

THE  
STATUTES OF CALIFORNIA,

PASSED AT

*The Fourth Session of the Legislature,*

BEGUN ON THE THIRD OF JANUARY, 1853, AND ENDED ON THE  
NINETEENTH DAY OF MAY, 1853, AT THE CITIES OF  
VALLEJO AND BENICIA.

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# L A W S

OF THE

## STATE OF CALIFORNIA,

PASSED AT THE

FOURTH SESSION OF THE LEGISLATURE—BEGUN ON THE  
THIRD DAY OF JANUARY, 1853; AND HELD AT THE  
CITIES OF VALLEJO AND BENICIA.

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### CHAPTER I.

#### AN ACT

To fix the times of holding Court in the Eleventh  
Judicial District in this State.

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

SECTION 1. The Terms of the District Court of the Eleventh  
Judicial District, shall be held as follows: In the County of El  
Dorado on the fourth Monday in January, the second Monday in  
May, the third Monday in August, and the third Monday in No-  
vember in each year; in the County of Placer on the third Mon-  
day in February, the third Monday in June, and the third Mon-  
day in October in each year; in the County of Yolo on the third  
Monday in March, the second Monday in August, and the third  
Monday in December in each year: *Provided*, that there shall be

Term for El  
Dorado County.

For Placer  
County.

For Yolo  
County.

Special Term  
Placer County.

Former laws  
repealed.

Commencement  
of this Act.

a term of said Court held in the County of Placer on the third Monday in January of the present year.

SEC. 2. All Laws and parts of Laws that conflict with the provisions of this Act be and the same are hereby repealed.

SEC. 3. This Act to take effect from and after its passage. .  
Approved, January 14, 1853.

## CHAPTER II.

### AN ACT

Authorizing the purchase of a Press for the Seal of State.

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

Appropriation.

SECTION 1. The Secretary of State is hereby authorized to purchase for the use of the State, a Seal Press, adapted to the State Seal: *Provided*, that the whole cost of the purchase, procuring and transportation of the same shall not exceed one hundred and fifty dollars, and that no further expenses for travelling to procure the same be allowed.

Comptroller to  
issue warrant.

SEC. 2. The Comptroller of State is hereby required to draw his warrant upon the General Fund for the payment of the expenses incurred under this Act.

Approved, January 19, 1853.

## CHAPTER III.

## AN ACT

Explanatory of the duties of Sheriffs and rights of redemptioners under the thirty-seventh section of the "Act to provide for the levying, assessing and collecting Public Revenue," passed April twenty-third, one thousand eight hundred and fifty-two.

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

SECTION 1. In exposing real or personal property as described in this Act, it shall be the duty of the Sheriff, or other officer, to sell only so much thereof, or interest therein, as will be sufficient to pay the amount of the tax levied thereon, or for which the same shall be liable, together with such costs and charges as are or may be allowed by law. In exposing property for payment of taxes.

SEC. 2. The real or personal property embraced in the provisions of this Act shall be the following: Term property defined.

First. Real estate.

Second. Buildings or other improvements on public or private lands within this State.

Third. Shares, stock, or interest invested or owned in any company or association, private or incorporated.

Fourth. Mining interests or claims.

SEC. 3. The Sheriff, or other officer, selling any of the before described real or personal property, or estate, for taxes, shall immediately thereafter execute to the purchaser a certificate and deed thereof in the manner provided by law, on the sale of real estate under execution, and the purchaser thereof shall be vested with the same rights in reference thereto, as appertain to purchasers from sales of real estate under execution. Deed to be executed. Rights of purchasers.

SEC. 4. Any real estate so sold for taxes, which is, at the time of such sale, the property of, or in which minor heirs may be interested, shall be subject to redemption any time within one year after such minor heirs shall have attained the age of majority, by such minor heirs or their legal representatives, on the payment as herein provided of the amount of the taxes, costs and charges thereon. Rights of minor under the Act.

Approved, January 22, 1851.

## CHAPTER IV.

## AN ACT

Requiring the Comptroller to audit certain bills of the Members of the present Legislature.

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

Each member to receive \$400.

SECTION 1. The Comptroller of State is hereby required to audit and the Treasurer to pay out of the General Fund which now may be on hand, or which may hereafter be received, the per diem or mileage allowance of members of the present Legislature, to the amount of four hundred dollars each, and the pay of the officers of both Houses of the Legislature, the sum of three hundred dollars each : *Provided*, if there should not be so much in the Treasury at any one time, then each member and officer shall receive a pro rata proportion from time to time, until he has received the full sum to which he is entitled under this Act.

Each officer \$300.

Duty of Treasurer.

SEC. 2. The Treasurer is hereby required to set apart and to retain the necessary sum, of such funds as are not otherwise specially appropriated, for the purposes expressed in the foregoing section.

Approved, January 25, 1853.

## CHAPTER V.

## AN ACT

To attach Signor, or Mare Island, to Solano County.

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

Jurisdiction established.

SECTION 1. That the Island called Signor, or Mare Island, shall be attached to and form a part of the territory of Solano County, and the jurisdiction of the legal authorities of said county shall be exercised over said island from and after the passage of this Act.

Approved, January 27, 1853.

## CHAPTER VI.

## AN ACT

In relation to the supplies of Fuel and other Contingent Expenses of the Legislature.

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

SECTION 1. The Comptroller of State is hereby required to set apart from the first moneys received into the Treasury, to the uses of the General Fund, as heretofore provided by Law, the sum of two thousand five hundred dollars for the Senate, and five thousand dollars for the Assembly, as the contingent fund of the Legislature, for the payment of expenses for fuel, lights, stationery and other things necessary for the use of the Senate and Assembly. Contingent fund.

SEC. 2. Bills for the same shall be audited by the Committee on Contingent Expenses of each House respectively, and upon their approval the President of the Senate and the Speaker of the Assembly shall certify the same, and the Comptroller of State shall draw warrants upon the Treasurer for payment out of the Contingent Fund of the Legislature. Auditing of Accounts.

SEC. 3. Whatever surplus that may remain unexpended from the Contingent Fund of the Legislature, shall be repaid into the General Fund at the close of the session: *Provided*, that nothing herein contained shall be so construed as to require any payment to be made from this Contingent Fund to any member of the Legislature, nor to any person employed by the Legislature for per diem services. Disposition of Surplus Fund. Proviso.

Approved, January 27, 1853.

## CHAPTER VII.

## AN ACT

To authorize certain officers and other persons to administer Oaths.

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

President of the Senate and Speaker of the House.

SECTION 1. The President of the Senate and the Speaker of the Assembly are hereby empowered to administer the oath or affirmation of office to any Senator or Assemblyman, and the officers of their respective bodies, before they enter upon the discharge of their duties, or the member of the Senate or Assembly take his seat as such.

Chairman of Committee.

SEC. 2. The chairman of any Standing Committee either of the Senate or Assembly, or a chairman of a Select Committee of either House, shall be empowered to administer oaths or affirmations to witnesses in any case under their examination; and any person who shall be guilty of perjury before any of said committees shall be liable to the pains, penalties and disabilities prescribed for the punishment of wilful and corrupt perjury.

Penalty for perjury.

Approved, January 27, 1853.

## CHAPTER VIII.

## AN ACT

Relating to San Diego Pilots.

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

Laws and regulations.

SECTION 1. That the Laws and regulations defining the duties and compensation of the Pilots of San Francisco, shall apply to those of the Port of San Diego.

Former acts repealed.

SEC. 2. That all Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed.

Approved, January 27, 1853.

## CHAPTER IX.

## AN ACT

To repeal an Act entitled "an Act concerning Courts of Justice of this State and Judicial Officers," approved March twenty-seventh, one thousand eight hundred and fifty two.

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

SECTION 1. The Act entitled "an Act concerning Courts of Justice of this State and Judicial Officers," approved March twenty-seventh, one thousand eight hundred and fifty-two, is hereby repealed: *Provided*, this Act shall not effect the rights, duties and powers of any person or persons heretofore appointed to office by virtue of the provisions of the Act hereby repealed. Former Act repealed.  
Proviso.

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

WM. VAN VOORHIES,  
Secretary of State.

## CHAPTER X.

## AN ACT

To amend "an Act appropriating Moneys to meet the Contingent Expenses of Government," approved May fourth, one thousand eight hundred and fifty-two.

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

SECTION 1. The seventh section of "an Act appropriating moneys to meet the contingent expenses of Government, approved Former Act amended.

May fourth, one thousand eight hundred and fifty-two," is hereby amended to read as follows :

Appropriation  
for fiscal year.

Section 7. The sum of six hundred thousand dollars shall be, and the same is hereby appropriated, to be paid out of the General Fund, to defray the expenses provided for in this Act, and the expenses of the Government of the State of California, for the year ending on the last day of June, one thousand eight hundred and fifty-three.

Approved, February 4, 1853.

## CHAPTER XI.

### AN ACT

To provide for the Permanent Location of the Seat of Government.

Preamble.

*Whereas*, in and by an Act entitled "an Act for the permanent location of the seat of Government, passed February the fourth, one thousand eight hundred and fifty-one, it is provided, that if said M. G. Vallejo shall fail or refuse to comply with the terms of his proposition, in whole or in part, then said Act to be void : *And whereas*, said Vallejo has petitioned the Legislature to be released from the performance of his bond, given under said Act, and expressed his inability to comply with the conditions thereof : Therefore,

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

Benicia the  
permanent Seat  
of Government,  
if Gen. Vallejo  
fails to pay bond.

SECTION 1. On and after the fifth day of February, one thousand eight hundred and fifty-three, the permanent Seat of Government of this State, shall be, and the same hereby is, established and located at the city of Benicia, situated upon the Straits of Carquines, in the County of Solano : *Provided*, said M. G. Vallejo shall fail or refuse to comply with the terms and conditions of his said bond, or shall be released therefrom under the provisions of this Act.

Gen. Vallejo  
released.  
Conditions

SEC. 2. That M. G. Vallejo be and heroby is released from the performance of his said bond, upon condition of his releasing by good and sufficient release, to be approved by the Attorney



General, any and all claims, for relief or damages, against this State, founded upon or growing out of any thing connected with the location or removal of the Seat of Government at or from Vallejo.

SEC. 3. That it shall be the duty of the Attorney General, as soon as said Vallejo shall have executed and delivered said release to deposit the same in the office of the Secretary of State, and to communicate these facts to the Legislature; and upon receiving such communication, the second section of this Act shall be deemed to be performed and complied with.

To be executed  
by Attorney  
General.

Duties of  
Attorney  
General.

Approved, February 4, 1853.

## CHAPTER XII.

### AN ACT

To repeal an Act entitled "An Act to authorize the Funding of the Debt of the County of El Dorado and to provide for the payment of the same," approved May first, one thousand eight hundred and fifty two.

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

SECTION 1. That an Act entitled "an Act to authorize the funding of the debt of the County of El Dorado and to provide for the payment of the same," approved May first, one thousand eight hundred and fifty-two, be and the same is hereby repealed: *Provided*, that the proceedings had, by any county of this State, other than El Dorado County, toward funding the debt of the county, in accordance with the "Act to authorize the funding of the debt of the County of El Dorado and to provide for the payment of the same" prior to the first day of March next, shall in no way be invalidated by this Act.

Former Act  
repealed.

Proceedings in  
other counties  
under former  
Act.

Approved, February 16, 1853.

## CHAPTER XIII.

## AN ACT

To authorize the Funding of the Debt of the County of Tuolumne and to provide for the payment of the same.

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

Organization of Board of Commissioners.

SECTION 1. The County of Tuolumne is hereby authorized to fund her debt, as hereinafter prescribed ; and for this purpose, the Board of Supervisors of that county are hereby constituted, and shall be known as the Commissioners of the Funded Debt of the County of Tuolumne, and as such they and their successors shall have the powers hereinafter enumerated. The said Funding Commissioners, before entering upon the duties of their office, shall file a joint and several bond with the Court of Sessions of said county, which shall be approved by them, in the penal sum of fifteen thousand dollars, requiring the prompt and faithful discharge of the duties of their office.

Each to give bond.

Powers and form of Commissioners.

SEC. 2. The Commissioners of the Funded Debt aforesaid shall have power to issue, on the part of said county, certificates of stock, to be known as the "Tuolumne County Bonds," for an amount equal to the aggregate amount of the entire debt of said county, which shall be due, or the consideration whereof shall have accrued on or before the first day of May, in the year one thousand eight hundred and fifty-three ; which said bonds shall be in such form as the said Commissioners shall prescribe, and shall be signed by the President and Clerk of said Commissioners then in office, and countersigned and registered by the County Treasurer, and each and every bond to purport in substance as follows, namely : that the County of Tuolumne owes to the holder thereof a sum to be expressed therein : *Provided*, such sum shall not be less than fifty dollars ; bearing an interest of ten per cent. per annum, the said interest to be paid semi-annually at the County Treasury, at such specified time as the said Commissioners may see fit to direct, upon coupons annexed to such bonds, and the principal sum to be redeemable in ten years after the date of such bonds. Coupons for the payment of such interest, according to the terms of such bonds, shall be signed by the President and Clerk of the said Board of Commissioners, and annexed to and delivered with each bond ; and such bonds, although not under the common seal of the County of Tuolumne, shall be as valid and binding upon the said county as though the same were issued under its common seal.

Bonds and form.

Interest.

Redemption of Bonds.

SEC. 3. The said Commissioners shall have power to exchange such bonds with the creditors of said county who are entitled to the benefit of the provisions of this Act in extinguishment of an equal amount of the said debt.

Exchange of  
bonds.

SEC. 4. The said Commissioners, previous to the making out of the general assessment list for the said county in each and every year, shall certify and deliver to the 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 the said interest; also the further sum of five thousand dollars in each and every year for the purpose of a "Sinking Fund" for the redemption of such indebtedness. The first moneys collected upon the whole of such assessment list, when so completed, shall be paid by the Collector thereof into the County Treasury, and by the County Treasurer into the hands of the Commissioners as fast as collected; and no payment shall either directly or indirectly be made out of 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 actually been paid over to said Commissioners. The Court of Sessions of said county shall not have power to make any order which shall prevent or hinder the immediate collection in current coin, or gold dust at the current market value, in the County of Tuolumne, of the amounts authorized to be raised by this section, or otherwise contravene the provisions of this section. The said Commissioners shall have the right at all times to inspect the books of the Treasurer, Assessor and Collector of said county.

Commissioners  
to certify amount  
of county tax.

Duty of  
Assessors.

Sinking Fund.

Disposition.

Powers of Court  
of Sessions.

SEC. 5. The said Commissioners shall receive into their custody all the moneys which shall be levied and collected for the purposes of this Act. Out of the same they shall pay the interest of said indebtedness, at the time and place where the same shall become due and payable. Out of the surplus they shall redeem such portions of the principal debt as they may be able to obtain for that purpose, as herein 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 people of the said county, and shall, within one month before the expiration of the fiscal year of said county, transmit to the Court of Sessions of said county a statement, verified by the oath of the President of said Commissioners, showing the amount of moneys received and paid out by them; the expenditures by them made, the amount of stock outstanding, and the amount redeemed within the current year; the condition of the moneys and funds in their hands, and how the same are invested and secured; which statement the said Commissioners shall cause to be forthwith published in one or more newspapers published in said county.

Powers and  
duties of Com-  
missioners.

SEC. 6. At the time when the principal of said stock becomes

Redemption of  
stock.

Transfer of  
books, &c.

redeemable, the said Commissioners shall devote the moneys in their hands to the redemption of the same. The said Commissioners shall also, after discharging the trusts for which they are herein appointed, convey and restore to the County of Tuolumne all the property, title and assets belonging to the same and remaining in their possession. The bonds required to be given in section one of this Act, shall be renewed from time to time by order of the District Court having jurisdiction within the said county, for cause shown on the application of the said Court of Sessions, after previous notice to said Commissioners, and upon failure to comply with such order, the prosecuting Attorney shall commence suit forthwith, as provided in section seven of this Act.

Jurisdiction of  
District Court.

SEC. 7. The District Court having original civil jurisdiction within the said county of Tuolumne, shall have power to enforce obedience to the provisions of this Act, and for that purpose may issue process of mandamus, distringas, sequestration and attachment, and any public officer who shall wilfully violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and shall be liable to indictment and punishment therefor.

Manner of  
funding.

SEC. 8. Any person holding indebtedness of any character against the said county, authorized by this Act to be funded, shall have the privilege of receiving in lieu thereof the ten per cent. bonds, as provided in section two; and the said Fund Commissioners are hereby authorized and directed to pay such bonds to such person or persons, at the rate of one hundred cents on the dollar for every dollar of such indebtedness received.

Rights of  
creditors.

SEC. 9. No creditors of the said county (the amount of whose claims against the said county shall be audited and approved at the time of the passage of this Act) shall be entitled to the benefit of the provisions of the same, unless he shall signify his election to exchange such claims for said bonds within ninety days after the passage of this Act, and for such claims such certificates shall be issued for the amount due thereon at the time of the passage of this Act, and bearing date as of that day; and in case any claims against the said county which may be entitled to the benefit of the provisions of this Act, shall not be audited and approved, at the time of the passage thereof, but shall thereafter be audited and approved, then the same shall be presented for exchange as aforesaid, within ninety days after such liquidation; and upon being so presented, such certificates shall be issued for the amount then due thereon, and date as of the day of such presentation; and if not so presented, the same shall not be entitled to the benefit of the provisions of this Act.

Disposition of  
surplus funds.

