrent Resolution.*

[Approved February 29, 1868.]

Daily mail.

Resolved by the Assembly, the Senate concurring, That the Senators from California be instructed, and our Representatives requested, to use their influence to procure the establishment of a daily mail from Petaluma, in Sonoma County, to Arcata, in Humboldt County, via Hydesville, Rhonerville and Eureka, in Humboldt County.

Resolved, That His Excellency Governor H. H. Haight be requested to forward copies of this resolution to each of our Senators and Representatives in Congress.

No. VII.—*Concurrent Resolution, concerning tri-weekly mail from Eureka to Petrolia, in Humboldt County.*

[Approved February 29, 1868.]

Resolved by the Assembly, the Senate concurring, That our Representatives in Congress be requested, and the Senators from California be instructed, to use all means in their power to procure the establishment of a tri-weekly mail from the Town of Eureka to the Village of Petrolia, in Humboldt County, California, via Ferndale and Centerville, in said county.

Resolved, That His Excellency Governor H. H. Haight be respectfully requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

No. VIII.—*Memorial.*

[Approved February 29, 1868.]

The Memorial of the Legislature of the State of California to the Congress of the United States respectfully represents:

That the district of country lying in the northwestern part of the State of California, and embraced in the Counties of Humboldt, Klamath, Del Norte and Mendocino, is a mountainous region, with but limited agricultural resources compared with other portions of the State, but possessing forests of valuable timber, excellent pasturage and valuable lodes or veins of gold quartz, copper, and, it is believed, of coal and silver; that the district or section named is but thinly populated by whites, and is, to a very great extent, undeveloped, which we feel authorized to state is owing entirely to chronic Indian wars and disturbances that have prevailed there continuously, with greater or less violence, for the last fifteen years. On repeated occasions these savages have so devastated portions of the district in question that it became in a measure depopulated of whites, while every enterprise became, in consequence, broken up or greatly injured. There being no safety for the farmer, herdsman and miner, it is but natural that they would abandon a country where the chances of life or the preservation of property were so precarious and uncertain. From this state of things, the people living there have suffered most severely on occasions and in ways the particulars of which are too long to state in this memorial.

The Federal Government, on its part, has been put to an expense of a very large sum, believed to amount to as much as one million and a half of dollars, in the time mentioned, in efforts, well intended but not successful, to restore quiet among the Indians infesting the region alluded to. No plan has yet been adopted by the General Government that has secured the persons and property of the white population in that section from outrages by these savage Indians. The recent murder of

Grant of
lands for
construction
of roads.

the United States Indian Agent at Hoopa Valley, Mr. Stockton, furnishes proof of the daring, wicked and turbulent spirit that yet animates them.

It is further respectfully submitted that, owing to causes connected with the condition of affairs here briefly sketched, no roads leading into the section mentioned have been or could be constructed. The region being, as stated, a rough and mountainous country, the construction of roads involves an expense greater than a small population, continually harassed and devastated by hostile Indians, could defray. Therefore the fact remains that the mails of the Government that are sent into the settlements in those counties are packed in on horseback at very great expense to the Government, at more than double the price that their transmission would cost if there were good roads provided. And on the other hand it results that, owing to the enormous prices the General Government has to pay for the transmission of the mails, because of this want of facilities for carrying them here mentioned, the people resident in said counties do not receive the number of mails that they would seem to be entitled to receive. To this we add that the General Government now pays very large sums of money for the transportation of troops and military supplies, and supplies for the Indian reservations in that region, which could in great part be saved if roads were constructed leading into the district named.

The best communication between the region in question and San Francisco is by water, which, owing to the want of harbors always easily accessible and the character of the coast, cannot be considered reliable. Finally, it is believed that if the people of those counties were assisted by the General Government in constructing roads there would at once result such an influx of white population that Indian wars would not occur in the future, and there would be at once a corresponding decrease if not a total cessation of the expenditures which the General Government has to incur under the existing state of affairs. Further, we add that, if such roads were built, vast bodies of land now of no value whatever to the General Government, and which can never be sold until roads are constructed, would at once be brought into market, realizing to the Government ten fold the cost of such roads. We therefore respectfully press upon the attention of Congress that the grant by it of suitable quantities of these lands, now lying waste, idle and valueless, for the purpose of building roads into those counties, would result to the great advantage of the General Government, besides extending, in the ways named, to the white people there resident that protection and security to which they are entitled, and which they have never yet received through any of the expensive methods heretofore devised by the General Government.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress are instructed and our Representatives requested, to place this memorial before Congress, and to press the matter therein mentioned respectfully upon its attention.

Resolved, That our Senators be instructed, and our Representatives requested, to favor the passage of a law granting four sec-

tions of land to the mile for the purpose of constructing a wagon and turnpike road from the Village of Hydesville, in Humboldt County, California, to the southern boundary line of said county, and in like manner to ask for a similar donation of lands to construct a wagon and turnpike road from the Town of Arcata, in Humboldt County, to the Town of Weaverville, in Trinity County, apportioning the same between said counties in a proper manner, said lands to be located in not more than twenty miles of said road, and in no case to interfere with the settlements of any settler, nor to be located on any lands that are mineral bearing.