SEC. 10. Whenever the said Commissioners of the "Funded Debt" shall have surplus moneys in their hands for the extinguishment of any portion of the said principal stock as herein provided, they shall publicly advertise for at least one month in some newspaper printed in the County of Tuolumne, 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 cancelling of the greatest amount of said stock, and of annual interest thereafter to accrue on the same, reference being had to the rate of interest payable on such stock : *Provided*, that no stock shall be purchased at a higher price than par.

SEC. 11. This Act shall be construed as follows, viz :—The interest to be paid semi-annually, shall be paid from the revenues of the county ; the five thousand dollars for the Sinking Fund shall be set apart from the same sources ; the current expenses of the county shall be next paid from the said county revenue ; and then and in that case, if there are any surplus revenues in the County Treasury, it shall be the duty of the Commissioners of the Funded Debt to appropriate the same, as provided for in section ten of this Act. Construction of this Act.

SEC. 12. The interest coupons attached to the bonds hereby authorized to be issued, shall be receivable for county taxes and licenses for the fiscal year during which the said coupons become due and payable. Coupons received for taxes.

SEC. 13. So much of the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and eighteenth sections of an Act entitled “an Act concerning the office of County Treasurer,” as conflicts with the provisions of this Act, shall be held not to apply to the said County of Tuolumne, or to the Treasurer thereof. Former Acts repealed.

SEC. 14. This Act shall be in force from and after the first day of March, one thousand eight hundred and fifty-three. Commencement of the Act.

Approved, February 19, 1853.

## CHAPTER XIV.

## AN ACT

Amendatory of "an Act to authorize William Moody and Morgan Hart to build a Wharf in the County of Solano," passed May third, one thousand eight hundred and fifty-two.

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

Former Act amended.

SECTION 1. Section first of the Act entitled "an Act to authorize William Moody and Morgan Hart to build a wharf in the County of "Solano," passed May third, one thousand eight hundred and fifty two, is hereby amended so as to read as follows : It shall be and is hereby made lawful for William Moody and Morgan Hart to build a wharf as long as two hundred feet, near the island in the tule, in Suisun Valley, County of Solano, on the land of the State.

Approved, February 24, 1853.

## CHAPTER XV.

## AN ACT

For the Relief of the Steamer S. B. Wheeler.

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

Appropriation for payment of freight.

SECTION 1. The Comptroller of State is authorized and required to draw his warrant in favor of the steamer "S. B. Wheeler," for the sum of one hundred and twenty-five dollars, and the Treasurer is required to pay the same out of any money in the Treasury not otherwise appropriated, it being for freight upon furniture from San Francisco to Vallejo, December thirtieth, one thousand eight hundred and fifty-two.

Approved, February 25, 1853.

## CHAPTER XVI.

## AN ACT

Granting to Sheriffs further time for Final Settlement.

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

SECTION 1. The Sheriff of any county shall not be required, Settlements of Sheriffs. in and during the present year, to make the final settlement provided for in section forty-two of an Act entitled "an Act to provide for levying, assessing and collecting public revenue," approved April twenty-third, one thousand eight hundred and fifty-two, until the first Monday of May, at which time such settlement shall be made, in manner and form specified in said section.

SEC. 2. Nothing herein contained shall be so construed as to Funds to be paid over. authorize any Sheriff to retain in his hands, from and after the first Monday of March, one thousand eight hundred and fifty-three, any taxes collected between the first Monday in December, one thousand eight hundred and fifty-two, and the first Monday of March, one thousand eight hundred and fifty-three.

Approved, March 1, 1853.

## CHAPTER XVII.

## AN ACT

Concerning the Securities of the late John H. Phillips, deceased, County Treasurer of El Dorado County.

*Whereas*, William H. Smith, J. P. Martin, Albert W. Bee, and Preamble. Thomas P. Dowling became and are jointly and severally sureties of John H. Phillips, deceased, late Treasurer of El Dorado County, on his official bond as such Treasurer: *And whereas*, suit has been instituted and judgment rendered against some of said sureties on the official bond aforesaid, in favor of the State of California, for the sum of twelve thousand three

hundred and fourteen dollars and ninety-one cents: and the said sureties are severally unable to pay the same: Therefore,

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

Sureties may be released.

Conditions.

SECTION 1. The sureties above named, or any or either of them, or the legal representatives of said estate, may pay said liability in Comptroller's Warrants on the General Fund: and *Provided*, any or either of said sureties shall pay three-fourths of the amount of said liability into the State Treasury in Comptroller's Warrants as aforesaid; the said sureties making such payments, shall be wholly and entirely released from further liability on said bond, and judgment rendered thereon.

Approved, March 3, 1853.

## CHAPTER XVIII.

### AN ACT

To amend "an Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty.

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

Former Act amended.

Penalty for injury to property of water companies.

SECTION 1. Section one hundred and forty of the thirteenth division of an Act entitled "an Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty, is hereby amended so as to read as follows: Every person who shall wilfully and maliciously cut, break, injure or destroy any bridge, mill, dam, canal, flume, aqueduct, reservoir or other structure erected to create hydraulic power, or to conduct water for mining, manufacturing or agricultural purposes, or any embankment necessary to the same, or either of them, or shall wilfully and maliciously make, or cause to be made, any aperture in such dam, canal, flume, aqueduct, reservoir, embankment, or structure, with intent to injure or destroy the same, shall on conviction thereof, be fined in any sum not more than one thousand dollars, or imprisonment at hard labor in the State Prison not more than two years, or both such fine and imprisonment

Approved, March 3, 1853.



## CHAPTER XIX.

## AN ACT

Supplementary to an Act concerning Crimes and Punishments, passed April sixteenth, one thousand eight hundred and fifty.

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

SECTION 1. That every person who shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, upon any goods, wares or merchandise the private stamps or labels of any mechanic or manufacturer, with intent to defraud the purchasers or manufacturers of any goods, wares or merchandise whatsoever, shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the County Jail, for a term not exceeding six months, or by a fine of not less than three hundred nor more than six hundred dollars.

Penalty for counterfeiting private stamps, &c.

SEC. 2. That any person who shall sell any goods, wares or merchandise having thereon any forged or counterfeit stamps or labels, purporting to be the stamps or labels of any mechanic or manufacturer, knowing the same to be forged or counterfeited, without disclosing the fact to the purchaser, shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the County Jail for a term not exceeding six months, or by a fine of not less than three hundred nor more than six hundred dollars.

For disposing of goods fraudulently marked.

Approved, March 8, 1853.

## CHAPTER XX.

## AN ACT

To change the name of Henry Thomas Weatherwax.

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

Name changed. SECTION 1. It shall be lawful for the person heretofore having the name of Henry Thomas Weatherwax, to change the said name to Henry Thomas Holmes.  
Approved, March 7, 1853.

## CHAPTER XXI.

## AN ACT

To authorize a Transfer of Causes from the Superior Court of the City of San Francisco.

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

Causes may be transferred. SECTION 1. The Superior Court of the city of San Francisco may, on motion, change the place of trial of any cause therein, to the District Court of the County of San Francisco, or to the District Court of any other county, in the following cases :

Reasons therefor. First : When the city of San Francisco is not the proper place to try the cause.  
Second : When there is reason to believe that a fair and impartial trial cannot be had in said court.  
Third : When the convenience of witnesses or the ends of justice would be promoted by said change.  
Fourth : When, from any cause, the Judge is disqualified from acting in the action.

Order for change of venue. SEC. 2. When any of the causes aforesaid shall arise or be shown to exist, the Court or Judge shall order the venue to be

changed to the nearest District Court, where the like objections do not exist.

This bill having remained with the Governor ten day, (Sundays excepted,) and the Senate and Assembly being in Session, it has become a law, this tenth day of March, A. D. one thousand eight hundred and fifty-three.

J. W. DENVER,  
Secretary of State.

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## CHAPTER XXII.

### AN ACT

To prevent the establishment of Pest Houses within the limits of any Town or City in this State.

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

SECTION 1. That two months after the passage of this Act, it shall be unlawful for any person or persons to establish or to continue to occupy any house used, at, before, or after, the passage of this Act, within the limits of any town, city or village in this State, as a Hospital for persons who may be affected with any contagious or infectious diseases. Establishment of pest houses prohibited.

SEC. 2. That any person or persons, or any Board of Trustees of any Hospital, or any person having the management of, or who may be connected with, any Hospital, who shall violate any portion of this Act, shall be subject to a fine of one thousand dollars; which shall, when collected, constitute a part of the "Hospital Fund," and be placed in the State Treasury: *Provided*, the provisions of this Act shall not apply to any Pest House, the location of which may be authorized by order of the Court of Sessions of the county in which the same shall be located. Penalty for violation of Act. Proviso.

Approved, March 10, 1853.

## CHAPTER XXIII.

## AN ACT

For the Relief of Taaffe, McCahill & Co., for Carpeting, &c.

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

Comptroller to draw warrant for \$3,503.

SECTION 1. The Comptroller of State is hereby authorized to draw his Warrant on the Treasurer for the sum of five thousand five hundred and three dollars, in favor of Taaffe, McCahill & Co., payable out of the General Fund from any money not otherwise appropriated.

Approved, March 10, 1853.

## CHAPTER XXIV.

## AN ACT

To repeal "an Act in relation to the City of San Francisco, passed May first, one thousand eight hundred and fifty-one.

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

Former Act repealed.

SECTION 1. An Act in relation to the City of San Francisco, passed May first, one thousand eight hundred and fifty-one, is hereby repealed.

Approved, March 12, 1853.

## CHAPTER XXV.

## AN ACT

To repeal the first Section of an Act entitled "an Act appropriating Monceys to meet the Contingent Expenses of Government," approved May fourth, one thousand eight hundred and fifty-two.

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

SECTION 1. That the first Section of the Act entitled "an Act appropriating moneys to meet the contingent expenses of Government, approved May the fourth, one thousand eight hundred and fifty-two, be and the same is hereby repealed.

Former Act repealed.

Approved, March 14, 1853.

## CHAPTER XXVI.

## AN ACT

To unite the Offices of Clerk and Recorder of Tulare County.

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

SECTION 1. The County Clerk of Tulare County shall be ex-officio County Recorder of said county.

County Clerk and Recorder.

SEC. 2. All laws or parts of laws conflicting with the provisions of this Act are hereby repealed.

Conflicting laws repealed.

Approved, March 14, 1853.

## CHAPTER XXVII.

## AN ACT

Amendatory of an Act entitled an Act to Incorporate the City of Sacramento, passed in one thousand eight hundred and fifty-one.

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

Former Act amended.

Tax sales.

SECTION 1. Section seventeen of said Act shall be so amended as to read as follows: Section Seventeen. Real and personal property may be sold for taxes or assessments due the city aforesaid by the Collector of City Taxes; and the said city, in its corporate capacity, shall have the power to purchase and hold property sold for the non-payment of such taxes or assessments. In all cases where default shall be made in the payment of any taxes or assessments levied thereon in conformity with law, the City Collector shall, if real estate, give notice by publication in some newspaper published in said city, at least once a week for four successive weeks; and if personal property, publish a notice of the same, of at least five days, by posting the same on the door of the said Collector's office; and upon the expiration of such notice, shall proceed to sell a sufficient amount of such real or personal property to pay the amount of the taxes or assessments due thereon, together with the expenses attending the same; which expenses shall in no case exceed the sum of ten per cent. on the amount of taxes or assessments due thereon. The Collector as aforesaid shall deliver to such purchaser a description of all property by him so purchased, the amount of the taxes or assessments, and expenses thereon; for which certificate, he shall be entitled to receive from such purchaser the sum of two dollars. If the property so sold shall be personal property, the title to the same shall vest absolutely in the purchaser thereof; but if real estate, any person or persons may, at any time within six months after the date of such sale, have the right to redeem the same, by depositing with the City Treasurer, for the benefit of such purchaser, the amount of such tax or assessment, and expenses thereon, including the cost of such certificate, together with fifty per cent. damages on such aggregate amount. At any time after the expiration of six months from the date of such sale, the title to any real estate sold under the provisions of this Act, and not redeemed in conformity herewith, shall remain absolutely in such purchaser or his legal representatives; and the City Collector aforesaid shall, on the demand of such person, make and execute

to him a deed, duly acknowledged for the same ; for which deed the said Collector shall be entitled to receive the sum of five dollars, and said deed shall thenceforth be received in any court in this State as prima facie evidence of legal title in such purchaser or his successor in interest.

Sec. 2. Section eighteen of said Act shall be amended so as to read as follows : Section eighteen. Special assessments may be made by ordinance for the grading, paving, planking, draining, or in anywise improving or repairing any portion of the streets or alleys of said city on the parts of lots situated on the line of such proposed improvement, as follows : to the depth of seventy-five feet on the easterly side of Front street, seventy-five feet on either side of the alley running through the blocks situated between Front and Second streets, eighty feet on either side of the streets and alleys running in an easterly and westerly direction, twenty feet on either side of the cross streets of said city, from and inclusive of Second street to Thirty-First street : *Provided*, two-thirds of the owners in assessed value (such value to be ascertained and determined by the then last general assessment for city purposes) shall petition the Common Council therefor. Whenever a petition as aforesaid shall be presented, and the proposed improvement determined on by said Common Council, they shall order an assessment to be made by the City Assessor of the actual cash value of the several parts of lots contiguous to such proposed improvement, and thereupon levy a tax, apportioned to the value of such parts of lots, in accordance with such assessment, and necessary to the completion of the improvement so petitioned for ; and any of the property on which said assessment or tax is so levied, shall be liable and may be sold for the non-payment of such assessment or tax levied thereon, together with the legal costs and charges, in the same manner and subject to the same right of redemption as real estate sold for any other city taxes or assessments, as provided by the provisions of said Act of incorporation and amendments thereto.

Powers and  
duties of  
Common  
Council.  
Special  
assessments.

Approved, March 14, 1853.

## CHAPTER XXVIII.

## AN ACT

## Concerning Repealed Statutes.

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

Reviving  
repealed acts.

SECTION 1. No Act or part of an Act repealed by another Act of the Legislature shall be deemed to be revived by the repeal of the repealing Act, without express words reviving such repealed Act or part of an Act.

Approved, March 14, 1853.

## CHAPTER XXIX.

## AN ACT

To prevent Extortion in Office and to enforce Official Duty.

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

Penalty for  
violation of Act.

SECTION 1. That any person now holding or who may hereafter hold any office in this State, who shall, either himself or by his deputy, or clerk, charge and collect other or larger fees for services rendered or to be rendered in his office, than such fees as are now, or which may hereafter be, authorized by law, may be deprived of office as in this Act provided.

Penalty for  
non-performance  
of duty.

SEC. 2. If any person now holding or who shall hereafter hold any office in this State, who shall refuse or neglect to perform any official act, in manner and form as now prescribed, or as may hereafter be prescribed by law, shall in like manner be deprived of office.

Jurisdiction of  
District Court.

SEC. 3. The District Courts shall have jurisdiction of all cases arising under this Act.



SEC. 4. Whenever any complaint in writing, duly verified by the oath of any complainant, shall be presented to the District Court, alleging that any officer within the jurisdiction of said court has been guilty of charging and collecting illegal fees for services rendered or to be rendered in his office, or has refused or neglected to perform the official duties pertaining to his office, as prescribed by law, it shall be the duty of said court to cite the party charged, to appear before him on a certain day, not more than ten nor less than five days from the time when said complaint shall be presented, and on that day or some other subsequent day, not more than twenty days from that on which said complaint is presented, shall proceed to hear, in a summary manner, the complaint and evidence offered in support of the same, and the answer and evidence offered by the party complained of; and if on such hearing it shall appear that the charge or charges of said complaint are sustained, the court shall enter a decree that said party complained of shall be deprived of his office, and shall enter a judgment for five hundred dollars in favor of the complainant, and such costs as are allowed in civil cases.

Proceedings  
under the Act.

Decree of  
Court.

SEC. 5. It shall be the duty of the Clerk of the Court in which proceedings are had, to transmit within three days thereafter to the Governor of the State a copy of any decree declaring any officer deprived of office under this Act; and it shall be the duty of the Governor to appoint some person to fill said office until a successor shall be elected, or appointed and qualified; and it shall be the duty of the person so appointed, to give such bond and security as are prescribed by law, and pertaining to such office.

Copy of decree  
to be forwarded  
to the Governor.

Governor to fill  
vacancy.

SEC. 6. The rules of practice governing the District Courts in civil cases, shall be in force in all proceedings under this Act, so far as the same are applicable to the case, and not inconsistent with this Act; either party may appeal as in other cases to the Supreme Court; but such appeal shall not authorize the officer, or person appealing, to hold the office during the pendency of such appeal.

Rules of Court.

Either party  
may appeal.

Approved, March 14, 1853.

## CHAPTER XXX.

## AN ACT

To provide for the Contingent Expenses of the Offices of Governor, Treasurer, Comptroller and Secretary of State, and of the Supreme Court.

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

Auditing of  
Accounts.

SECTION 1. The necessary contingent expenses of the Governor's office, the Supreme Court, and the offices of Secretary of State, Comptroller and Treasurer, shall be audited and paid out of the General Fund, until otherwise provided by law.

Expenses for  
fuel, &c.

SEC. 2. The amount expended for furniture, fuel, lights, &c., shall not exceed, for the Governor's office, eight hundred dollars; for the Supreme Court, one thousand dollars; and for the offices of the Treasurer, Comptroller and Secretary of State, one thousand dollars each. And the Comptroller is hereby required to audit said accounts, and draw his warrants therefor on the General Fund.

Approved, March 15, 1853.

## CHAPTER XXXI.

## AN ACT

To authorize the Comptroller to issue, and the Treasurer to register, a Warrant in lieu of one destroyed by fire.

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

Comptroller to  
issue duplicate  
Warrant.

SECTION 1. The Comptroller of State is hereby authorized and required to issue his warrant in favor of Alexander Wells, for the sum of eight hundred and thirty-three dollars and thirty-three

cents, and mark the word "Duplicate" across the same. The said warrant being in consideration of a warrant for like amount, dated March second, one thousand eight hundred and fifty-three, and numbered one thousand five hundred and ninety-three, which was destroyed by fire. And the State Treasurer is hereby authorized and required to register the same; *Provided*, that the said Alexander Wells shall give his bond to the State with good and sufficient security, to be approved by the Secretary of State, in a sum double the aforesaid amount, conditioned to be paid, if the warrant claimed to have been burned shall ever be presented to the Treasurer for payment.

Bond to be  
executed.

Approved, March 15, 1853.

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## CHAPTER XXXII.

### AN ACT

To authorize the appointment of Book-keeper to the Comptroller of State, and temporary Clerk in the Department of Treasurer of State, and to provide for their payment.

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

SECTION 1. That the Comptroller of State be, and he is hereby authorized and empowered, to appoint an additional Clerk for his department, who shall hold his office during the pleasure of the Comptroller. Such appointment shall be made in writing, and be filed in the office of the Comptroller of State; and the Comptroller so making the appointment, and his sureties, shall be responsible for the faithful performance of the duties of said clerk; and for his services, said clerk shall receive the sum of two hundred and seventy dollars per month, to be paid in the same manner as the clerks of the several departments of State are now paid by existing laws.

Additional Clerk  
for Comptroller.

Salary.

SEC. 2. That whenever, in the opinion of the Treasurer of State, an additional clerk shall be necessary for the transaction of the business of his department, he shall have power to make such appointment, in the same manner as is provided for the appointment of an additional clerk to the Comptroller, in section one of this Act. And said clerk so appointed, shall receive for his ser-

Additional Clerk  
for Treasurer.

- Salary.** vices the sum of two hundred and seventy dollars per month, in manner and form as is provided for the payment of clerks in the several departments of State.
- Salaries for extra Clerks.** SEC. 3. That all the clerks employed by the Comptroller of State, Treasurer of State, and the clerk employed by the Board of Examiners of War Claims, shall each be paid for services rendered from the first day of June, one thousand eight hundred and fifty-two, at the rate of two hundred and seventy dollars per month.
- Former Acts repealed.** SEC. 4. All laws and parts of laws conflicting with the above sections, be and the same are hereby repealed.  
Approved, March 15, 1853.

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## CHAPTER XXXIII.

### AN ACT

Relative to Port Wardens in San Francisco and Sacramento, and other Ports of California.

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

- Number of Port Wardens.** SECTION 1. There shall be four Port Wardens for the Port and Harbor of San Francisco, one for Sacramento City, and one for each and every other port of entry within this State, who shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold office until their successors are appointed and qualified. Before entering upon the duties of their office, they shall take oath, before some person authorized by law to administer oaths, for the faithful performance of their duties.
- How appointed.**
- Qualifications.** SEC. 2. Of the Wardens appointed in San Francisco, two or more shall be master mariners. They shall act in concert in the discharge of their duties, and shall be known as the Board of Port Wardens for the Port of San Francisco.
- Duty of Port Wardens.** SEC. 3. It shall be the duty of the Port Wardens, when required by any person or persons interested in either vessel or cargo, to survey any and all vessels arriving in distress, or that have sustained damage or injury at sea, whether of sails, rigging, spars, or other damage caused by stress of weather at sea, or through stranding, collision, or other accident; to survey the cargo in whole or in part laden on board such vessel; and also to survey the hatches, stowage and cargo of all vessels laden with gener-
- Survey of vessels.**

or assorted merchandise, belonging to or consigned to various parties.

SEC. 4. They shall keep a record, in a book provided for such purpose of all surveys, which shall be signed by the Warden making the survey, which shall at all times be open for inspection by any person or persons interested in the vessel or cargo surveyed, and all persons requiring it, shall be furnished with certified copies of the same, under the hand of one of the Wardens and seal of the Board.

Record of proceedings.

Copies of surveys.

SEC. 5. In all surveys made by them, they shall set forth clearly and fully the nature of the damage; if of merchandise, whether from actual contact with sea water, or through the excess of water in the hold of the vessel, or from the humidity or sweat of the hold, bad stowage, or from such other cause or causes as in their judgment the damage has been occasioned by. If the survey be of a damaged vessel they shall give a full account of all the loss and injury which she has sustained, and recommend the repairs. They shall state the value of the vessel in her damaged condition, and also the value of the repairs recommended necessary to be made upon her, setting forth what parts are to be supplied with new, and what part put in repair.

Form of surveys.

SEC. 6. Whenever the Port Wardens shall deem it necessary, they shall call to their assistance, on a survey, a ship carpenter, rigger, sail maker, or other person practically acquainted with the merchandise to be surveyed, or parts of the vessel to be repaired, who shall be sworn to examine properly, and to render with the Wardens a correct and faithful report of survey: *Provided*, that no additional charge shall be made therefor: and *Provided*, there be no additional charge to the vessel, unless their survey be required by the owner or agent of the vessel.

May obtain assistance in completing surveys.

Without additional charge.

SEC. 7. All wrecked or damaged vessels, or materials from the same, and all merchandise sold at public auction for account of underwriters residing abroad, when required by any party having an interest in the same, or for account of whom it may concern, or upon which claims are to be made against underwriters residing abroad, shall be sold under the inspection of the Wardens of the Port, or one of them, where such sale shall be made. And it shall be the duty of the Wardens to see that sound goods are separated from those damaged, and to certify specially the nature, and, as far as can be done, the extent of such damage: *Provided*, that nothing shall be construed in this Act to give authority to Port Wardens to sell or dispose of any property that may have been surveyed by them, without the consent of the owner or agent of the same. Nor when the settlement of losses has been agreed upon in writing, by the parties interested, and a copy thereof given to the Wardens.

Sales of damaged property.

Rights of claimants.

SEC. 8. In case sales shall be made at auction, under the direction of the Port Wardens, they shall give or cause to be given at least three days' notice of the same by publication in some newspaper published in the county where the survey is made, de-

Notice of sales to be advertised.

scribing the articles to be sold; and if merchandisc, the vessel by which imported; and if a wrecked or damaged vessel, or materials of the same, the name of the vessel and wherofrom. If no newspaper is published in the place where the sale is made, then a written notice of such sale shall be posted up in the vicinity.

Wardens to have no interest with insurers, &c.

SEC. 9. Port Wardens shall, neither directly nor indirectly, have any connexion with insurers of this State, or of any other of the States, or of foreign countries, or with the agents or representatives of such insurers, so far as their duties as Port Wardens are concerned. They shall not in any manner be interested, directly or indirectly, in any repairs they may recommend, nor in any vessel, cargo, or portion of cargo, they may be required to survey. The violation of this provision shall be deemed and punished as a misdemeanor.

Penalty for violation.

Fees.

SEC. 10. For each and every survey, the Port Wardens shall be entitled to fifteen dollars, which shall be paid by the owners, masters, or consignees, the amount not to exceed, altogether, for any one vessel, the sum of seventy-five dollars. Foreign vessels not admitted by treaty on terms of equality with American bottoms, shall pay fifty per cent. advance on this rate. For all separate certificates of surveys required by different consignees, they shall be entitled to a fee of two dollars and a half, and for each order of sale they shall be allowed ten dollars.

Foreign vessels.

Wardens alone to perform duties under the Act.

SEC. 11. It shall be unlawful for any person or persons other than Port Wardens, appointed according to law, to perform any of the duties prescribed in this Act; and any person or persons who shall violate the provisions of this section, shall be liable to a penalty of not less than five hundred dollars, nor more than one thousand dollars, for each offence, to be recovered in any court of competent jurisdiction, by the Board of Port Wardens, in the name of the People of the State of California. The amount of the recovery to be paid to the officer duly authorized to receive moneys for the Marine Hospital, for the benefit of such Hospital.

Penalty for violation.

Provisions to apply to each Port Ward. n of the State.

SEC. 12. The duties, requirements, provisions and fees applicable, in this Act, to the Board of Port Wardens of San Francisco, shall be applicable, in all respects, to each of the Port Wardens of such other ports as Wardens may be appointed for. And such penalties as may be recovered, under this Act, in such other ports, shall be paid into the funds belonging to any Hospital which may be established in such port; and if there be no Hospital in such port, then such penalties shall be paid as provided in the eleventh section of this Act.

Former Acts repealed.

SEC. 13. All Acts heretofore passed relative to Port Wardens are hereby repealed.

Approved, March 19, 1853.

## CHAPTER XXXIV.

## AN ACT

To Fund the Debt of the County of Los Angeles and provide for the payment thereof.

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

SECTION 1. With a view to Fund the Debt of the County of Los Angeles in this State and provide for the payment thereof, the Treasurer of said county shall cause to be prepared bonds for an amount equal to the amount of the present county indebtedness, together with all indebtedness that shall be due, or the consideration whereof shall have accrued on or before the first day of May, one thousand eight hundred and fifty-three. Said bonds shall be in denominations of one hundred dollars and five hundred dollars each, and each and every bond shall purport in substance that the County of Los Angeles owes to the holder thereof a sum to be expressed therein, bearing an interest of seven per cent. per annum from the date of issue, the interest to be paid on presentation at the office of said County Treasurer, on the first day of January, one thousand eight hundred and fifty-four, and on the first day of January of every year thereafter, until said bonds shall be paid and liquidated. Said bonds shall be due and payable at the office of the County Treasurer, on or before the first day of January, one thousand eight hundred and sixty-four. Said bonds shall be signed by the County Judge, countersigned by the County Auditor, and endorsed by the County Treasurer, and shall have the seal of the county annexed thereto.

SEC. 2. It shall be the duty of the County Judge to keep an account of the number, denomination, and amount of all bonds signed by him in accordance with the provisions of this Act. It shall be the duty of the County Auditor to furnish the County Treasurer of Los Angeles County a certified copy of the record of warrants issued from his office since the organization of the county, and this within thirty days after the passage of this Act. It shall be the duty of the said County Treasurer to examine all warrants presented for funding, and ascertain if they are the true and correct ones issued according to the Treasurer's and Auditor's books, corresponding with the entries therein ; and no others than those shall be considered true and lawful warrants to be funded ; and it shall be the duty of the Treasurer and Auditor aforesaid, each to keep a separate record of all such bonds as may be issued,

Debt to be funded.

Bonds.

Form.

Interest.

Liquidation of Bonds.

County Judge to keep record of Bonds.

Duties of County Auditor.

Of County Treasurer.

showing the number, date and amount of said bonds, and to whom the same were issued.

Manner of  
funding.

SEC. 3. Any persons holding true and lawful warrants against the County of Los Angeles, as provided in the second section of this Act, shall have the privilege of receiving in exchange therefor seven per cent. bonds as provided for in section first of this Act; and the Treasurer is hereby authorized and directed to issue said bonds to the person holding said warrants, at the rate of one hundred cents for each dollar of principal and interest accrued on said warrants at the date of the passage of this Act; *Provided*, that the said warrants be presented in sums of not less than one hundred dollars; *And provided further*, that said warrants be presented at the County Treasurer's office within ninety days after the passage of this Act.

Form of Bonds.

SEC. 4. The bonds issued in exchange for warrants shall bear date as from the passage of this Act for all warrants issued prior to said passage, and in case any claims against said county, which may be entitled to the benefit of this Act, shall not have been audited and approved at the time of the passage thereof, but shall be audited and approved thereafter, then the same shall be presented for exchanging as aforesaid, within ninety days after such liquidation, and upon being so presented, such bond shall be issued in exchange therefor, bearing date as of the day of the liquidation of said claims, and if not so presented, the same shall not be entitled to the provisions of this Act. The Treasurer shall endorse on the back of each warrant by him exchanged for bonds as aforesaid, the date on which he redeemed the same, and from whom received, and shall file the same in his office so endorsed, and keep a record of the same, giving the number, date and amount of the warrant.

Time allowed  
for funding.

Redeemed  
Warrants.

Duty of County  
Judge and  
Auditor.

SEC. 5. It shall be the duty of the County Judge and County Auditor, together, to attend at least once a month, at the office of the County Treasurer, until the expiration of the time within which warrants can be funded, in accordance with this Act, to examine all warrants redeemed by the said Treasurer, and cause the same to be registered and cancelled in such a manner as to prevent their being reissued or put in circulation. At the monthly meeting aforesaid, the several county officers aforesaid shall compare their respective records of the date, number, and amount of the bonds respectively signed, countersigned, and endorsed by them, and ascertain whether or no any bonds have been wrongfully issued or warrants wrongfully redeemed by the said County Treasurer.

Expenses under  
the Act.

SEC. 6. The said County Treasurer shall keep an account of the expense actually incurred by him in the preparation of the bonds and purchase of the necessary record books required to carry into effect the provisions of this Act, and present the same to the Board of Supervisors of said county, who shall audit and allow the same, and the same shall be paid out of any moneys in the County Treasury not otherwise appropriated: *Provided*, that



the total expense as aforesaid shall not exceed two hundred dollars.

SEC. 7. Whenever any interest shall be paid upon a bond issued under the provisions of this Act, the Treasurer shall endorse the same upon the bond, and shall demand and receive from the person drawing such interest a receipt for the same, which receipt shall be filed and be a proper voucher for said Treasurer.

Payment of interest.

SEC. 8. In addition to the ordinary taxes for general county purposes, there shall this year, and every year thereafter, until the principal and interest of the said bonds to be issued shall be fully provided for by payment or otherwise, as hereinafter provided, be assessed and collected, at the same time, in the same manner, and by the same officers as the ordinary revenues of the county, a special tax of twenty-five cents on each one hundred dollars valuation of all taxable property in said county. Said special tax shall be called the "Interest Tax of Los Angeles county," and shall be collected and paid over into the County Treasury, in the legal currency of the United States. The fund to be derived from this interest tax shall not be loaned in whole nor in part to any other fund, nor shall any moneys be paid out of this fund except as herein provided for: *Provided, however*, that should said fund furnish a surplus over and above what may be required for the payment of the interest each year, such surplus shall be turned over and paid into the Sinking Fund herein-after provided for.

Interest Tax and Sinking Fund.

SEC. 9. Of the moneys received by the County Treasurer, arising out of all taxes, general and special, annually assessed and collected for county purposes, there shall first be set apart by said Treasurer, a sum each year equal to the total amount of the assessment of twenty-five cents on each hundred dollars of taxable property, as herein provided for, to constitute the Interest Fund of each year; and no moneys shall be paid, directly or indirectly, out of the County Treasury, until such amount aforesaid be set apart.

Disposition of Fund.

SEC. 10. The Court of Sessions and Board of Supervisors of said county of Los Angeles, shall not have power to make any order which shall prevent or hinder the prompt collection, in gold and silver current coin, in said county, of the interest tax aforesaid, and the prompt separation of the amount of said tax out of the first moneys received, as provided for in section nine of this Act; or otherwise contravene the provisions of this Act.

Collection of tax, &c.

SEC. 11. It shall be the duty of the Treasurer of Los Angeles county to set apart a fund, to be called the Sinking Fund of Los Angeles county. Into this fund shall be paid: First, Any and all surplus of the interest tax, after providing for the payment of the yearly interest; Second, Whatever surplus may remain in the county treasury at the expiration of each fiscal year, after paying the ordinary yearly expenses of the county. Each of these payments shall be continued until the said Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds

Sinking Fund.

Moneys composing it.

Disposition of surplus.

aforesaid, and when the same shall be paid and liquidated, the payment shall cease, and all surplus remaining in said Sinking Fund, shall be paid into the common treasury of said county.

Sinking Fund and liquidation of Bonds.

SEC. 12. Whenever, at any time, there shall be in the Sinking Fund the sum of one thousand dollars or more, the County Treasurer shall advertise, in a public newspaper published in said county, for the space of two weeks, for sealed proposals for the redemption of said bonds, said advertisement to specify the day, hour, and place said sealed proposals are to be opened; after the expiration of the time of publication; the Treasurer shall open the sealed proposals, at his office, in presence of the County Auditor, and such persons as may choose to be present, and shall pay and liquidate the bonds presented at the lowest value at which they may be proposed to be liquidated; *Provided*, that the same shall not be for more than par value; and *Provided*, that should there be no proposals for less than par value, then the payment shall be made pro rata on all bonds offered at par; and *Provided*, that whenever there shall be sufficient moneys in the Sinking Fund for the extinguishment of all the outstanding bonds, and interest due thereon, of the said county, it shall be the duty of the said Treasurer to advertise in some newspaper published in that county, for the space of four weeks, for the redemption of the outstanding bonds, as hereinbefore provided, after which time, said bonds shall cease to bear interest.

Proposals for redemption.

Redeemed Bonds.

SEC. 13. The County Treasurer aforesaid shall endorse on each bond redeemed the date of redemption, and from whom redeemed; and the County Judge and County Auditor shall attend at the office of the Treasurer whenever bonds shall be redeemed, as herein provided for, and see that the said bonds are duly canceled. Full and particular account of the Sinking Fund shall be kept by said Treasurer, and shall at all times be open to the inspection of the County Judge and Auditor, the Board of Supervisors, and Grand Jury of said county; and the said Treasurer shall furnish the said Board of Supervisors or Grand Jury with a full statement of the operations of said Sinking Fund whenever by them required; and shall cause to be published in some newspaper printed in the county, in the month of January of each year, a concise statement of the condition of said fund, the amount of bonds issued, bonds redeemed, and interest paid, and also the names of the bidders, and the rates of the bids for the redemption of bonds, made from time to time.