Resolved, That his Excellency Governor H. H. Haight be respectfully requested to forward, without delay, a copy of this memorial and these resolutions to each of our Senators and Representatives in Congress.

No. IX.—*Concurrent Resolution.*

[Approved February 29, 1868.]

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the establishment of a mail, twice a week, from Weaverville, in Trinity County, to Hydesville, in Humboldt County, via Douglas City and Hayfork, in Trinity County. Semi-weekly
mail.

Resolved, That His Excellency Governor H. H. Haight be requested to forward a copy of this resolution to each of our Representatives and Senators in Congress.

No. X.—*Concurrent Resolution.*

[Approved March 4, 1868.]

This Memorial of the Legislature of the State of California to the Congress of the United States would respectfully represent :

That the Town of Trinidad, situated on the coast, in the County of Klamath, is one of the best open roadsteads on our coast; that the bay or harbor of said town is protected from the winds from the north and northwest, and casualties of the ocean, by a prominent head of land of between three and four hundred feet high, extending into the sea; that said head of land is and has been for years a Government reservation for light-house purposes; that the lumbering and mercantile interests of said port are of growing interest to the public; that the safety of navigation at large makes indispensable the erection of a light-house at said point; therefore be it Light-house.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to place the matter before Congress, and use all proper means to obtain an appropriation from the General Government for the erection of a light-house on said reservation at an early day; that His Excellency the Governor be requested to forward without delay a copy of this memorial and resolution to each our Senators and Representatives in Congress.

No. XI.—*Concurrent Resolution, asking postal facilities from Red Bluff, in Tehama County, via the Pitt River, Upper Sacramento and Shasta Valley route, to Yreka, Siskiyou County, California.*

[Approved March 5, 1868.]

Necessity of
mail service.

WHEREAS, By [A] joint resolution of the Senate and Assembly of the State of California, adopted January eighth, eighteen hundred and sixty-six, instructed our Senators in Congress, and requested our Representatives in Congress, to use their influence to procure the establishment of a semi-weekly mail from Shasta City, in Shasta County, via Churntown, Copper City, at Pitt River Crossing, Dog Creek, and other places on the Upper Sacramento, and Butteville, on Shasta River, in Shasta Valley, to Yreka, in Siskiyou County, California; and whereas, in answer to such request, a post route was established, covering said district of country, with Red Bluff, in Tehama County, as the initial point; and whereas, said route from Red Bluff to Yreka, as established, would equally accommodate the county and community desiring postal facilities as that called for in the aforesaid resolution, and could, from the fact of its leaving a point at the head of water navigation, on the Sacramento River, from whence the passengers and light express freight for the upper county would be a source of considerable revenue to the contractor, be carried at a much reduced rate from that that would be required from Shasta City; and whereas, after the route was established and contracts advertised for transporting the mails over the same, the Postmaster General neglected to let the contracts for same on said route; and whereas, from said acts there is left a district of country of about one hundred and twenty miles, with a large mining and agricultural population, without any mail facilities except through the aid of transient slow-freight teamsters passing over said route; and whereas, the route proposed is never obstructed by heavy snows in the Winter, and by it the northern country is accessible at all seasons of the year; and whereas, we are credibly informed that, to insure a letting of the contract at the time when the same was advertised to be let, as aforesaid, the citizens living along the proposed route induced bidders to offer to carry the mail and render the service at a rate much below the cost of transportation, by assurances of aid by subscription equal to remunerative prices for the same; therefore, by the Assembly, the Senate concurring, be it

Resolved, In view of the above facts, that our Senators in Congress be instructed, and our Representatives be requested, to urge upon the attention of the Department the great want and necessity of the community along said route, and to the utmost of their ability press upon the Department the necessity of supplying said route with postal service.

Resolved, That His Excellency the Governor of the State of California be and he is hereby requested to forward a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

No. XII.—*Concurrent Resolution.*

[Approved March 19, 1868.]

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to procure the establishment of a tri-weekly mail route from Crystal Peak, State of Nevada, by the way of Sardine Valley, Sierraville and Loyalton, in Sierra County, State of California, to Summit Post Office, in Plumas County, California.

Resolved, That His Excellency the Governor be requested to forward a copy of the above resolution to each of our delegation in Congress.

No. XIII.—*Concurrent Resolution.*

[Approved March 23, 1868.]

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators in the Congress of the United States are instructed, and our Representatives requested, to urge an appropriation by Congress at its present session of the sum of fifty thousand dollars, for the purpose of constructing such works as will be sufficient to turn the River of San Diego into False Bay, and otherwise to improve the Harbor of the Town of San Diego.

Resolved, That His Excellency the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

No. XIV.—*Concurrent Resolution.*

[Approved March 26, 1868.]

Way mail
offices.