Account of Sinking Fund.

Proceedings under the Act to be published.

Compensation to funding officers.

SEC. 14. The Treasurer and Auditor shall each receive in compensation for the services rendered in the funding the debt of the said county, each, one-half of one per cent. on the amount of bonds issued; and there shall be paid for the collection and disbursement of the special Interest Tax, to the collecting and disbursing officers, the same compensation as may be allowed by law to be paid for the collection and disbursement of the ordinary revenues of the county. But all compensation so paid, shall be paid

out of any moneys in the treasury not otherwise appropriated, and shall in no case be paid out of the Interest Fund.

SEC. 15. The District Court having original civil jurisdiction within the County of Los Angeles shall have power to enforce obedience to the provisions of this Act, and for that purpose may issue process of mandamus, prohibition, and all other writs authorized by law; and any public officer who shall wilfully violate any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and shall be liable to indictment and punishment therefor, and shall, moreover, be liable on his official bond, for any damage, or loss sustained by such wilful violation.

Powers of the District Court.

SEC. 16. Immediately after the passage of this Act, the Treasurer of Los Angeles County shall advertise in the Spanish and English languages, that after thirty days the funding of said debt will commence, from which time it shall not be lawful for the Treasurer to pay or liquidate any of the present indebtedness of said county in any other manner than is herein provided.

Notices of funding to be published.

SEC. 17. So much of the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and eighteenth sections of an Act, entitled "an Act concerning the office of County Treasurer, passed March twenty-seventh, one thousand eight hundred and fifty," as conflicts with the provisions of this Act, is hereby repealed; *Provided*, that such repeal shall not be construed so as to affect any other county than Los Angeles, and shall apply only to the indebtedness of said county, herein provided to be funded, and not to the future indebtedness of said county.

Conflicting Acts repealed.

Approved March 19th, 1853.

## CHAPTER XXXV.

### AN ACT

To explain an Act entitled "an Act in relation to the Supplies of Fuel and other Contingent Expenses of the Legislature, approved January twenty-seventh, one thousand eight hundred and fifty-three.

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

SECTION 1. The appropriations heretofore made by the first section of the Act, in relation to the supplies of fuel and other

Former Act explained.

contingent expenses of the Legislature, approved January twenty-seventh, one thousand eight hundred and fifty-three, shall be paid out of the Treasury prior to the payment of the appropriation made by the Act entitled "an Act requiring the Comptroller to audit certain bills of the members of the present Legislature," approved January twenty-fifth, one thousand eight hundred and fifty-three; anything in said last mentioned Act contained to the contrary notwithstanding.

Approved, March 19, 1853.

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## CHAPTER XXXVI.

### AN ACT

To amend an Act passed fifteenth March, one thousand eight hundred and fifty-one, entitled "an Act to provide for the Translation of the Laws into the Spanish Language," and also to amend an Act passed April twenty-fourth, one thousand eight hundred and fifty-two, of the same title.

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

Former Acts  
amended.

SECTION 1. The Translation of the Laws into Spanish shall be regulated, hereafter, by the Act entitled "an Act to provide for the Translation of the Laws into the Spanish Language," passed fifteenth March, one thousand eight hundred and fifty-one, and by Act to amend an Act entitled "an Act to provide for the Translation of the Laws into the Spanish Language," passed the fifteenth of March, one thousand eight hundred and fifty-one, passed April twenty-fourth, one thousand eight hundred and fifty-two.

Approved, March 19, 1853.

## CHAPTER XXXVII.

## AN ACT

Establishing the Seat of Justice of the County of Butte, and amending the twenty-first section of an Act entitled "an Act dividing the State into Counties and establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one.

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

SECTION 1. The Seat of Justice of the County of Butte, from and after the tenth day of August, A. D. one thousand eight hundred and fifty-three, shall be, and by this Act is established, at the town of Bidwell, in Bidwell township, heretofore known as Bidwell's Bar: *Provided*, that the Court of Sessions of said county shall, on or before the said tenth day of August, by an order entered on the records of said Court of Sessions, declare that the building or buildings erected at the town of Bidwell, are fit and suitable for the use of said county as county buildings.

Location of Seat of Justice.

SEC. 2. *Provided, further*, That said court shall not make said order as aforesaid, until they are satisfied by competent evidence, that such building or buildings are fit and suitable as above specified, and until a lot or parcel of ground, not less than one-fourth of an acre, with a jail building thereon, is delivered by deed, free and unincumbered from any lien or claim, to said County of Butte, and said deed filed with the clerk of said county for record; the conditions of the foregoing deed or conveyance shall be such, that if the Seat of Justice be removed from said town of Bidwell, all the right, title and interest of said county, acquired by said deed or conveyance, shall be forfeited and revert to the party or their representatives making such conveyance, and until said county is further secured in the free use and occupation of suitable rooms for county offices and judicial purposes, for a term not less than five years.

County Buildings and Public Grounds.

SEC. 3. Section twenty one, of an Act entitled "an Act dividing the State into Counties and establishing the Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows: County of Butte—beginning at a point in the middle of Sacramento river, opposite the mouth of Red Bank Creek, below the Red Bluffs, and thence running due east to the dividing ridge which separates the

County boundaries amended.

waters flowing into the Sacramento river below the Red Bluffs, and into Feather river, from those flowing into Sacramento river above the Red Bluffs; thence following the top of said dividing ridge to Sierra Nevada; thence due east to the boundary of the State; thence due south, following said boundary to the northeast corner of Sierra County; thence following the northwestern boundary of Sierra and Yuba Counties, to Feather river; thence westerly along the northern boundary of Sutter County to the Sacramento river; thence running up the middle of said river to the place of beginning. The Seat of Justice of said county shall be at Bidwell, formerly known as Bidwell's Bar, from and after the tenth day of August, A. D. one thousand eight hundred and fifty-three, in accordance with the foregoing provisions of this Act.

Approved, March 19, 1853.

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## CHAPTER XXXVIII.

### AN ACT

To amend the Seventh Section of "an Act to prohibit the erection of Weirs, or other obstructions to the run of Salmon, approved April twelfth, one thousand eight hundred and fifty-two.

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

Former Act  
amended.

SECTION 1. Section Seven shall read as follows: It shall not be lawful for any person or persons to cast, draw, or make use of any seine or net, for the purpose of catching Salmon, in any of the rivers of this State in the following months, August, October, November, December and January in each year, except as hereinafter specified. *Provided*, that it may be lawful for any person or persons to catch Salmon in the San Joaquin river, or any of its tributaries in the following months, August, September, and from the first to the fifteenth day of October, inclusive, in each year; every person so offending, and being thereof legally convicted, shall be subject to the same fines and penalties, as are imposed by section two of this Act; this Act shall not apply to any of the Indian tribes, so as in any manner to preclude them from fishing in accordance with the custom heretofore practiced by them.

Approved, March 19, 1853.

## CHAPTER XXXIX.

## AN ACT

To provide for the Publication and Distribution of the Official Map of the State, as compiled by the Surveyor-General.

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

SECTION 1. The Map compiled by William M. Eddy, Surveyor-General, under "an Act to provide for a Map of the State," is hereby declared the official map of the State: *Provided*, that nothing in this section shall be construed to declare official, so much of the eastern boundary line as relates to the territory in the vicinity of Carson's Valley, which portion is left open for future surveys.

Official Map of the State.

Eastern boundary.

SEC. 2. The State hereby relinquishes to the said William M. Eddy her interest in the copyright of said Map.

Copy right relinquished to W. M. Eddy.

SEC. 3. The said Eddy, in consideration of the relinquishment in the foregoing section, shall have the said Map of the State of California properly engraved on copper plates, and shall furnish one copy thereof to each of the following persons and officers: To each member of the present Legislature, to each State officer for the use of the State, and to the office of each County Clerk in the State, also to each new county hereafter formed.

Publication. Conditions.

Distribution.

SEC. 4. The State hereby reserves to herself the right of ordering from the copper plates upon which said Map is engraved, any number of copies that may be required for the use of the State, at cost prices.

Copies to be furnished the State.

SEC. 5. The said Eddy shall furnish the necessary number of Maps stipulated for in this Act, on or before the first day of July, A. D. eighteen hundred and fifty-three, to the Secretary of State, whose duty it shall be to forward them to those specified in this Act.

Time allowed for delivery of copies.

Approved, March 25, 1853.

## CHAPTER XL.

## AN ACT

For the relief of J. D. Monnett, M.D., for services rendered sick Emigrants.

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

Comptroller to draw warrant for \$1,000.

SECTION 1. The Comptroller of State is hereby authorized to draw his warrant upon the Treasurer in favor of J. D. Monnett, for the sum of one thousand dollars to be paid out of the General Fund from any money not otherwise appropriated.

Approved, March 25, 1859.

## CHAPTER XLI.

## AN ACT

To create the County of Alameda, and establish the Seat of Justice therein, to define its Boundaries and to provide for its Organization.

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

Boundaries.

SECTION 1. The following shall constitute the Boundaries and Seat of Justice of Alameda County. Beginning at a point at the head of a slough, which is an arm of the Bay of San Francisco, making into the main land in front of the Gegara ranches; thence to a lone sycamore tree that stands in a ravine between the dwellings of Fluhoncia and Valentine Gegara; thence up said ravine to the top of the mountains; thence on a direct line eastwardly, to the junction of the San Joaquin and Tuolumne Counties. From thence northwestwardly on the west line of San Joaquin County, to the slough known as the Pescadora; thence westwardly in a straight line until it strikes the dividing ridge, in the direction of the house of Joel Harlan, in Amador valley;



thence westwardly along the middle of said ridge, crossing the gulch one-half mile below Prince's mill; thence to, and running upon, the dividing ridge between the red woods, known as the San Antonio and Prince's woods; thence along the top of said ridge to the head of the gulch or creek that divides the ranches of the Peralta's from those known as the San Pablo ranches; thence down the middle of said gulch to its mouth; and from thence westwardly, to the eastern line of the County of San Francisco; thence along said last mentioned line to the place of beginning.

SEC. 2. There shall be held an election for County Officers Election. in the County of Alameda, on the second Monday of April, one thousand eight hundred and fifty-three, at which election the qualified voters of said county shall choose one County Judge, one District Attorney, one County Clerk, who shall *ex-officio* be County County officers. Recorder, one Sheriff, one County Surveyor, one County Assessor, one Coroner, and one County Treasurer.

SEC. 3. James B. Larue, Michael Murry, J. S. Watkins, J. Commissioners. S. Marston and Gustavus Harper are hereby appointed Commissioners to designate the necessary election precincts in the County Duties. of Alameda for said election, and to appoint the Judges and Inspector of election at the several precincts designated to receive the returns, and to issue certificates of election to the parties receiving the highest number of legal votes, and in all other respects said election shall be conducted according to the provisions of the "Act to regulate Elections," passed March twenty-third, one thousand eight hundred and fifty.

SEC. 4. For the purpose of designating the several precincts Meeting of Commissioners. in said county, said Commissioners shall meet on the Monday two weeks previous to the day of election, and at said meeting shall designate the Judges and Inspectors of election for such precincts. The Commissioners shall appoint one of their number as president, Organization of Board. and one as clerk, who shall keep a record of their proceedings in a book to be provided for that purpose, which record shall be deposited in the clerk's office after the Commissioners shall have closed their labors. A majority of said Commissioners shall at all times constitute a quorum for the transaction of business.

SEC. 5. The Commissioners shall immediately after designating the precincts, and appointing the proper officers to conduct said election, give notice of such election, and the names of the officers appointed to conduct the same, by written or printed notices, to be posted at each of the precincts, and said notices shall be thus posted, at least ten days before the election. Powers and duties.

SEC. 6. Sealed returns from the officers of election may be delivered to any member of said board. The Commissioners shall meet in the town of New Haven, on the tenth day subsequent to the day of election, and the returns shall then be opened by said Commissioners and canvassed, and the persons having the highest number of legal votes for the several offices to be filled shall be declared elected, and the President shall immediately make out, Returns of elections.

and send or deliver to each person chosen, a certificate of election signed by him as President of the commission, and attested by the clerk.

Qualification of officer.

SEC. 7. Each person chosen, shall qualify and enter upon the discharge of the duty of his office, within ten days after the receipt of his certificate of election. The person elected as County Judge, shall qualify before the President of the commissioners. Persons elected to the other offices may qualify before the County Judge or before said President.

Election returns to be sent to Secretary of State.

SEC. 8. The President of the commissioners shall transmit without delay, an abstract of said election returns to the Secretary of State, and retain the original returns, until the Clerk shall qualify, when he shall file the same in the clerk's office.

Term of County Judge.

SEC. 9. The County Judge shall hold his office for four years, and until his successor is chosen and qualified. The other officers shall hold their offices for two years, and until their successors are chosen and qualified pursuant to law.

Court of Sessions.

SEC. 10. The County Judge, and two Associate Justices to be chosen from among the Justices of the Peace that may be elected from among themselves, shall form a Court of Sessions for the transaction of all county business authorized to be transacted by Boards of Supervisors in other counties of this State.

Commissioners to ascertain county indebtedness.

SEC. 11. At the first term of the Court of Sessions of said County of Alameda, said court shall appoint two commissioners to meet a corresponding number of commissioners to be appointed on the part of the County of Santa Clara, and the like number on the part of the County of Contra Costa, for the purpose of ascertaining and settling the amount of indebtedness said County of Alameda shall assume of said counties, and when so ascertained and certified by said commissioners, or a majority of them, the Court of Sessions of Alameda County, shall issue a warrant in favor of the County Treasurer of each of said counties, for the sum awarded to each respectively, payable out of any funds that may come into the Treasury of Alameda County. The said commissioners shall meet in the town of Alvarado, on the first Monday of July, A. D., one thousand eight hundred and fifty-three, which shall be known as the Seat of Justice of Alameda County.

County Seat.

Salary of County Judge.

SEC. 12. The County Judge shall receive as a compensation for his services, two thousand five hundred dollars per annum, payable quarterly out of the County Treasury; and the District Attorney shall receive as a compensation for his services, one thousand dollars per annum, payable quarterly out of the County Treasury of said county.

Of District Attorney.

County Seat.

SEC. 13. The County Seat of Alameda County shall be at the town of New Haven.

Attached to Third Judicial District.

SEC. 14. Alameda County shall be in the Third Judicial District, and there shall be four terms of the District Court holden in said county each year.

Election of Justices of the Peace.

SEC. 15. The Commissioners appointed to conduct the election, as in this Act specified, may also at the same time, place,

and manner, order an election for not less than five Justices of the Peace in said county, to qualify in manner as other officers elected under the provisions of this Act, and shall hold their offices for one year, and until their successors are chosen and qualified.

SEC. 16. The Recorders of Contra Costa and Santa Clara Counties, upon application and payment of the fees, shall transmit to the Clerk's office of the County of Alameda, certified copies of all deeds or other papers recorded in their offices, wherein the subject matter of such deed or other paper is situated in Alameda County. The Clerks of Contra Costa and Santa Clara shall transmit all files in their offices, wherein both parties reside in Alameda County, or where the subject matter is situated in said county, and for such services, the Clerk shall receive the fees allowed by law; said Clerk shall also transmit as aforesaid, and upon like conditions, all papers and files relating to unfinished actions, or proceedings in the nature of actions, whether original or on appeal, wherein both parties reside in said Alameda County, and also in local actions, where the subject matter in controversy is situated in said county of Alameda. Nothing in this Act shall be so construed as to prevent those persons, now citizens of Contra Costa County, who, by the operation of this Act, shall become citizens of Alameda County, from participating in and voting at the election to be held in Contra Costa County, on the twenty-sixth of March, one thousand eight hundred and fifty-three.

Records of  
Contra Costa  
and Santa Clara  
counties.

Rights of citizens  
of Contra Costa  
County.

SEC. 17. The parts of counties out of which the County of Alameda is formed, shall, for judicial purposes, remain in and constitute parts of the counties to which they respectively belonged before the passage of this Act, until the County of Alameda shall be organized under the provisions of this Act.

Judicial District.

Approved, March 25, 1853.

## CHAPTER XLII.

### AN ACT

To exempt Firemen from Militia Service and Jury Duty.

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

SECTION 1. The officers and members of any Fire Company, regularly attached to the Fire Department, of any city, town or

Firemen  
exempted from

- military and jury duty. village within the State, organized according to ordinance of such city, town or village, shall be exempt from militia service and jury duty, except as hereinafter provided.
- The same. SEC. 2. The officers and members of any Company in said Fire Department shall be exempt from military duty, except in case of war, invasion, or insurrection.
- Certificate of membership. SEC. 3. It shall be the duty of each person claiming exemption from military or jury duty, under the provisions of this Act, to produce, if required by the officer serving a jury or militia notice, a certificate of his active membership to the Fire Department or Company to which he is attached, signed by the Chief Engineer, Secretary of the Board of Delegates of the Fire Department, Foreman of the Company, or Chief Magistrate of the city, town or village.
- Duty of officer in serving notice. SEC. 4. The officer serving the jury summons or militia notice, may require the oath of the party summoned or notified, before any magistrate, that he has not resigned, been expelled, or forfeited his membership of the Company or Department, since the date of his certificate.
- Number of members to each company. SEC. 5. There shall not be allowed to any Engine Company more than sixty-five certificate members; to any Hose Company more than twenty five certificate members; to any Hook and Ladder Companies more than sixty-five certificate members.
- Time of service. SEC. 6. Any member who shall have served as an active fireman for the period of five years, and shall produce a certificate of the same, signed by the Chief Engineer, Secretary of the Board of Delegates of the Fire Department, or other officers to whom such duty may be assigned, shall be entitled to receive a certificate as an exempt fireman, which shall forever release him in this State from jury duty or militia service.
- Exempt firemen. SEC. 7. All persons who have served as active firemen in Companies duly organized according to the provisions of this Act, subsequent to the first day of January, Anno Domini, one thousand eight hundred and fifty-three, shall be entitled to date their term of five years service from the date of their becoming certificate members: *Provided*, that the service that shall entitle such person to the exemption herein provided, shall not date prior to the first day of January, one thousand eight hundred and fifty-three.
- Privileges under this Act. SEC. 8. The Fire Department of the city of San Francisco shall at no time be allowed more than twenty Companies; the city of Sacramento more than ten Companies; the city of Marysville more than five Companies; the city of Stockton more than five Companies. Nor shall there be allowed in any other cities, towns or villages more than one Company for each one thousand inhabitants: *Provided, always*, that one Company shall be allowed in any city, town or village where the population is less than one thousand.
- Proviso.
- Fire Department of San Francisco. Of Sacramento. Of Marysville. Of Stockton.
- Other cities, &c.

Approved, March 25, 1853.

## CHAPTER XLIII.

## AN ACT

To ascertain the Indebtedness of Mariposa and El Dorado Counties.

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

SECTION 1. The Auditor of Mariposa County shall advertise, by posting notices in at least ten public places within the county, and by publication in the "San Joaquin Republican" newspaper, for the space of six months, from the first day of May, one thousand eight hundred and fifty-three, requiring all persons holding any species of ascertained and allowed indebtedness against the County of Mariposa, issued prior to the first day of April, A. D. one thousand eight hundred and fifty-one, to present the same to the Auditor of Mariposa County, within six months from the date of advertisement.

Notices to creditors of Mariposa to be published.

SEC. 2. The Auditor shall, whenever any species of indebtedness, mentioned in section one of this Act, be presented to him by the party owning the same, or by his attorney, file the same in his office, marked "Redeemed," noting the time of presentation; and shall, in lieu thereof, issue to the party presenting the same, a Warrant drawn on the County Treasurer for an equal amount.

Duties of County Auditor.

SEC. 3. Any person failing to comply with the preceding sections of this Act, by presenting his or her indebtedness within six months from the first day of May, A. D. one thousand eight hundred and fifty-three, shall forfeit all right to collect the same.

Claims to be forfeited if not presented.

SEC. 4. For the services prescribed by this Act, the Auditor shall receive such compensation as the Court of Sessions or Board of Supervisors shall deem just.

Fees of Auditor.

SEC. 5. The expenses of publication, as required by this Act, shall be paid out of the County Treasury on the Warrant of the County Auditor.

Expenses.

SEC. 6. The provisions of this Act shall in all respects be applicable to the County of El Dorado, with like effect as in the County of Mariposa: *Provided*, the publication in a newspaper required to be made, shall be made in some weekly newspaper published in said county of El Dorado.

Provisions of this Act to apply to El Dorado County.

Approved, March 25, 1853.

# CHAPTER XLIV.

## AN ACT

To provide for the Protection of Foreigners, and to define their Liabilities and Privileges.

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

Foreigners to procure license.

SECTION 1. That from and after the passage of this Act, no person, not being a citizen of the United States, (California Indians excepted,) shall be allowed to take gold from the mines of this State, unless he shall have a license therefor, as hereafter provided.

State Comptroller to obtain blank licenses.

SEC. 2. It shall be the duty of the Comptroller of State to procure a sufficient number of blank licenses, which shall be substantially in the following form and numbered consecutively, and a record thereof be filed in his office. He shall deliver said licenses to the Treasurer of State and take his receipt for the same upon the books of his office :

To keep record, &c.

### FORM OF LICENSE.

Form.

To be renewed upon expiration of term.	No. _____	County (date) _____	No. _____	County, (date.) _____	To be renewed upon expiration of term.
		165			
	<i>has paid four dollars mining license, which entitles him to work in the mines one month.</i>			This certifies that . . . . . has this day paid the Sheriff of . . . . . . . . . . County, four dollars, which entitles him to work in the mines of this State for one month from date.	

*Comptroller of State.*

*By . . . . . Sheriff.*

Date of license.

Every subsequent license after the first, shall be dated from the expiration of the former license issued by the Sheriff or his deputy to any foreign miner who shall have been engaged in mining, from the expiration of such former license.

Sheriff to act as Collector.

SEC. 3. The Sheriff of each county shall be the Collector of License Tax, under the provisions of this Act, who, before entering upon the duties herein provided for, shall enter into bond to the State, with two or more sureties, to be approved by the Board of Supervisors, if any such Board exists in his county; if there be no such Board, then by the County Judge, in the sum of fifteen thousand dollars, conditioned for the faithful performance of the duties required of him by this Act, which bond shall be filed in the office of the Clerk of said county.

Bond.

SEC. 4. The Treasurer of State shall fill the blanks for the numbers and counties which have been left in the printed form, and shall be liable on his bond for all licenses delivered to him by the Comptroller, except for such as he may have issued to the Recorders of counties, under the provisions of the following section.

Duty of Treasurer of State.

SEC. 5. The Treasurer of State shall issue, as soon as practicable, to the Recorder of each mining county, and thereafter previous to the fifteenth of December of each year, such number of licenses as may be deemed sufficient for the use of said county, taking a receipt therefor, which receipt shall be recorded by the Treasurer, in a book to be provided for that purpose, and shall stand as a charge against said Recorder; and said Recorder shall execute a bond to the State, conditioned for the faithful performance of all the duties required of him by this Act, in the sum of ten thousand dollars; said bond to be approved by the Governor and Comptroller.

Manner of issuing blank licenses.  
County Recorder.

Bond.

SEC. 6. The amount to be paid for each license shall be at the rate of four dollars per month, and said license shall in no case be transferable.

Amount of license.

SEC. 7. The Recorder shall deliver to the Sheriff of his county such number of licenses as said Sheriff may require, charging him therewith, and taking his receipt therefor. The Sheriff shall make monthly returns to the Recorder of his county, of the number of licenses issued, and to whom, and the amount of money received. The first returns shall be made to the Recorder on the first Monday of May next, and thereafter, a return shall be made on the first Monday of each succeeding month as herein specified.

Duty of County Recorder and Sheriff.

Returns to be made monthly.

SEC. 8. It is hereby made the duty of the Treasurer of each county to which licenses have been issued, to report to the Treasurer of State on the first Monday of August next, and on the first Monday of every third month thereafter, the amount of money received by him on account of foreign miners' licenses.

Duty of County Treasurer.

SEC. 9. Fifty per cent. of the net proceeds of all moneys collected under the provisions of this Act, shall be paid into the State Treasury, and shall constitute a part of the General Fund; the remaining fifty per cent. of the net proceeds shall be paid into the General Fund of the county; and it shall be the duty of the Sheriff to pay over to the County Treasurer, monthly, the amounts specified in this section.

Appropriation of Revenue under the Act.

SEC. 10. The collector may seize the property of any person liable to, and refusing to pay such tax, and sell at public auction on one hour's notice, by proclamation, and transfer the title thereof to the person paying the highest price therefor, and after deducting the tax and necessary expenses incurred by reason of such refusal and sale of property, the collector shall return the surplus of the proceeds of the sale, if any, to the person or persons whose property was sold: *Provided*, that should any person liable to pay such tax in any county of this State, escape into any other county

Powers of Collectors to enforce the payment of licenses.

Term "foreigners" defined.

with intent to evade the payment of such tax, then and in that event it shall be lawful for the collector to pursue such person, and enforce the payment of such tax in the same manner as if no such escape had been made. Any foreigner representing himself to be a citizen of the United States, shall, in absence of his certificate to that effect, satisfy the collector of the correctness of his statement by affidavit, or otherwise, and that the collector be and is empowered to administer such oath or affirmation. All foreigners residing in the mining districts of this State shall be considered miners under the provisions of this Act, unless they are directly engaged in some other lawful business avocation.

Returns for final settlements of County Officers.

SEC. 11. Immediately preceding the time provided by law for the final settlement of the County Treasurer with the Treasurer of State, it shall be the duty of each Recorder to whom licenses have been issued, to report to the Comptroller of State the number of licenses on hand in his office, as also the number in the hands of the Sheriff, who is hereby required to report to said Recorder the number of licenses not dispensed of, for which he has received to the said Recorder.

Treasurer and Comptroller to examine returns. Discrepancies.

Duty of County Attorney.

SEC. 12. The Treasurer and Comptroller of State shall, as soon as practicable, compare the returns of the Sheriff with the reports of the County Recorder, and if there shall be any discrepancy in the statements, it shall be the duty of the Comptroller to immediately inform the prosecuting Attorney of the county in which such delinquent resides, who shall commence suit against such delinquent and his sureties forthwith.

Penalty for violation of this Act by collecting officers.

SEC. 13. Any Sheriff or his deputy who shall neglect or refuse to pay over the money collected by him or them, under the provisions of this Act, or shall appropriate any part thereof to his or their use, other than the per centage they are entitled to retain by the provisions of this Act, shall be deemed guilty of embezzlement, and upon conviction thereof shall be punished by imprisonment in the State Prison any time not less than one year, nor more than ten years.

False receipts.

SEC. 14. Any officer charged with the collection of the tax provided to be collected by this Act, who shall give any receipt other than the receipt prescribed in this Act, or receive money for such license without giving the necessary receipt, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one thousand dollars, and be imprisoned in the county jail not exceeding six months.

Disposition of unsold licenses.

SEC. 15. It shall be the duty of the different Sheriffs to return all unsold licenses to the County Recorder prior to the fifteenth day of December of each year, and receive new licenses, and the County Recorders shall immediately transmit to the Comptroller of State said licenses, who shall deliver them to the Treasurer of State. Such licenses so returned shall be placed to the credit of the different County Recorders on the books of the Treasurer, and the licenses destroyed in presence of the Comptroller of State, who shall also make a record of the same.



SEC. 16. Any person who shall make any alteration, or cause the same to be made, in any license, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one thousand dollars, and imprisonment in the State Prison not exceeding six months.

Penalty for alteration of license.

SEC. 17. Any person or company hiring foreigners to work in the mines of this State, shall be liable for the amount of the licenses for each person so employed.

Employers of foreigners liable for license tax.

SEC. 18. The Sheriff shall have power, and it is hereby made his duty to appoint a sufficient number of deputy collectors to assist him in the collection of the tax provided to be collected by this Act, said deputy collectors to be paid not less than fifteen (15) per cent. on all sums collected by them; and the Sheriff shall be responsible for the acts of said deputy collectors, and may require from them such bond and surety as he may deem proper for his own indemnification, and for such service he shall be entitled to receive three per cent. on all sums collected by them. Should the Board of Supervisors, or in the event of there being no such Board, then the County Judge, deem the per centage to be paid to deputy collectors by the provisions of this section to be insufficient, an order may be entered by the Board of Supervisors or the County Judge providing that an additional sum shall be paid such deputy collector, not to exceed in all twenty-five per cent. to be paid as herein provided. The County Recorder of each county shall receive three per cent. on all sums collected under the provisions of this Act.

Sheriff may appoint deputy collectors.

Fees.

Bond.

Fees of Sheriffs.

Additional Fees.

Amount.

Fees of County Recorders.

SEC. 19. That the Sheriff be required to receive good clean gold dust when tendered at seventeen dollars per ounce in payment for licenses, and be required to pay the same into the Treasury at the same rate.

Gold dust, and value.

SEC. 20. That the Act entitled "an Act to provide for the protection of foreigners, and to define their liabilities and privileges," approved May fourth, one thousand eight hundred and fifty-two, and all laws or parts of laws conflicting with the provisions of this Act be and the same are hereby repealed.

Former Act repealed.

Approved, March 30, 1853.

## CHAPTER XLV.

## AN ACT

To Legalize certain Official acts of William J. Lewis,  
County Surveyor of the County of Santa Clara.

Preamble.

*Whereas*, William J. Lewis was duly elected County Surveyor for the County of Santa Clara on the third day of September, A. D. one thousand eight hundred and fifty one, according to law; *And whereas*, the said William J. Lewis, since the third day of September, one thousand eight hundred and fifty-one, has proceeded in good faith to discharge the duties of said office; *And whereas*, doubts are now entertained as to whether the said William J. Lewis has been qualified in a proper manner as County Surveyor: Therefore,

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

Official acts  
declared valid.

SECTION 1. Each and every survey made, and each and every official act by the said William J. Lewis, in his official capacity, as such Surveyor, as aforesaid, done and performed since the said third day of September, A. D. one thousand eight hundred and fifty-one, and prior to the seventh day of March, one thousand eight hundred and fifty-three, are hereby legalized, and shall be deemed of as full force and effect in law as such official act or acts would have been if the said William J. Lewis had properly qualified as such Surveyor in all respects according to law, any provision of law to the contrary notwithstanding.

To qualify as  
County  
Surveyor.

SEC. 2. The said William J. Lewis shall qualify as County Surveyor of said county, within twenty days after the passage of this Act: *Provided*, the said Lewis has not heretofore qualified.

Approved, March 31, 1853.

## CHAPTER XLVI.

## AN ACT

To submit to the legal and qualified Voters of Tulare County, at the next General Election, the permanent location of the Seat of Justice of said County.

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

SECTION 1. On the next general election for State officers, held in this State, the permanent location of the Seat of Justice of Tulare County, be submitted to the legal and qualified voters of said county. Location of County Seat.

SEC. 2. Each voter shall write or place upon his ticket the name of the town or place he wishes to be the permanent Seat of Justice of said county. Manner of voting.

SEC. 3. The town or place receiving the largest number of votes shall be the permanent Seat of Justice of said county. Permanent County Seat.

SEC. 4. So much of the "Act creating Tulare County and to provide for its organization," approved April twentieth, one thousand eight hundred and fifty-two, locating the Seat of Justice of said county at Woodsville, be and the same is hereby repealed. Portions of former Act repealed.

Approved, March 31, 1853.

## CHAPTER XLVII.

## AN ACT

For the Relief of Captain Joseph Walker.

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

SECTION 1. The Comptroller of this State is hereby authorized and required to draw his Warrant on the State Treasurer for five hundred dollars, in favor of Joseph Walker, and the State Treasurer is hereby required to pay the same out of the General Fund. Comptroller to issue Warrant for \$500.

Approved, April 1, 1853.

## CHAPTER XLVIII.

## AN ACT

To provide for the Redemption of Comptroller's Warrants drawn payable out of the General Fund.

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

Warrants to be received for State Indebtedness.

SECTION 1. Comptroller's Warrants drawn payable out of the General Fund issued for any indebtedness accruing after the first day of January, A. D. one thousand eight hundred and fifty-three, shall be receivable for any and all State dues after the passage of this Act, except as hereinafter specified.

Except for interest tax.

First. Excepting the interest tax for the funded debt of the years one thousand eight hundred and fifty-one, and one thousand eight hundred and fifty-two, which shall be collected as provided by existing laws.

For passenger tax.

Second. Excepting the revenues accruing under an Act entitled "an Act concerning passengers arriving in the ports of the State of California."

For taxes, &c., for 1853.

Third. Excepting the taxes and assessments on all real and personal property assessed for the fiscal year ending June, one thousand eight hundred and fifty-three.

Duties of Sheriff's.

SEC. 2. When any payment of taxes is made to the Sheriff or other officer charged with the collection of revenue, it shall be his duty to specify, in his receipt for the same, whether said payment was made in money, gold dust, three per cent. bonds, or in the Comptroller's warrants made receivable for taxes by this Act, and a list or memorandum of each and every payment, precisely corresponding with the receipt, shall be kept by him; which list or memorandum, verified by his affidavit, shall be filed in the office of the County Treasurer, or in that of the State Treasurer, as the case may be, in his respective settlements with such officers.

Of collecting officers.

SEC. 3. Any Sheriff or County Treasurer, or other officer, empowered to collect taxes under any Act now existing, or which may hereafter exist in this State, shall pay into the County or State Treasury, as the case may be, the precise money, gold dust, bonds, or Comptroller's warrants which he may receive, and a County Treasurer, or other officer aforesaid, convicted, in a court of competent jurisdiction, of changing in any way, or using in any manner, the funds collected under the provisions of this Act, other than to pay them over to such uses as are required by law, shall be deemed guilty of a misdemeanor, and fined in any sum not less than double the amount of the funds so used, and shall be

imprisoned in the County Jail for a term not exceeding six months.

Penalty for violation of.

SEC. 4. A copy of the verified list or memorandum, with affidavit attached, as required by section two of this Act, to be deposited with the County Treasurer, shall be delivered to the Comptroller of State, and the settlement of the County Treasurer with the Comptroller of State shall accord therewith.

Copy of verified list to be deposited with County Treasurer.

SEC. 5. The Comptroller of State is hereby directed to distribute a copy of this Act to every officer in this State charged with the collection of revenue.

Copies of this Act to be distributed.

Approved, April 1, 1853.

## CHAPTER XLIX.

### AN ACT

To enforce the Payment of Licenses in this State.

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

SECTION 1. Any person or persons who shall vend, by wholesale or retail, any spirituous, or malt, or vinous liquors, or any goods, wares, or merchandise, within any county in this State, without first obtaining a license so to do, as required by law, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in any court of competent jurisdiction, be fined in a sum of not less than twenty-five nor more than two hundred dollars for each and every offence.