WHEREAS, The people of this State residing in the different towns on the line of and adjacent to the line of the Central Pacific Railroad of California, east of Sacramento, under the present mail arrangements cannot communicate with each other by mail without having their letters first carried to Sacramento on the railroad and then returned by the same route to their place of destination; therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be requested to use their influence with the Postmaster-General to procure the establishment of way mail offices at the several stations along the line of said railroad thereby facilitating the delivery of mails between said towns.

No. XV.—*Concurrent Resolution.*

[Approved March 26, 1868.]

Aid to rail-
road.

Resolved by the Assembly, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to secure the passage of a law through Congress granting aid to the Oroville and Virginia City Railroad Company, in the building and completion of its road from Oroville, in the County of Butte, up Feather River, by the way of Beckwourth's Pass, to Virginia City, in the State of Nevada.

Resolved, That His Excellency the Governor be requested to forward a copy of this resolution to the President of the United States and to each of our Senators and Representatives in Congress.

No. XVI.—*Concurrent Resolution.*

[Adopted March 27, 1868.]

Leave of ab-
sence.

Resolved by the Assembly, the Senate concurring, That J. H. Batchelor, a District Assessor of Solano County, be and is hereby granted leave of absence from this State for the period of six months, at such time as he may select, during his present term of office.

No. XVII.—*Concurrent Resolution.*

[Adopted March 27, 1868.]

WHEREAS, The present Internal Revenue tax of one dollar per gallon on native grape brandy manufactured by citizens of this State has become very burdensome, almost amounting to a prohibition, and is so detrimental to the extensive vine growing interest of this State as almost to paralyze it while yet in its infancy and retard the production of what would otherwise be one of our greatest and most valuable exports; and whereas, the said tax prevents the working up of light and inferior wines into brandy, thus necessarily throwing a vast quantity of inferior wines upon the market and injuring the reputation of California wines in the marts of the world, to the great injury of our commerce; and whereas, experience has demonstrated that thousands of acres of our foot hills, lying above the lines of artificial irrigation, which are perfectly useless for any other known purpose, can be successfully cultivated—and would be if proper encouragement was afforded in the shape of freedom from excessive Federal taxation—in grape raising, giving employment to vast numbers of our people and greatly productive to local revenue; therefore,

Reduction
of tax on
brandy.

Resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be requested to lay the facts stated in the preceding preamble before that body, and to use their most earnest endeavors for the repeal of or reduction of the said tax; and be it further

Resolved, That His Excellency the Governor, be requested to furnish a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

All of which is respectfully submitted.

No. XVIII.—*Memorial concerning the payment of damages by the United States done by Indians in eighteen hundred and sixty-one, eighteen hundred and sixty-two and eighteen hundred and sixty-three, in the Counties of Humboldt, Klamath, Trinity, Del Norte, etc.*

[Adopted March 27, 1868.]

The Memorial of the Legislature of the State of California to the Congress of the United States of America respectfully represents:

That the United States Government has failed, in the years of our Lord eighteen hundred and sixty-one, eighteen hundred and sixty-two, eighteen hundred and sixty-three and eighteen hundred and sixty-four, to protect the citizens of Humboldt, Klamath, Del Norte and Trinity from the violence of the Indians of that quarter of the State, and that many lives were lost during

General
Government
asked to
reimburse.

Compensation for damages by Indians.

the period named of some of the best citizens of the State, for which recompense is not possible.

It is further represented that during the time named a large amount of property was destroyed by these Indians. It is believed that the property so lost was of the value of one hundred and fifty thousand dollars.

This memorial respectfully asks that steps be authorized and taken by the General Government to ascertain the amount of property so destroyed in the period named, with the names of owners, date of destruction, and other proper information relative thereto, to the end that the parties in interest may be reimbursed.

The direct proof of what is here alleged can be easily afforded, but a difficulty is felt in having no tribunal or authority to take such proof.

No XIX.—*Concurrent Resolution.*

[Approved March 27, 1868.]

Necessity of surveys of public lands.

WHEREAS, The rapid settlement now taking place upon the public land in the State of California renders the surveys of the same by the United States authorities imperative; and whereas, the amount of appropriation heretofore made by Congress for the United States Surveyor-General's office for such purpose has been very inadequate; and whereas, it is of essential interest both to the citizens of this State and to the Federal Government that title to land should be had at as early date as possible; therefore be it

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators in Congress be instructed, and our Representatives be requested, to urge upon the appropriate Committees in Congress the necessity of appropriating for the public surveys of the State of California for the next fiscal year a sum not less than one hundred thousand dollars.

No. XX.—*Concurrent Resolution.*

[Approved March 28, 1868.]

Imprisonment of naturalized citizens by Government of Great Britain.