Who are liable under this Act.

Penalty for violation.

SEC. 2. The Recorder's Court of any city and any Justice of the Peace of the county in which such offence is charged to have been committed, shall have jurisdiction to try and determine the same.

Jurisdiction of Recorders and Justices' Courts.

SEC. 3. Upon the trial of any criminal action provided for by this Act, the defendant shall be deemed not to have procured any such license, unless he prove the contrary to the satisfaction of the court or jury by whom the same is tried. All fines collected under this Act, shall be paid into the Treasury of the county in which the conviction is had.

Proof of violation of Act.

Appropriation of fines.

Approved, April 1, 1853.

## CHAPTER L.

## AN ACT

Amendatory of Section Four of "an Act concerning Divorces," passed March twenty-fifth, one thousand eight-hundred and fifty-one.

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

Former Act amended.

Divorces may be granted.

For impotence.

If the female was under age, &c.

For adultery.

For cruelty, intemperance, &c.

For fraud, &c.

For felony.

SECTION 1. Section four of said Act is hereby amended so as to read as follows: Section 4. Divorces from bed and board, or from the bonds of matrimony, may be granted—

First. For natural impotence existing at the time of marriage.

Second. When the female, at the time of the alleged marriage, was under the age of fourteen years, and the alleged marriage was without the consent of her parents or guardian, or other person having the legal custody or charge of her person; and when such marriage was not voluntarily ratified on her part, after she had attained the age of fourteen years.

Third. By an act of adultery by either of the parties; but no divorce shall be granted upon the application of the party guilty of the act of adultery complained of, nor if it shall appear to the court that the adultery complained of was by collusion of the parties; nor when it shall appear that the parties have lived and cohabited together as man and wife, after knowledge of the act of adultery complained of.

Fourth. For extreme cruelty in either party, or for habitual intemperance, or for wilful desertion by either party for the period of two years; or for wilful neglect on the part of the husband to provide for his wife the common necessaries of life, having the ability to provide the same, for the period of three years.

Fifth. When the consent of either of the parties to the marriage was obtained by force or fraud, upon the application of the injured party.

Sixth. In case of the conviction of either party for a felony, after marriage, where the punishment is not less than imprisonment for two years.

Approved, April 1, 1853.

## CHAPTER LI.

## AN ACT

To amend an Act entitled "an Act concerning Passengers arriving in the Ports of the State of California.

*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 concern- Former Act amended.  
 ing passengers arriving in the ports of the State of California," passed May third, one thousand eight hundred and fifty two, is hereby amended so as to read as follows: Section 1. It shall be the duty of the master or commander of any vessel arriv- Duty of masters and commanders of vessels.  
 ing at the port of San Francisco from any port out of the State of California, to appear at the office of the Commissioner of Emigrants, within twenty-four hours after his arrival, and testify as to his having brought any passengers. Within twenty-four hours after the landing of any passengers from any vessel arriving at any of the ports of this State from any of the United States, other than this State, or from any county out of the United States, the master or commander of the vessel from which such passenger or passengers shall have been landed, shall make a report in writing, on oath or affirmation, to the Commissioner of Emigrants at San Francisco, and in other ports of the State Report.  
 to the Mayor or chief municipal officer, which report shall state the name, place of birth, time and place of naturalization, last residence, age and occupation of every person or passenger who shall have landed from such vessel in her last voyage to such port, not being a citizen of the United States, and who shall have, within the last preceding twelve months, arrived from any country out of the United States, at any place within the United States, and who shall not have been bonded, or who have paid the commutation money, according to the provisions of this Act or any former Act. The said report shall contain a like statement of all such persons or passengers as shall have been landed or been suffered to land from any such vessel at any place during her said last voyage, or who shall have gone on board of any vessel with the intention of coming into this State. The said report shall further specify if either or any of said passengers or persons so reported are lunatic, idiot, deaf, dumb, blind, crippled, or infirm; and if so, whether they are accompanied by any relatives likely to be able to support them. It shall also state particularly the names, last place of residence and ages of all passengers who may have died during the said last voyage of such vessel, also the names and Contents and form.

residence of the owner or owners of such vessel. It shall also specify whether any of said passengers are persons convicted of any infamous crime, or of a felony, so far as the same may be within the knowledge of said master or commander. Such master or commander is further required to administer to any passenger of foreign birth who shall declare himself a citizen of the United States the following oath or affirmation as to the time and place of his naturalization, and the name of each party so sworn shall be stated in the passenger list of said vessel:

Oaths shall be administered.

Form.

I, \_\_\_\_\_, do solemnly swear (or affirm) that I was born in \_\_\_\_\_; that I am a naturalized citizen of the United States; that I was naturalized and received my certificate of naturalization in the State of \_\_\_\_\_, in the year \_\_\_\_\_.

Penalty for neglect of duty.

In case any such master or commander shall omit or neglect to report, as aforesaid, any such person or passenger, with the particulars aforesaid, or shall make any false report or statement in respect to any persons or passengers, or in respect to the owner or owners of any such vessel, or in respect to all or any of the particulars hereinbefore specified, such master or commander shall forfeit the sum of two hundred dollars for every such passenger, in regard to whom any such omission or neglect shall have occurred, or such false report or statement shall be made, and also for every neglect, omission, or false report made by him, as to the owner or owners of such vessel. If any master or commander shall neglect or refuse to make report to said commissioner, as provided for in this Act, within the time therein specified, such master or commander shall be held guilty of a misdemeanor, and upon complaint before the Recorder of San Francisco, or any Justice of the Peace of said county, be fined not less than fifty dollars nor more than two hundred dollars for every such neglect. For the payment of the fines and penalties incurred in this Act, the master or commander, consignee or consignees, owner or owners of every such vessel shall be liable, jointly and severally.

Former Act amended.

Commissioner of Emigrants. How appointed.

Powers and duties.

Bond.

Compensation.

Proceedings under this Act.

SEC. 2. Section twelve of said Act is hereby amended to read as follows: For the port of San Francisco there shall be appointed by the Governor of the State, by and with the advice and consent of the Senate, a Commissioner of Emigrants, who shall, in that city, discharge all the duties required by this Act. He shall hold his office for two years; and before entering upon its duties, he shall file in the office of Secretary of State a bond, with two or more sureties, in the sum of twenty-five thousand dollars, to be approved by the Governor, for the faithful performance of his duties. He shall receive a commission of ten per cent. on all moneys collected by him and paid into the State Treasury under this Act. He shall approve all bonds and administer all oaths or affirmations required in the discharge of his duties, as in section ten of this Act: *Provided*, whenever in the city of San Francisco it shall appear to said commissioner, or in any other port of this State, to the Mayor thereof, that the master or commander of any vessel has not made a full and correct report, as in



section one of this Act: *Provided*, such Commissioner or Mayor shall have a right to inquire into the same, and for that purpose may compel the attendance of witnesses before him in the same manner, by subpoena and attachment, as is provided for compelling the attendance of witnesses before district courts in civil cases. The depositions taken in writing before said Mayor or Commissioner may be read in evidence on the trial of any suit commenced for any penalty or forfeiture, or for any sum due on any bond, according to the provisions of this Act, with the like effect as if regularly taken in such suit, subject to all legal exceptions thereto.

SEC. 3. Section nine of said Act is hereby amended to read as follows:—Sec. 9. For all fines and penalties imposed by this Act upon any master or commander, owner or consignee, for any omission, neglect or refusal, to perform any act or duty required by this Act, such vessel shall also be liable, and the amount of such fines or penalties shall be a lien on such ship, steamer or vessel, prior to all other liens, except those for seamen's wages, bottomry bonds and respondentia. Such penalties and fines may be sued for and recovered in a civil action, with costs of suit, by the Commissioner of Emigrants or his authorized attorney, in the name of the State of California, in any court having cognizance thereof, and when recovered shall, after deducting the costs of counsel or attorney and all other reasonable expenses, be paid into the State Treasury. And it shall be lawful for said Commissioner to compound or commute for any of the said penalties or forfeitures, upon such terms as he shall think proper, and account thereof render at the end of every month to the Comptroller of State, with the reasons and causes for such compounding or commutation. Said Commissioner may also compound or commute with the owner or consignee of any ship, steamer or vessel, for any such bond or bonds as are required in section five of this Act, to be given by such owner or consignees for such person or persons, passenger or passengers, as have been paupers in any other country, or who, from their condition at the time of their arrival in any part of this State, or from sickness or disease at the time of their leaving the port of departure, are a public charge, or are likely soon to become so; such commutation to be fixed by said Commissioner of Emigrants, at such sum as he may deem just and equitable, and sufficient to defray the necessary expenses consequent upon the care, support and maintenance, of the persons for whom such commutation shall be made, during the existence and continuance of their then sick, disabled or infirm state, and like account thereof render at the end of every month, to the Comptroller of State, and the amount of moneys received under provision of this section, be paid at the end of each month into the State Treasury.

Approved, April 2, 1853.

Former Act amended.

Liabilities for fines and penalties.

How enforced.

To be paid into State Treasury.

Commutation.

Revenue to be paid into State Treasury.

## CHAPTER LII.

## AN ACT

To amend "an Act to re-incorporate the City of Stockton," approved April twenty-first, one thousand eight hundred and fifty-two.

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

Former Act amended.

SECTION 1. Sub-division third of section six of article third of said Act to re-incorporate the city of Stockton, is hereby amended, so as to read as follows :—To provide for the draining, sewerage, grading, planking, paving, or otherwise improving and lighting of the streets, avenues and levees, the making, erecting, opening, widening, regulating, and keeping in repair, all bridges, wharves, drains and sewers, and for making the assessments therefor, and also the construction of side walks, and the prevention and removal of obstructions on the same.

Assessments for city improvements.

Powers and duties of Common Council.

SEC. 2. Whenever the Common Council shall think it expedient to improve in any manner named in section one of this Act, any street, avenue or levee, notice thereof shall be given for two weeks, in some newspaper printed in the city. Should the owners of a major part of the land fronting on such street, avenue, or levee, within the period of notice above required, make to the Common Council a protest in writing against the proposed improvement, it shall not then be made. If no such protest be made, the Common Council shall proceed with such improvement; at least two-thirds of the expenses of which shall be borne by the land adjacent.

Rights of real estate owners.

The same.

SEC. 3. Whenever the owners of a major part of the land on any street, avenue, or levee, shall apply to the Common Council for any improvement thereof, the same shall be made on such conditions as the Common Council may determine, said owners paying at least two-thirds of the expenses of such improvement.

Assessments.

SEC. 4. The assessment for the construction of any of the improvements of streets, avenues and levees, mentioned in sections two and three of this Act, shall be made by a Board of Commissioners of Assessment, to be composed of the Mayor, Street Commissioner, and City Assessor. In making any such assessment, if it shall appear to the board that the improvement, as made under the ordinances of the Common Council, shall be a block, or square of ground, or more in length, as such blocks are known on the map or plan of said city, the said board shall make a separate apportionment of the aggregate expenses of each block,

How made.

computing for the block the line of improvement lying between the middle of one cross street, and the middle of the next cross street. The proportion payable by the city shall be first deducted from such aggregate: the balance shall be chargeable against, and paid by the land on both sides of the street, avenue, or levee so improved, in proportion to the number of front feet on the line of the improvement.

SEC. 5. Should any person be dissatisfied with the assessment by the Board of Commissioners of Assessment, he may appeal by petition, in writing, setting forth the grounds of his objection to the Common Council, whose decision shall be final. Said appeal to be taken within ten days from and after notice of the assessment and not thereafter. Appeal.

SEC. 6. All assessments upon adjacent land, or the owners thereof, for any such improvement, shall be paid in cash as the work along each block is completed; the proportion chargeable against the city may be paid in bonds which the Common Council are hereinafter authorized to issue. The cash assessments, when collected, shall be paid into the City Treasury, to be paid only to the contractors for the work, and shall not be loaned to any other fund or applied to any other use or purpose whatever. Assessments to be paid in cash, and mode of payment.

SEC. 7. Every assessment made for the improvement of streets, avenues and levees, under the provisions of this Act, on the adjacent land, shall from and after the making of such assessment by the Board of Commissioners of Assessments, operate as a lien upon the land so assessed, and such land may be sold for the payment of the sums due thereon; and the Common Council shall have power to designate by ordinance the officer who shall collect such assessments, and also to prescribe the manner of enforcing such lien and the prompt collection of the moneys secured thereby, by a sale of the delinquent property: *Provided, however*, that no sale under such ordinance shall be valid, until at least twenty days shall have elapsed from the presentation of the bill of assessment to the owner or the agent for the property, if such owner or agent be known, and if they be not known, or non-resident, until the bill of assessment with a description of the property, and notice of the sale in case of default, shall be published in some newspaper printed in the city of Stockton, once a week for three successive weeks: *Provided, also*, that public notice of the sale be given in some newspaper published in said city, thirty days previous to the sale, specifying the time and place thereof; and in no case shall more of the land be sold than will bring an amount sufficient to cover the assessment, and all expenses of making and collecting the same. Assessments to operate as a lien.

SEC. 8. The owner of any land sold for an assessment under the provisions of the last section, and any ordinance passed in pursuance thereof, may redeem the same within six months from the day of such sale, by depositing in the office of the City Treasurer for the use of the purchaser, the amount paid for such land, together with twenty per cent. damages thereon and the legal interest. Should the land sold not be redeemed in accordance with the pro- Collection and enforcement of.

Sale to be advertised.

Owners may redeem land sold for taxes.

Conditions.

Fee simple to pass to purchaser if not redeemed.	visions of this Act, all the right, title and interest therein and thereto, of the owner or owners in fee-simple, or the person or persons claiming to be such, at the date of the assessment by the Board of Commissioners of Assessment, shall remain absolute in the purchaser or purchasers.
Bonds to be issued for public improvements.	<p>SEC. 9. For the following purposes and for no other, namely: First, of providing the ways and means of defraying the expenses that the said city shall incur, by the construction of the improvements mentioned in the first section of this Act; and, Secondly, of funding any scrip or orders on the City Treasury of the said city, that shall be outstanding on the first day of October, in the year one thousand eight hundred and fifty-three. The Common Council aforesaid shall have the power, on the part of the city, to issue bonds from time to time, as the exigencies of the city for the purposes aforesaid may require. Said bonds may be issued for sums not less than one hundred dollars each, and not exceeding for the whole amount issued, the sum of two hundred thousand dollars.</p>
Funding city debt.	
Council to issue Bonds.	
Form and amounts.	
The same.	<p>SEC. 10. Such bonds shall be signed by the City Treasurer, in his official character; shall be made payable to and endorsed by, the Mayor, in his official character, who shall affix the seal of the city thereto; and shall be countersigned by the Comptroller of the City, in his official character; which bonds, executed in the manner aforesaid, shall be styled "Stockton City Bonds," and shall be transferrable by delivery by the owner thereof, or by his attorney in fact, and shall bind the city of Stockton for the faithful payment of the same to the bona fide holder thereof.</p>
The same.	<p>SEC. 11. Each and every bond shall express in substance, in the body thereof, as follows; that "The Mayor and Common Council of the city of Stockton" promise to pay to the mayor of said city, or his order, a sum therein named, bearing an interest of ten per centum per annum, and that the city of Stockton is thereby bound for the faithful payment thereof. The said interest to be payable at such place as the Common Council shall direct, the first payment to be made on some day to be specified in the bond; and that thereafter said interest will be paid half yearly, on the first day of January and July of each and every year, upon coupons for such interest, signed by the Mayor, and annexed to and delivered with the bond.</p>
Interest.	
When and where payable.	
Liquidation of principal.	<p>SEC. 12. The principal sum named in the bond, shall be made payable in not less than five, nor more than twenty years after the date thereof, in the discretion of the Common Council; and the faith and credit of the city and the annual revenue of the same, (except such revenue as shall be necessary for the current expenses of the city government) shall be pledged for the payment of the interest, and redemption of the principal of said bonds.</p>
City Bonds may be issued for public improvements.	<p>SEC. 13. The city bonds issued in the form herein provided, may be delivered by the Common Council to contractors and creditors of the city, in payment of debts created for the making of improvements embraced in the first section of this Act; but the</p>

Common Council shall have no power to allow extra compensation to any creditor of the city, on account of any depreciation to which the said city bonds may be liable.

SEC. 14. To provide for the payment of the interest and principal secured by the said bonds, the Common Council shall have power, and it is hereby made their duty, in each and every year after the passage of this Act, to levy, assess, and collect, at the same time, and in the same manner as the city taxes for the annual current expenses of the said city are by law levied, assessed and collected, an additional tax upon all the real and personal property in the said city made taxable by law for State purposes; which additional tax shall be known as "The City Interest Tax," and shall not exceed one and one-half per centum per annum, payable in current coin only: and the fund derived from said additional tax shall not be loaned to any other fund, or used for any purpose other than the payment of the interest on said bonds, except as provided in the next succeeding section.

Interest tax.

How levied.

Amount.

SEC. 15. Any surplus money raised for the "City Interest Tax," over the sum necessary to pay the annual interest accruing on the bonds, shall, when amounting to the sum of five thousand dollars and upwards, be expended under the direction of the Common Council, in the purchasing and cancelling of the greatest amount of the debt due upon the said bonds, for the moneys in hand, having reference to the time when the same shall be payable.

Appropriation of surplus.

SEC. 16. The Common Council shall have the power to raise, by tax, any amount of money that they may deem expedient, whenever the ordinance for that purpose shall have been approved by the people; but the conferring of this power shall not be so construed as to impair or in any way affect the power given by the provisions of this Act to assess and collect the taxes provided for in sections fourteen and twenty hereof, without such approval.

Ordinances to be submitted to the people.

proviso.

SEC. 17. All contracts for work or supplies shall be let to the lowest bidder, after notice given through the public newspapers, and no officer shall be interested in any contract connected with his department; and any contract formed contrary to this section shall be void.

Contracts to be let to the lowest bidder.

SEC. 18. The scrip or orders on the Treasury, and any other evidences of indebtedness of the said city, that shall be outstanding on the first day of October, in the year one thousand eight hundred and fifty three, may be funded by the holders thereof, by presenting the same to the Common Council, who are hereby empowered to exchange the bonds issued under the provisions of this Act, with the holders of such scrip, orders or other evidences of indebtedness for an equal amount thereof. It shall be the duty of the Common Council to cause all such scrip, orders or other evidences of indebtedness, when received and exchanged for bonds, to be immediately cancelled.

Outstanding indebtedness may be funded.

SEC. 19. Notice shall be given at least ten days in some newspaper in the said city, of the time and place, when and where,

Notices of funding to be published.

the Common Council will be ready to fund the debt of the city aforesaid.

Taxes for  
support of Com-  
mon Schools.

SEC. 20. The Common Council shall have power to raise, annually, by tax upon the real estate and personal property within the city, taxable by law for State purposes, whatever amount of money may be requisite for the support of Free Common Schools therein, and providing and furnishing suitable houses therefor.

Amount.

SEC. 21. The tax provided for in section twenty of this Act, shall not exceed the one-fourth of one per centum per annum, upon the assessed value of all taxable property, and the said tax shall be assessed and collected in the manner and at the time provided by existing laws and ordinances for other city taxes. The custody and disbursement of the moneys raised by the school tax aforesaid, shall be under the direction of the Common Council.

How made and  
collected.

Record of Bonds.

SEC. 22. A separate record of all the bonds issued under the provisions of this Act, showing the number, date and the amount of each, and to whom issued shall be kept by some officer designated by the Common Council.

Approved, April 2, 1853.

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## CHAPTER LIII.

### AN ACT

Prescribing the time of holding the District Court  
in the Fifth Judicial District.

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

Terms of District  
Court.

San Joaquin  
County.

Calaveras  
County.

Tuolumne  
County.

Mariposa  
County.

SECTION 1. The terms of the District Court of the Fifth Judicial District during each year shall be as follows:—In the County of San Joaquin, on the third Monday's of January, April, July, and on the second Monday of October. In the County of Calaveras, on the first Monday's of February, June, and October. In the County of Tuolumne on the third Monday's of February, June and October. In the County of Mariposa, on the first Monday's of March, July, and November. All Acts and parts of Acts conflicting herewith, are hereby repealed.

Approved, April 2, 1853.

## CHAPTER LIV.

## AN ACT

For the relief of Thomas A. Hilton, M. D.

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

SECTION 1. That the Comptroller of State be authorized to draw his warrant upon the Treasurer of State in favor of Thomas A. Hilton, M. D., for the sum of five hundred and ninety dollars and fifty cents, payable out of any money in the Treasury belonging to the War Fund, belonging to the second El Dorado Expedition.

Approved, April 2, 1858.

Comptroller to draw warrant for \$500 50.

## CHAPTER LV.

## AN ACT

For the Payment of certain persons therein named for services rendered and materials furnished.

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

SECTION 1. The Comptroller of State is hereby authorized and required to draw his warrants upon the Treasurer, in favor of the following named persons for the amount set opposite each name respectively :—Soule and Page for five hundred and thirty four dollars and thirty-six cents : A. A. Moss for two hundred dollars : F. W. Hudson for one hundred and fifty dollars : Wm. Read for one hundred and ten dollars : T. J. Gofarth for one hundred and eighty dollars : James Brawley for three hundred and thirty dollars : P. Magill for one hundred and four dollars : J. Bickerstaff for one hundred and ninety-two dollars : B. F. Forsyth for one hundred and eighty dollars ; John Tierney for fifty dollars : John Furber for eighty dollars : M. C. Dougherty for ten hundred and sixty-

Comptroller to issue warrants in favor of—

Soule and Page for \$534 36 ; A. A. Moss for \$200 ; F. W. Hudson for \$150 ; T. J. Gofarth for \$180 ; Jas. Brawley for \$330 ; P. Magill for \$104 ; J. Bickerstaff for \$162 ; B. F. Forsyth for \$100 ; J. Tierney for \$50 ; J. Furber for \$80 ; M. C. Dougherty for \$1,062 76.

H. Hook  
for § 34 30.

two dollars and seventy-five cents : Henry Hook for twenty-four dollars and fifty cents :—to be paid out of the General Fund from any money not otherwise appropriated.

Approved, April 5, 1853.

## CHAPTER LVI.

### AN ACT

Amendatory of an Act entitled "An Act to create the County of Alameda, and establish the Seat of Justice therein, to define its boundaries, and provide for its organization," passed March twenty-fifth, one thousand eight hundred and fifty-three.

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

Former Act  
amended.

SECTION 1. The second section of an Act entitled "An Act to create the county of Alameda, and establish the Seat of Justice therein, to define its boundaries and to provide for its organization," passed March twenty-fifth, one thousand eight hundred and fifty-three, is hereby amended so as to read as follows : "There shall be held an election for County Officers in the county of Alameda, on the fourth Monday of April, one thousand eight hundred and fifty-three, at which election the qualified voters of said county shall choose—one County Judge, one District Attorney, one County Clerk, who shall ex-officio be County Recorder, one Sheriff, one County Surveyor, one County Assessor, one Coroner, one County Treasurer, and one Public Administrator."

County election.

Officers to be  
chosen.

Approved, April 6, 1853.



## CHAPTER LVII.

## AN ACT

To pay Freight to James M. Cranston on State Furniture, in one thousand eight hundred and fifty-two.

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

SECTION 1. That the Comptroller of State is hereby required to draw his warrant upon the State Treasurer for the sum of two hundred and twenty-four dollars and forty-three cents, in favor of James M. Cranston, owner of schooner "Faccio," it being for freight on State property brought from San Francisco to Vallejo, in January, one thousand eight hundred and fifty-two, payable out of the General Fund.

Comptroller to  
issue warrant  
for \$224 43.

Approved, April 6, 1853.

## CHAPTER LVIII.

## AN ACT

To provide for the payment of E. G. Baker, for Iron and Tinware furnished the Legislature.

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

SECTION 1. The Comptroller of State is hereby authorized and required to draw his warrant on the Treasurer of State, in favor of E. G. Baker, for the sum of eight hundred and fifty dollars and thirty cents, payable out of the General Fund, from any moneys not otherwise appropriated.

Comptroller to  
issue warrant  
for \$850 30.

Approved, April 6, 1853.

## CHAPTER LIX.

## AN ACT

To separate the Office of County Recorder from the Office of County Clerk, in the County of Yuba.

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

When Clerk and Recorder shall be separated.

SECTION 1. From and after the first Monday of January next, the office of County Recorder in the County of Yuba shall be separate from the office of County Clerk.

Officers to be chosen at the next general election.

SEC. 2. At the next general election, there shall be elected in said county, a County Clerk, and a County Recorder, who shall respectively enter upon the duties of their offices on the first Monday of January next, and shall each hold such office, for two years, and until their successors shall have qualified, and the Clerk now elected shall hold his office until said first Monday of January next.

Term of office.

Former Acts repealed.

SEC. 3. All Acts, or parts of Acts, inconsistent with the provisions of this Act, are hereby repealed.

Approved, April 12, 1853.

## CHAPTER LX.

## AN ACT

To authorize the Secretary of State to procure the translation and lithographing, into the Chinese Language, of the Act to provide for the Protection of Foreigners, and to define their liabilities and privileges.

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

Duties of Secretary of State.

SECTION 1. That the Secretary of State, be, and is hereby authorized to have translated into the Chinese language, and litho-

graphed for the use of the State, the first, sixth, ninth, tenth, fourteenth, sixteenth, seventeenth, nineteenth, and twentieth sections of the law, entitled "an Act to provide for the Protection of Foreigners and to define their liabilities and privileges," as also form No. one, of section one: *Provided*, that four thousand lithographed copies of said Act, with the translation, shall not cost more than six hundred dollars. And further, that as soon as said lithographed copies shall be delivered to the Secretary of State, it is hereby made his duty to send to the clerks of the several mining counties, by some conveyance deemed safe, a number of such copies in proportion to the number of Chinese in said county. It is hereby made the duty of said clerks to distribute to the sheriffs of their several counties, such number of said copies as may be necessary to supply each deputy collector with one copy of said Act.

Number of copies to be printed, and cost.

Distribution.

Duty of County Clerks.

SEC. 2. The sum of six hundred dollars he, and is hereby appropriated out of the General Fund to defray the expense of said translation and lithographing, according to the provisions of the first section of this Act.

Appropriation for expenses.

Approved, April 12, 1853.

## CHAPTER LXI.

### AN ACT

For the Relief of A. G. Hartt, M. D.

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

SECTION 1. The Comptroller of State is hereby directed to draw his warrant on the Treasurer of State in favor of A. G. Hartt, M. D., for the sum of five hundred and ninety-six dollars.

Comptroller to issue warrant for \$596.

Approved, April 12, 1853.

## CHAPTER LXII.

## AN ACT

In relation to Clerks in the office of the Secretary of State and to provide for their pay.

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

Additional Clerk may be appointed.

SECTION 1. The Secretary of State is hereby authorized to appoint an additional clerk for his department whenever he shall deem it necessary so to do.

Salary of Permanent Clerk.

SEC. 2. The clerk heretofore employed in the office of the Secretary of State, shall be paid for his services from the first day of June, one thousand eight hundred and fifty-two, and the additional clerk from the day of his appointment, the same compensation as is by law provided to be paid to the clerks in the Treasurer's and Comptroller's departments.

Salary of Census Clerk.

SEC. 3. The clerk heretofore employed by the Secretary of State in the work of compiling the census, shall receive the same rate of compensation for the time actually employed in that service, and the Comptroller is hereby required to audit the same upon the certificate of the Secretary of State; *Provided*, that the amount paid to such clerk shall not exceed the sum of four hundred and ten dollars.

Amount.

Approved, April 14, 1853.

## CHAPTER LXIII.

## AN ACT

Supplementary to an Act creating and regulating Public Ferries, passed March eighteenth, one thousand eight hundred and fifty.

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

SECTION 1. The second section of the Act entitled an Act creating and regulating Public Ferries, passed March eighteenth, one thousand eight hundred and fifty, shall not be construed so as in anywise to apply to the Bay of San Pablo, Suisun, San Francisco and Monterey, or any other Bay or Arm of the Sea within the limits of the State, or their shores, and so much of said section as can be so construed is hereby repealed, and the navigation of said Bays, and the transportation of freight, or passengers, across, through, and over the same shall be free and exempt from the restriction of any ferry laws now in force in this State. *Provided*, that nothing in this Act shall be so construed as to affect any ferry now established, or that may be hereafter established on the Straits of Carquines, between Mare Island and Navy Point.

Former Act  
expunished.

Bays or arms of  
the sea ex-  
empted.

Proviso.

Approved, April 14, 1853.

## CHAPTER LXIV.

## AN ACT

For the Relief of William Akenhead, County Treasurer of the County of Santa Clara.

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

*Whereas*, William Akenhead, as the Treasurer of the County of Santa Clara, had in his custody and possession funds, belonging

Preamble.

to the State of California amounting to the sum of seven thousand six hundred and one dollars and ninety seven cents : And also the funds of the County of Santa Clara amounting to the sum of two thousand two hundred and thirteen dollars and ninety-five cents ; *and whereas*, it has been satisfactorily proven that the said funds belonging to the State of California, to wit : the sum of seven thousand six hundred and one dollars and ninety-seven cents, and the said funds of the County of Santa Clara, to wit : the sum of two thousand two hundred and thirteen dollars and ninety-five cents, while in the possession, and custody of said William Akenhead, as Treasurer as aforesaid, without any neglect on his part were, taken by violence and force from him, the said Treasurer of said County, by persons unknown ; *and whereas*, it is the duty of said William Akenhead, as Treasurer of the County of Santa Clara, to settle with, and pay over to the Treasurer of State, all funds which shall have come into his hands, as County Treasurer of the County of Santa Clara for the use and benefit of the State ; *Therefore*,

Exempted from the payment of certain moneys due the State.

SECTION 1. The Treasurer of the State is hereby authorized and directed, in his next annual settlement with the said William Akenhead, as Treasurer of the County of Santa Clara, to give him as such Treasurer of said County, a credit for the sum of seven thousand six hundred and one dollars and ninety-seven cents, and that the said William Akenhead, as such County Treasurer be, and is hereby acquitted and relieved from paying said sum of seven thousand six hundred and one dollars and ninety-seven cents as aforesaid.

Exempted from the payment of certain moneys due Santa Clara County.

SEC. 2. That the Board of Supervisors of the County of Santa Clara, are hereby authorized in their settlement with the said William Akenhead, as the Treasurer of said County, to give him credit and acquittance for the sum of two thousand two hundred and thirteen dollars and ninety-five cents, and that all orders of the said Board of Supervisors of said county acquitting said Treasurer of the payment of said sum of two thousand two hundred and thirteen dollars and ninety-five cents, be and the same are hereby legalized and made valid and binding.

Approved, April 14, 1853.

## CHAPTER LXV.

## AN ACT

To provide for the Formation of Corporations for certain purposes.

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

SECTION 1. Corporations for manufacturing, mining, mechanical, or chemical purposes, or for the purpose of engaging in any species of trade or commerce, foreign or domestic, may be formed according to the provisions of this Act; such corporations, and the members thereof, being subject to all the conditions and liabilities herein imposed, and to none others.

Corporations under the Act.

SEC. 2. Any three or more persons, who may desire to form a company for any one or more of the purposes specified in the preceding section, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the County Clerk of the county in which the principal place of business of the company is intended to be located, and a duplicate thereof in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of the company, the objects for which the company shall be formed, the amount of its capital stock, the time of its existence, not to exceed fifty years, the number of shares of which the stock shall consist, the number of trustees and their names who shall manage the concerns of the company for the first three months, and the names of the city or town and county in which the principal place of business of the company is to be located.

Three or more persons may form a company.

Proceedings.

Certificate of incorporation and contents.

SEC. 3. A copy of any certificate of incorporation, filed in pursuance of this Act, and certified by the County Clerk of the county in which it is filed, or his deputy, or by the Secretary of State, shall be received in all courts and places as presumptive evidence of the facts therein stated.

Copies of certificates to be evidence.

SEC. 4. When the certificate shall have been filed, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, in fact and in name, by the name stated in the certificate, and, by their corporate name have succession for the period limited, and power: First, to sue and be sued in any court; Second, to make and use a common seal, and alter the same at pleasure; Third, to purchase, hold, sell, and convey such real and personal estate as the purposes of the corporation shall require; Fourth, to appoint such officers, agents, and servants, as the business of the corporation

Corporate powers under the Act.

shall require—to define their powers, prescribe their duties, and fix their compensation; Fifth, to require of them such security as may be thought proper for the fulfilment of their duties, and to remove them at will, except that no trustee shall be removed from office unless by a vote of two-thirds of the whole number of trustees, or by a vote of a majority of the trustees, upon a written request signed by stockholders of two-thirds of the whole stock; Sixth, to make by-laws not inconsistent with the laws of this State for the organization of the company, the management of its property, the regulation of its affairs, the transfer of its stock, and for carrying on all kinds of business within the objects and purposes of the company.

Board of Trustees. Duties and powers. How exercised.

SEC. 5. The corporate powers of the corporation shall be exercised by a board of not less than three trustees, who shall be stockholders in the company, and a majority of them citizens of the United States and residents of this State, and who shall, after the expiration of the term of the trustees first selected, be annually elected by the stockholders at such time and place, and upon such notice and in such mode as shall be directed by the by-laws of the company; but all elections shall be by ballot, and each stockholder, either in person or by proxy, shall be entitled to as many votes as he owns shares of stock; and the persons receiving the greatest number of votes shall be trustees. When any vacancy shall happen among the trustees by death, resignation, or otherwise, it shall be filled for the remainder of the year in such manner as may be provided by the by-laws of the company.

To be annually elected.

Vacancies.

Elections.

SEC. 6. If it should happen, at any time, that an election of trustees shall not be made on the day designated by the by-laws of the company, the corporation shall not for that reason be dissolved, but it shall be lawful on any other day to hold an election for trustees, in such manner as shall be provided for by the by-laws of the company; and all acts of trustees shall be valid and binding upon the company until their successors shall be elected.

Majority of Trustees to form a quorum.

SEC. 7. A majority of the whole number of trustees shall form a board for the transaction of business, and every decision of a majority of the persons duly assembled as a board, shall be valid as a corporate Act.

Meetings.

SEC. 8. The first meeting of the trustees shall be called by a notice, signed by one or more of the persons named trustees in the certificate, setting forth the time and place of the meeting, which notice shall be either delivered personally to each trustee, or published at least ten days in some newspaper of the county in which is the principal place of business of the corporation, or if no newspaper be published in the county, then in some newspaper nearest thereto.

Notices of.

Capital stock and mode of transfer.

SEC. 9. The stock of the company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no transfer shall be valid, except between the parties thereto, until the same shall have been so entered on the books of the company, as to show the



names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer.