WHEREAS, Naturalized citizens of the United States of America, some of whom are charged with or suspected of offences against the laws of England, alleged to have been committed by said citizens while abiding or sojourning within the dominions of Great Britain, while others are charged with offences against said Government of [Great Britain], alleged to have been committed by said citizens while within the jurisdiction of the Government of the United States, have

been arrested, imprisoned and otherwise punished therefor by the Government of said Great Britain, without the rights of trial according to the laws prescribed by said Government for the foreigners in said Great Britain, and in some instances said citizens have been condemned and punished without any trial whatever; and whereas, in recent trials of political offenders by the Government of Great Britain invidious distinctions have been made by the officers of that Government between native and naturalized citizens of this republic, and said Government, by such distinction, has practically, persistently and repeatedly ignored the right of our Government and laws to confer complete citizenship on persons born within the jurisdiction of the Government of Great Britain; and whereas, we regard the conduct of the said Government as an attempt once more to re-assert the repugnant and slavish doctrine of the feudal law, and a violation of the rights and a dangerous infringement upon the liberties of the naturalized citizens of this republic, which our Government ought not to tolerate; and whereas, other foreign Governments have from time to time and still do continue to deny the right and power of this Government to confer upon the adopted citizens of our republic the rights and protection abroad to which native citizens of this Government are entitled; now, therefore,

Imprisonment of naturalized citizens by Government of Great Britain.

Be it resolved by the Assembly, the Senate concurring, That our Senators and Representatives in Congress be requested to use their utmost endeavors in procuring such immediate, final and decisive action by our Government as may be necessary to restore to liberty any and all of its naturalized citizens unlawfully held and detained in durance by any foreign Government, in violation of the principles always heretofore asserted by our Government, and to secure the most ample redress for outrages committed by said British or any other foreign Government upon the rights of said citizens.

Be it further resolved, That the people of the State of California will cordially and heartily indorse, and, as far as in them lies, support and aid in carrying out any and all measures that may be adopted by the Government of the United States to prevent or punish any outrage by any foreign Government, either actual or menaced, upon the rights or liberties of any of its citizens, whether native or naturalized.

Resolved, That His Excellency the Governor be requested to transmit without delay a copy of this preamble and these resolutions to each of our Senators and Representatives in Congress.

No. XXI.—*Concurrent Resolution, relating to the investment of the Agricultural College Fund.*

[Approved March 30, 1868.]

Consent of
Congress to
investment
in produc-
tive real
estate.

WHEREAS, It is provided by the terms of an Act of Congress entitled an Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts, passed July second, one thousand eight hundred and sixty-two, that all moneys derived from the sale of such lands shall be invested in stocks of the United States, or of the States, or some other safe stocks yielding not less than five per centum upon the par value of such stocks, and that the money so invested shall constitute a perpetual fund of which the interest only shall be devoted to the support of colleges of agriculture and the mechanic arts; and whereas, the currency of the world is steadily diminishing in comparative value, so that for long periods it does not present a reliable standard of value; and a permanent fund invested as provided in and by such Act of Congress must constantly diminish in comparative value, so that in time it will not be equal in intrinsic value to one half of its original nominal amount; and whereas, a reliable standard of value for long periods of time is found in productive real estate, whose nominal value rises and whose rents increase as (to) the intrinsic value of the currency diminishes, and such productive real estate therefore presents a permanent means of investment for long periods of time, in which the danger of depreciation of the capital of the fund is avoided; therefore,

Resolved by the Assembly of the State of California, the Senate concurring, That our Representatives in Congress be requested, and our Senators be instructed, to endeavor to obtain the passage of an Act of Congress which shall permit the State of California to invest in unincumbered productive real estate the proceeds of the one hundred and fifty thousand acres of public lands heretofore donated to this State by the said Act of Congress for the benefit of an Agricultural and Mechanic Arts College, under such restrictions and conditions as Congress shall prescribe.

SENATE RESOLUTIONS.

NUMBER I.—*Concurrent Resolution.*

[Adopted December 4, 1867.]

Resolved by the Senate, the Assembly concurring, That a committee of three from the Senate and a like number from the Assembly be appointed to wait upon the Governor and Lieutenant-Governor elect to inform them of their election and the time of inauguration.

Inauguration
of State
officers.No. II.—*Concurrent Resolution.*

[Adopted December 4, 1867.]

Resolved by the Senate, the Assembly concurring, That a committee of three from each house be appointed to inform the Governor of the organization of the Legislature.

Organization
of Legisla-
ture.No. III.—*Concurrent Resolution.*

[Adopted December 4, 1867.]

Resolved by the Senate, the Assembly concurring, That the Senate and Assembly meet in Joint Convention in the Assembly Chamber, on Wednesday, the fourth instant, at three o'clock P. M., to canvass the votes for Governor and Lieutenant-Governor.

Canvassing
votes.No. IV.—*Concurrent Resolution.*

[Adopted December 9, 1867.]

Resolved by the Senate, the Assembly concurring, That the Secretary of the Senate and the Clerk of the Assembly be and they are hereby authorized, to have the numbers and titles of bills on the general file of the Senate and Assembly printed every day, and the Sergeants-at-Arms are required to have the usual number distributed on the desks every morning.

Printing of
general files.

No. V.—*Concurrent Resolution.*

[Adopted December 10, 1867.]

Translation
of laws.

Resolved by the Senate, the Assembly concurring, That a committee of three from each house be appointed by the presiding officers of each house, to select proposals and award contract for translating into Spanish the laws passed during the present session.

No. VI.—*Concurrent Resolution.*

[Adopted December 14, 1867.]

National flag

Resolved by the Senate, the Assembly concurring, That the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the Assembly be instructed to cause the National flag to be raised over the Capitol only when one or the other, or both houses, may be in actual session.

No. VII.—*Concurrent Resolution.*

[Adopted December 19, 1867.]

Proceedings
of Harbor
Commission-
ers.

Resolved by the Senate, the Assembly concurring, That a joint committee, consisting of three of the Senate, to be named by the Chair, and four of the Assembly, be appointed to inquire into and investigate the proceedings of the State Harbor Commissioners and make report thereon to the Senate and Assembly, respectively, with such recommendation as the committee may deem proper, and that such committee have power to send for persons and papers.

No. VIII.—*Concurrent Resolution.*

[Adopted December 19, 1867.]

Printing
required
by State
officers.

Resolved by the Senate, the Assembly concurring, That all printing, except advertising, ordered or required by the officers of any State Board or State institution, shall be executed by the State Printer.

No. IX.—*Concurrent Resolution.*

[Adopted January 7, 1868.]

Resolved by the Senate, the Assembly concurring, That Professor J. D. Whitney be invited to address the Legislature on the subject of the progress of his labors as State Geologist, and the use of the Assembly Chamber be tendered him for that purpose, on any evening that may suit his convenience.

No. X.—*Concurrent Resolution.*

[Adopted January 7, 1868.]

Resolved by the Senate, the Assembly concurring, That the Senate and Assembly will meet in Joint Assembly, the seventeenth day of January instant, at twelve o'clock m., for the purpose of reading and approving the Journal of the Joint Assembly held for the election of a United States Senator.

No. XI.—*Concurrent Resolution.*

[Adopted January 9, 1868.]

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means in their power to procure the early establishment of a daily mail from the Town of Oroville, in the County of Butte, via Humbug Valley and Taylorville, to Susanville, in the County of Lassen.

Resolved, That His Excellency the Governor be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

No. XII.—*Concurrent Resolution.*

[Adopted January 9, 1868.]

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means in their power to procure the early establishment of a daily mail from the town of Oroville, in the County of Butte, via Laporte and Gibsonville, to Quincy, in the County of Plumas.

Resolved, That His Excellency the Governor be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

No. XIII.—*Concurrent Resolution.*

[Adopted January 10, 1868.]

Sales of
State lands.

Resolved by the Senate, the Assembly concurring, That the Joint Committee on the Agricultural, Mining and Mechanical Arts College be instructed to examine the books of the Controller, Treasurer and Register of the State Land Office, for the purpose of ascertaining the number of acres of land sold of the seventy-two sections granted to this State for seminary purposes; also, the number of acres sold of the ten sections granted to this State for public buildings; also, the amount for which said lands have been sold, together with the amount of interest received by the State on said amount, and that they report a bill segregating said money from all other funds in the Treasury, and directing the same to be set apart as an Agricultural, Mining and Mechanical Arts College Fund.

No. XIV.—*Concurrent Resolution.*

[Adopted January 11, 1868.]

Committee
may employ
assistants.

Resolved by the Senate, the Assembly concurring, That the Joint Committee of the two houses appointed to inquire into and investigate the proceedings of the State Harbor Commissioners and make report thereon be and they are hereby authorized to appoint a Sergeant-at-Arms, a Clerk, and such other assistants as they may deem necessary.

No. XV.—*Concurrent Resolution.*

[Adopted January 11, 1868.]

Leave of
absence.

Resolved by the Senate, the Assembly concurring, That the Joint Committee on Agricultural College and State University have leave of absence until Wednesday next, to visit the grounds donated and proposed to be donated to the State for college purposes by the Trustees of the College of California.

No. XVI.—*Concurrent Resolution.*

[Adopted January 13, 1868.]

Resolved by the Senate, the Assembly concurring, That our Senators and Representatives in Congress be instructed and requested to urge an immediate examination and survey, by authority of the Government of the United States, of the Port of Wilmington, County of Los Angeles, State of California, to ascertain the expediency of immediately establishing a break-water at that important harbor. ^{Survey of harbor.}

No. XVII.—*Concurrent Resolution.*

[Adopted January 14, 1868.]

Resolved by the Senate, the Assembly concurring, That nineteen hundred and twenty copies of the report of the engineer of the Sacramento Valley Irrigation and Navigation Canal be printed, to wit: so much of said report as is contained in the first one hundred and ten pages of the manuscript; that two hundred copies thereof be delivered by the State Printer to William H. Bryan, the engineer, and the remainder be distributed pro rata among the members of the Legislature. ^{Printing of report.}

No. XVIII.—*Concurrent Resolution.*

[Adopted January 15, 1868.]

Resolved by the Senate, the Assembly concurring, That a joint committee of three in the Senate and four in the Assembly, be appointed to prepare and report a bill amending and codifying the Revenue Laws of this State. ^{Revenue Laws.}

No. XIX.—*Concurrent Resolution.*

[Adopted January 15, 1868.]

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be and he is hereby authorized to insert an enacting clause (inadvertently left out) in Senate Bill number seventy—An Act to authorize the President and Trustees of the City of San Diego to convey certain real estate to the United States. ^{Correction of error.}

No. XX.—*Concurrent Resolution.*

[Adopted January 17, 1868.]

Engross-
ment.

Resolved by the Senate, the Assembly concurring, That all bills be engrossed before transmitting them from one body to the other.

No. XXI.—*Concurrent Resolution.*

[Adopted January 18, 1868.]

State
Hospital
Committee.

Resolved by the Senate, the Assembly concurring, That the State Hospital Committee of each house be and they are hereby directed to visit, at an early day, and inquire into the sanitary condition of the Reform School, Insane Asylum, Deaf and Dumb Asylum, and all other public institutions that receive State aid, and report to each house the result of their investigations.

No. XXII.—*Concurrent Resolution.*

[Adopted January 23, 1868.]

Investiga-
tion of
charges of
cruelty.

Resolved by the Senate, the Assembly concurring, That the State Hospital Committees of each house be and they are hereby directed, when they visit the State Reform School, to investigate and report upon the charge of cruelty and inhumanity preferred against the Superintendent of that institution by the Sacramento Union in its issue of November sixteenth, eighteen hundred and sixty-seven.

Resolved, That the Committee be further instructed to investigate the charges of cruel treatment of inmates of the Industrial School, as presented by the Grand Jury of the County Court of San Francisco-County for the term of last September, and published in the Evening Bulletin of November second, eighteen hundred and sixty-seven.

Resolved, That for the purposes of these investigations, the Committee are hereby authorized and empowered to send for persons and papers.

No. XXIII.—*Concurrent Resolution.*

[Adopted January 22, 1868.]

Instructions
to com-
mittee.

Resolved by the Senate, the Assembly concurring, That the Committee on State Hospitals be instructed to examine, specially, the following subjects, while on their visit to said institutions, and report thereon to their respective houses :

First—On their visit to the Insane Asylum at Stockton, to ascertain the number of patients properly classed as incurables, and inquire as to the advisability of separating that class from the institution, or any other class, which would serve better to relieve the overcrowded condition of the institution. Instructions
to com-
mittee.

Second—To ascertain the number of pay patients, and inquire as to the necessity of relieving the institution of that class of inmates; and also, whether or not an adequate charge is made for their care and treatment; also, ascertain the number of those who might properly be classed as paupers.

Third—On their visit to the Reform School, near Marysville, to inquire as to the fitness of the State building to accommodate the incurables of the Insane Asylum at Stockton, or any other portion of the inmates of that institution; also, the number it would accommodate, and the probable expense of remodeling the interior of the building and of erecting inclosures without, if such should be required, and also the adaptability of the climate to promote the comfort of the insane or any class of them.

No. XXIV.—*Concurrent Resolution.*

[Adopted January 31, 1868.]

Resolved by the Senate, the Assembly concurring, That the following sums be allowed, in payment of the expenses incurred by the Special Joint Committee of the two houses, appointed to investigate the affairs of the State Harbor Commission, viz: To Moses Scott, Jr., for services as Expert in examining the books and accounts of the Board of State Harbor Commissioners, one hundred and fifty dollars; to Robert J. Betze, for stationery, twenty-seven dollars; to T. A. Talbert, for fourteen days service as Sergeant-at-Arms of Committee, at eight dollars per day, one hundred and twelve dollars; for mileage, forty-six dollars and eighty cents; to P. K. Woodside, for thirteen days service as Clerk of Committee, at eight dollars per day, one hundred and four dollars; to M. D. Carr & Co., for printing five hundred summonses, fifteen dollars—four hundred and fifty-four dollars and eighty cents. The said several sums to be paid one half out of the Contingent Fund of the Senate and one half out of the Contingent Fund of the Assembly, and the Controller is hereby authorized to draw his warrants therefor. Payment of
committee
expenses.

No. XXV.—*Concurrent Resolution.*

[Adopted February 27, 1868.]

Resolved by the Senate, the Assembly concurring, That there shall be printed of the report proper of the State Board of Ag-

Printing of
agricultural
reports.

riculture for the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven, for the use of the members of the Legislature, three hundred and sixty copies, and for the use of the Board six hundred copies; also, of the full transactions of the Board, including the report, for the use of the Legislature, two hundred and forty copies, and for the use of the Board, two thousand six hundred and forty copies; and the State Printer is hereby instructed to deliver the same accordingly.

No. XXVI.—*Joint Resolution and Memorial.*

[Adopted February 28, 1868.]

The Memorial of the Legislature of the State of California to the Congress of the United States respectfully represents :

In relation
to Southern
Pacific
Railroad

That a railroad between San Francisco and the Missouri Valley, by the southern route, and passing through the Territories of Arizona and New Mexico, would traverse a region of country an empire in extent, of vast mineral and agricultural wealth, and especially recommended by its mild climate and low mountain passes, but which being infested by savage tribes is almost uninhabited by civilized men.

That the speedy construction of said road would constitute an additional bond of union and friendship between the different sections of our country; would save to the General Government millions of money annually in the cost of military occupation and protection, and, by developing the resources of a broad belt of country nearly two thousand miles in length, would add enormously to the productive power and wealth of the nation.

That whilst the distance, to wit, six or seven degrees of latitude, between the parallel upon which the said road would run and that upon which the Central Pacific and the Union Pacific Companies are now pushing their roads to completion with such commendable energy and success, is so great as to preclude jealousy between the respective companies, the opening of two roads across the continent would nevertheless insure a healthful competition most advantageous to the public and to the Government as a transporter. Therefore,

Resolved by the Senate and Assembly of the State of California, That the Congress of the United States be respectfully requested to grant, in favor of the said railroad by the southern route, like aids, franchises and loans as have been or may be granted in aid of the said road by the central route.

Resolved, That our Senators in Congress be instructed and our Representatives requested, to do everything in their power to secure favorable and speedy action upon the foregoing memorial.

Resolved, That His Excellency the Governor be requested to transmit the foregoing memorial and resolutions by telegraph, and to forward copies thereof to our Senators and Representatives in Congress.

No. XXVII.—*Concurrent Resolution.*

[Adopted March 2, 1868.]

Resolved by the Senate of the State of California, the Assembly concurring, That our Senators in Congress are instructed, and our Representatives requested, to procure the establishment of a daily mail route from Latrobe, in El Dorado County, to Ione City, in Amador County, and the establishment of a Post Office on said mail route at Lamb's Bridge, in said Amador County: Daily mail.

Resolved, That His Excellency the Governor be requested to forward a copy of the above resolution to each of our delegation in Congress.

No. XXVIII.—*Concurrent Resolution.*

[Adopted March 2, 1868.]

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the establishment of a mail route from Trinity Centre, in Trinity County, via Summerville, Petersburg, Cecilville, Centerville and Black Bear, to Sawyer's Bar, in Klamath County (distance seventy-five miles), service on said route to be performed weekly, from the first day of May to the first day of November, and semi-monthly from the first day of November to the first day of May, each year. Also, the establishment of Post Offices at Summerville, Petersburg, Cecilville, Centerville and Black Bear, in Klamath County; and that the Postmaster-General be requested to put special service on said route until such time as the route can be advertised and contract let. Mail routes
and Post
Offices.

Resolved, That His Excellency the Governor be requested to forward a copy of these resolutions to our Senators and Representatives in Congress, at as early a day as possible.

No. XXIX.—*Concurrent Resolution.*

[Adopted March 3, 1868.]

Resolved by the Senate, the Assembly concurring, That the sum of thirty dollars is hereby appropriated, out of the Contingent Fund of the Senate and Assembly, fifteen dollars from each fund, for the purpose of purchasing two pictures, one for each House, entitled "First in Peace." Purchase of
pictures.

No. XXX.—*Concurrent Resolution.*

[Adopted March 6, 1868.]

Return of
Senate bill.

Resolved by the Senate, the Assembly concurring, That the Governor be and is hereby requested to return Senate Bill number three hundred and six—An Act to provide for the pardon of certain convicts in the State Prison.

No. XXXI.—*Concurrent Resolution.*

[Adopted March 2, 1868.]

Aid for
railroad.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress are instructed, and our Representatives requested, to use their influence to secure the passage of a law by Congress granting aid to the San Diego and Gila Southern Atlantic and Pacific Railroad Company, in the building and completion of its road from the Port of San Diego, in the County of San Diego, to the Gila River.

Resolved, That His Excellency the Governor of this State is requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

No. XXXII.—*Concurrent Resolution.*

[Adopted March 7, 1868.]

Correction.

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be and is hereby authorized to correct substitute for Senate Bill number three hundred and six—An Act to authorize the State Prison Directors to recommend the pardoning of convicts in the State Prison—so that section two shall read as follows:

SECTION. 2. Whenever the Legislature shall by a majority of both houses recommend to the Governor that any or all of the prisoners named in the preceding section should be pardoned by him, he may pardon such convicts in accordance with such recommendation.

No. XXXIII.—*Concurrent Resolution.*

[Adopted March 11, 1868.]

Return of
bill.

Resolved by the Senate, the Assembly concurring, That the Governor be and is hereby requested to return to the Senate, Senate Bill number one hundred and forty-seven, for correction.

No. XXXIV.—*Concurrent Resolution.*

[Adopted March 12, 1868.]

Resolved by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be instructed to re-enroll the Senate Bill number one hundred and forty-seven, and that he be authorized to correct an error in the number of the section amended, which should be "one," instead of "twenty-one," as it occurs in section one, line first, in the bill.

Correction of error.

No. XXXV.—*Joint Resolution, relative to railroad lands.*

[Approved March 13, 1868.]

WHEREAS, Under and by virtue of the several Acts of Congress granting lands within this State for railroad purposes, as construed by a recent decision of the Secretary of the Interior, all the lands comprising both odd and even sections in a belt twenty-five miles in width on each side of the Central Pacific and Union or Southern Pacific Railroads, together with their branches, are withdrawn from settlement and pre-emption, more than one half of which lands are not granted to the railroad companies owning said roads; and whereas, said railroads run through the best agricultural portions of the State, including nearly all the unoccupied agricultural lands in the State, and thereby retarding its settlement and improvement; therefore, be it

Opening lands to settlement and pre-emption.

Resolved by the Senate, the Assembly concurring, That our Senators in Congress are instructed, and our Representatives requested, to procure, if possible, a reversal of the decision of the Secretary of the Interior, so that our [one] half of the lands so withheld from settlement and pre-emption may become subject thereto; and if that cannot be effected, then to procure such an amendment to the said Acts of Congress as will without question accomplish the same result; *provided*, that this resolution shall not be construed as asking Congress to restore any of said lands that were "offered lands," and subject to private entry and sale, to the character they had before the reservation—the intention and meaning being that all of said reserved lands (even sections) be made subject only to pre-emption and homestead, and that none of such lands which before the reservation bore the character of "offered lands" shall again be subject to private entry until again offered for sale by proclamation of the President.

No. XXXVI.—*Concurrent Resolution.*

[Adopted March 16, 1868.]

Adjourn-
ment.

Resolved by the Senate, the Assembly concurring, That, out of respect to the memory of the Honorable Henry Hare Hartley, late deceased, the two houses adjourn on Tuesday March seventeenth, at twelve, noon, until half past seven o'clock P. M., for the purpose of attending his funeral.

No. XXXVII.—*Joint Resolution, relative to the Mendocino Indian Reservation.*

[Approved March 19, 1868.]

Settlement
and pre-
emption.

WHEREAS, The Federal Government have ceased to use and occupy the Mendocino Indian Reservation for the purposes for which the reservation was made; and whereas, said reservation includes an area of about thirty square miles of good agricultural lands, which in consequence of said reservation are not subject to settlement or pre-emption; therefore,

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to procure the necessary action by the proper authority to make the lands subject to settlement and pre-emption.

Resolved, That His Excellency the Governor be requested to forward a copy of this resolution to each of our delegation in Congress.

No. XXXVIII.—*Concurrent Resolution.*

[Adopted March 23, 1868.]

Leave of
absence.

Resolved by the Senate, the Assembly concurring. That W. J. Costigan, County Clerk of Solano County, be and is hereby granted leave of absence from the State for the period of four months, at such time as he may select, during his term of office; *provided*, he shall leave a competent and responsible deputy in his office during his absence and obtain the consent of the Board of Supervisors of Solano County for such absence.

No. XXXIX.—*Concurrent Resolution.*

[Adopted March 24, 1868.]

Resolved by the Senate, the Assembly concurring, That the Governor be respectfully requested to return Senate Bill number five hundred and sixty-nine—An Act to provide for the appointment of Sheriff of Trinity County. Return of bill.

No. XL.—*Concurrent Resolution.*

[Adopted March 25, 1868.]

Resolved by the Senate, the Assembly concurring, That the Board of Supervisors of Alameda County be and is hereby authorized to grant A. L. Fuller, County Superintendent of Common Schools of said county, leave of absence from the State for a period of four months, at such time as he may select, during his present term of office; *provided*, that said Superintendent shall appoint a competent and responsible deputy to fill his place during his absence. Leave of absence.

No. XLI.—*Concurrent Resolution.*

[Adopted March 25, 1868.]

Resolved by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the establishment of a weekly mail from Stockton, via French Camp, Tuolumne City, Hopeton, Welsh's Store (on Mariposa Creek), Appling's (on the Chowchilla), to Millerton; and also the establishment of Post Offices at Tuolumne City, Welsh's Store and Appling's. Weekly mail and Post Offices.

Resolved, That His Excellency the Governor be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

No. XLII.—*Concurrent Resolution.*

[Adopted March 30, 1868.]

WHEREAS, The Colorado River, draining the Great Basin and communicating directly with the Pacific Ocean, penetrates a region justly noted for its rapidly developing resources and furnishes easy access to the Territories of Utah, Colorado and

Aid to Capt.
T. E. True-
worthy.

Arizona, as also to Southern Nevada, with their rapidly increasing and valuable trade, the most important part of which can only be diverted to the Colorado at a point at least one hundred miles above that now established as the head of navigation, on account of intervening desert wastes which prevent transportation by land; and whereas, our fellow citizen, Captain Thomas E. Trueworthy, of San Francisco, in response to the solicitations of the people of Arizona, and by his own means, has demonstrated, by actual navigation with steamboats and barges, that the Colorado River is and can be permanently continued navigable to Callville, Arizona, the highest point before indicated; therefore,

Resolved by the Senate, the Assembly concurring, That, while we recognize the value of all efforts to secure to this State the trade of that vast territory, we especially commend the enterprise and energy of Captain Thomas E. Trueworthy as the pioneer in demonstrating the navigability of the Colorado River to a point best adapted to secure the largest permanent trade.

Resolved, That our Senators be instructed, and our Representatives requested, to use their influence to secure to Captain Trueworthy such aid from the Federal Government in perfecting the navigation of the Colorado River to Callville as will insure success to the enterprise.