SEC. 10. The trustees shall have power to call in and demand from the stockholders the sums by them subscribed, at such times and in such payments or instalments as they may deem proper. Notice of each assessment shall be given to the stockholders personally, or shall be published once a week for at least four weeks in some newspaper published at the place designated as the principal place of business of the corporation, or if none is published there, in some newspaper nearest to such place. If, after such notice has been given, any stockholder shall make default in the payment of the assessment upon the shares held by him, so many of such shares may be sold as will be necessary for the payment of the assessment on all the shares held by him. The sale of said shares shall be made as prescribed in the by-laws of the company; *Provided*, that no sale shall be made except at public auction to the highest bidder, after a notice of thirty days, published as above directed in this section; and that at such sale the person who will agree to pay the assessment so due, together with the expense of advertisement and the other expenses of sale for the smallest number of whole shares, shall be deemed the highest bidder.

Powers of Trustees. Payment of subscriptions.

Penalty for default  
Mode of sale.

SEC. 11. Whenever any stock is held by any person as executor, administrator, guardian, or trustee, he shall represent such stock at all meetings of the company, and may vote accordingly as a stockholder.

Agents shall represent stock held by them.

SEC. 12. Any stockholder may pledge his stock by a delivery of the certificates or other evidence of his interest, but may nevertheless represent the same at all meetings, and vote accordingly as a stockholder.

Hypothecated stock.

SEC. 13. It shall not be lawful for the trustees to make any dividend except from the surplus profits arising from the business of the corporation; nor to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the company; nor to reduce the capital stock, unless in the manner prescribed in this Act; and in case of any violation of the provisions of this section, the trustees, under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the board of trustees at the time, or were not present when the same did happen, shall, in their individual and private capacities, be jointly and severally liable to the corporation, and the creditors thereof, in the event of its dissolution, to the full amount so divided, withdrawn, paid out, or reduced; *Provided*, that this section shall not be construed to prevent a division and distribution of the capital stock of the company, which shall remain after the payment of all its debts, upon the dissolution of the corporation or the expiration of its charter.

Duties of Trustees. Dividends.

Capital stock to be inviolate.

Penalty for violation.

Of absent Trustees.

Liability of those assenting.

Stock may be divided after payment of debts.

SEC. 14. The total amount of the debts of the corporation shall not at any time exceed the amount of the capital stock ac-

Liabilities not to exceed capital stock.

tually paid in ; and in case of any excess, the trustees, under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the board of trustees at the time, and except those who were not present when the same did happen, shall, in their individual and private capacities, be liable jointly and severally to the said corporation, and in the event of its dissolution, to any of the creditors thereof, for the full amount of such excess.

Liabilities of those violating this section.

Corporations under the Act not to issue bills of credit.

SEC. 15. No corporation organized under this Act, shall, by any implication or construction, be deemed to possess the power of issuing bills, notes, or other evidences of debt for circulation as money.

Stockholders to be individually responsible to the amount of stock held by them. How enforced.

SEC. 16. Each stockholder shall be individually and personally liable for his proportion of all the debts and liabilities of the company, contracted or incurred during the time that he was a stockholder. For the recovery of which, joint or several actions may be instituted and prosecuted.

Agents of stockholders not responsible.

SEC. 17. No person holding stock as executor, administrator, guardian, or trustee, or holding it as collateral security, or in pledge, shall be personally subject to any liability as a stockholder of the company ; but the person pledging the stock shall be considered as holding the same, and shall be liable as a stockholder accordingly ; and the estate and funds in the hands of the executor, administrator, guardian, or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in the trust fund would have been, if he had been living and competent to act and hold the stock in his own name.

Owners of hypothecated stock responsible.

Records of corporations under the Act.

SEC. 18. It shall be the duty of the trustees of every company incorporated under this Act, to cause a book to be kept containing the names of all persons, alphabetically arranged, who are or shall become stockholders of the corporation, and showing the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares ; which book, during the usual business hours of the day, on every day except Sunday and the fourth of July, shall be open for the inspection of stockholders and creditors of the company at the office or principal place of business of the company ; and any stockholder or creditor shall have the right to make extracts from such book, or to demand and receive from the clerk or other officer having charge of such book, a certified copy of any entry made therein : such book or certified copy of any entry shall be presumptive evidence of the facts therein stated, in any action or proceeding against the company, or against any one or more stockholders.

Contents.

To be open for inspection.

Extracts may be made.

Made evidence.

Duty of Recording Clerk, and penalty for violation.

SEC. 19. If the clerk or other officer having charge of such book shall make any false entry, or neglect to make any proper entry therein, or shall refuse or neglect to exhibit the same, or to allow the same to be inspected, or extracts to be taken therefrom, or to give a certified copy of any entry therein, as provided in the preceding section, he shall be deemed guilty of a misdemeanor,

Penalty for violation of preceding section.

and shall forfeit and pay to the party injured a penalty of one hundred dollars, and all damages resulting therefrom; and for neglecting to keep such book for inspection as aforesaid, the corporation shall forfeit to the people the sum of one hundred dollars for every day it shall so neglect—to be sued for and recovered in the name of the people by the District Attorney of the county in which the principal place of business of the corporation is located.

How enforced.

SEC. 20. Any company incorporated under this Act, may, by complying with the provisions herein contained, increase or diminish its capital stock to any amount which may be deemed sufficient and proper for the purposes of the corporation; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the sum to which the capital is proposed to be diminished, such amount shall be satisfied and reduced, so as not to exceed the diminished amount of capital.

Capital stock may be increased or diminished.

Conditions.

SEC. 21. Whenever it is desired to increase or diminish the amount of capital stock, a meeting of the stockholders may be called by a notice signed by at least a majority of the trustees, and published for at least four weeks in some newspaper published in the county where the principal place of business of the company is located, which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to increase or diminish the capital; and a vote of two thirds of all the shares of stock shall be necessary to an increase or diminution of the amount of the capital stock.

Mode of proceeding.

SEC. 22. If at any meeting so called, a sufficient number of votes has been given in favor of increasing or diminishing the amount of capital, a certificate of the proceedings, showing a compliance with these provisions, the amount of capital actually paid in, the whole amount of the debts and liabilities of the company, and the amount to which the capital stock is to be increased or diminished, shall be made out, signed, and verified by the affidavit of the chairman and secretary of the meeting, certified by a majority of the trustees, and filed, as required by the second section of this Act; and when so filed, the capital stock of the corporation shall be increased or diminished to the amount specified in the certificate.

The same.

SEC. 23. Upon the dissolution of any corporation formed under this Act, the trustees at the time of the dissolution shall be trustees of the creditors and stockholders of the corporation dissolved, and shall have full power and authority to sue for and recover the debts and property of the corporation, by the name of trustees of such corporation, collect and pay the outstanding debts, settle all its affairs, and divide among the stockholders the money and other property that shall remain after the payment of the debts and necessary expenses.

Dissolution of corporations under this Act.

SEC. 24. Any corporation formed under this Act may dissolve and dis-incorporate itself by presenting to the County Judge of the county in which the meetings of the trustees are usually held, a

Mode of proceeding.

petition to that effect, accompanied by a certificate of its proper officers, and setting forth, that at a general or special meeting of the stockholders called for that purpose, it was decided by a vote of two-thirds of all the stockholders to dis-incorporate and dissolve the corporation; notice of the application shall then be given by the clerk, which notice shall set forth the nature of the application, and shall specify the time and place at which it is to be heard, and shall be published in some newspaper of the county once a week for four weeks, or if no newspaper is published in the county, by advertisement posted up for thirty days in three of the most public places in the county. At the time and place appointed, or at any other to which may be postponed by the judge, he shall proceed to consider the application, and, if satisfied that the corporation has taken the necessary preliminary steps, and obtained the necessary vote to dissolve itself, and that all claims against the corporation are discharged, he shall enter an order declaring it dissolved.

Notice of dissolution to be advertised.

Fifth chapter of former Act repealed.

Construction of repeal.

SEC. 25. The fifth chapter of an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty, is repealed; but this repeal shall not be construed to destroy the existence of any company already formed under the provisions of said chapter, nor to affect any right acquired or liability incurred under the same; but as to all such companies, the provisions of said chapter shall continue in full force, except in those instances in which any company heretofore incorporated may avail itself of the provisions of the next section of this Act.

Corporations formed under previous Act may continue under this Act.

Proceedings.

SEC. 26. Any company incorporated under the said fifth chapter of an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty, may continue its corporate existence under this Act by adopting a resolution to that effect by a vote of two-thirds of all the stockholders, and filing a certificate thereof, signed by its proper officers, in the office of the Secretary of State and of the County Clerk of the county in which is located the principal place of business of the corporation. From the time of filing the certificate, the corporation shall be subject only to the provisions of this Act, but the change so made shall not affect any right acquired or liability incurred previously by the corporation.

Corporations under this Act not subject to Act of 1850.

SEC. 27. Corporations formed under this Act, and the members thereof, shall not be subject to the conditions and liabilities contained in an Act entitled "an Act concerning Corporations," passed April twenty-second, one thousand eight hundred and fifty.

Approved, April 14, 1853.

## CHAPTER LXVI.

## AN ACT

To authorize the Comptroller of State to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital.

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

SECTION 1. That whenever it shall appear to the satisfaction of the Comptroller of State, that the contractors for the building of the Stockton State Hospital shall have given bond to the Trustees of the Stockton State Hospital, with good and sufficient security, to be approved by said Trustees, in the sum of ten thousand dollars, conditioned that the said contractors will complete the building commenced by them for the purposes of a Stockton State Hospital, according to the contract and specifications signed by them on the twenty-eighth of September, one thousand eight hundred and fifty-two, then the said Comptroller of State shall issue his warrant or warrants upon the Treasurer of State, in favor of the President of the Board of Trustees of the said Hospital for the sum of thirty thousand dollars for work already performed upon said Hospital Building.

Duty of Comptroller.

Warrants to be issued.

SEC. 2. Whenever it shall appear to the satisfaction of the Comptroller of State, that said Hospital Building has been completed according to the contracts and specifications mentioned in first section of this Act, then the said Comptroller shall issue his warrant or warrants upon the Treasurer of State in favor of the President of said Board of Trustees for the sum of fifteen thousand dollars.

Upon completion of building.

SEC. 3. The sums of money hereby authorized to be paid, shall be paid out of the fund belonging to the Stockton State Hospital, provided there be sufficient in said fund, over and above the amount required for the support and maintenance of said Hospital, if not, then out of any money in the General Fund not otherwise appropriated.

Appropriation.

SEC. 4. In case of a non-compliance on the part of the contractors with the provisions of the bond required in the first section of this Act, the Board of Trustees of the Stockton State Hospital, or if there be no such Board of Trustees, then the Attorney General of this State shall bring suit upon such bond against the said contractors and their securities for the amount specified in said bond. The amount when collected to be paid into the State Treasury, and disposed of as other funds belonging to the said Hospital.

Penalty for non-compliance of contractors.

How enforced.

Disposition of  
building erected  
under this Act.

SEC. 5. The building herein provided to be erected, and the lands upon which it is situated, and all the appurtenances thereunto belonging, shall, whenever the same may cease to belong to the Stockton State Hospital, revert to, and become the property of the State Asylum for the Insané.

Approved, April 14, 1853.

## CHAPTER LXVII.

### AN ACT

To amend an Act respecting Fugitives from Labor, and Slaves brought to this State, prior to her admission into the Union, approved April fifteenth, one thousand eight hundred and fifty-two.

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

Provisions of  
section four of  
former Act  
extended to  
1854.

Fugitives under  
this Act.

SECTION 1. Section four of the Act respecting Fugitives from Labor, and Slaves brought to this State, prior to her admission into the Union, approved April fifteenth, one thousand eight hundred and fifty-two, be amended so as to read as follows: Any person or persons held to labor or service, in any State or Territory of the United States, by the laws of such State or Territory, and who were brought or introduced within the limits of this State, previous to the admission of this State, as one of the United States of America, and who shall refuse to return to the State or Territory where he, she, or they owed such labor or service, upon the demand of the person or persons, his or their agent or attorney, to whom such labor or service was due, such person or persons so refusing to return, shall be held and deemed fugitives from labor, within the meaning of this Act; and all the remedies, right and provisions herein given to claimants of fugitives who escape from any other State into this State, are hereby given and conferred upon claimants of fugitives from labor, within the meaning of this section: *Provided*, the provisions of this section shall have force and effect, until the fifteenth day of April, one thousand eight hundred and fifty-four, but not beyond that period.

Proviso.

Approved, April 15, 1853.

## CHAPTER LXVIII.

## AN ACT

Authorizing the Treasurer of the State to issue bonds for the payment of the expenses of Volunteer Rangers under Captain B. Wright and Charles McDermitt, in protecting the Overland Emigration on the Northeastern Frontier.

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

SECTION 1. A sum not exceeding twenty-three thousand dollars (\$23,000) is hereby appropriated and set apart as an additional War Fund, payable in ten years out of any moneys which may be appropriated by Congress, to defray the expenses incurred by the State of California, and interest thereon at the rate of seven per cent. per annum, in the suppression of Indian hostilities, or out of the proceeds of the sales of any public lands that may be donated or set apart by Congress for that purpose, and should no such appropriation or donation be made, and if an amount sufficient should not be appropriated or donated within the said ten years, then the bonds authorized to be issued by this Act shall be good and valid claims against the State, and shall be paid out of any money not otherwise appropriated, to pay the expenses and services of the companies mentioned in this Act.

Appropriation.  
Fund.

SEC. 2. Such services as may have been performed, and expenses incurred by the Company of Mounted Rangers under Capt. Bon. Wright, and the Volunteer Company under Capt. Charles McDermitt, in protecting the Overland Emigration and suppressing Indian hostilities in the vicinity of Rhet, Klamath, and Goose Lakes on our Northeastern Frontier, shall be funded and paid in bonds bearing seven per cent. interest per annum, from the date of issuing the same.

Payment for services of Wright and McDermitt's companies.

SEC. 3. All accounts of claims for services rendered, and supplies furnished, (as shown by the pay-rolls, abstracts, and accounts accompanying the same,) which may have been examined and allowed by either branch of the present Legislature, shall be again examined by a Board of Examiners, consisting of the Treasurer and Comptroller of State, and if allowed by said Board, it is hereby made the duty of the Comptroller to issue his warrants on the Treasurer, in favor of the person holding the claim so allowed, payable out of the War Bonds, and the Treasurer shall, on presentation of such warrants therefor, exchange the bonds provided to be created by a preceding section of this Act.

Auditing of accounts.

Duty of Board of Examiners.

- The same.** SEC. 4. In the examination herein required to be made by the Comptroller and Treasurer, they are hereby fully empowered wherever, or whenever any mistake may be detected by them against the State, in the allowance which may have been made by either branch of the Legislature to claimants, to correct the same by a proper reduction thereof, and in the allowance to be made of claims, they shall have power, and are hereby required to pay to officers and privates the same as is allowed by the Act of March seventeenth, one thousand eight hundred and fifty-one, providing for the defence of the Eastern Frontier against the Indians, and shall be guided in their allowance for supplies, by the prices of like articles, at the time of such purchase, in the neighborhood where made.
- Pay of officers and privates.**
- Of supplies.**
- State Treasurer to prepare Bonds.** SEC. 5. The State Treasurer is hereby authorized and required to cause suitable bonds to be provided for said payments, in sums of one hundred, two hundred and fifty, and five hundred dollars each, and shall deliver the bonds to claimants whenever demanded in person or by legal agent.
- Appropriation.**
- Bonds and form.** SEC. 6. All such bonds shall be signed by the Treasurer in his official character, made payable to and endorsed by the Governor in his official character, who shall affix the seal of the State thereto, and countersigned by the Comptroller, which bonds executed as aforesaid, shall be transferable by assignment on the bonds by the owner thereof, or by his attorney in fact, and bind the State for the faithful payment thereof.
- Duty of Comptroller.** SEC. 7. After the bonds shall have been countersigned by the Comptroller, it shall be his duty to make a register of the same in a book to be kept for that purpose, with the number and amount thereof, and deliver them to the Treasurer, charging him with the same, who shall also keep a register of such bonds.
- Coupons.** SEC. 8. Coupons for the interest shall also be attached to each bond, so that they may be removed without injury or mutilation to the bond.
- Claims against the U. S. set apart.** SEC. 9. Any claim which this State has, or may hereafter have upon the General Government for moneys expended for the purposes aforesaid, shall be, and the same is hereby set apart and pledged for the payment of the principal and interest arising upon said bonds.
- Appropriation under the Act.** SEC. 10. The Treasurer is hereby authorized to defray such expenses as may be incurred in obtaining the blanks for such bonds; *Provided*, that they do not exceed the cost of two hundred and fifty dollars, to be paid out of any moneys in the Treasury not otherwise appropriated.
- Approved, April 16, 1853.



## CHAPTER LXIX.

## AN ACT

To provide for the payment of Beverly C. Sanders, expenses incurred by order of the Governor, in December, one thousand eight hundred and fifty-one, for the suppression of Indian hostilities in the County of San Diego.

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

SECTION 1. The Comptroller of State is hereby authorized and required to issue his warrant on the Treasurer of State, in favor of Beverly C. Sanders, for the sum of twenty-five hundred dollars, payable out of the War Bonds; and the Treasurer shall, on presentation of such warrant, therefor exchange bonds provided to be created by an Act approved May third, one thousand eight hundred and fifty-two, entitled "an Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity, and Monterey Expeditions against the Indians.

Comptroller to  
issue warrant for  
\$2,500.

Treasurer of  
State to issue  
Bonds therefor.

Approved, April 16, 1853.

## CHAPTER LXX.

## AN ACT

To provide for the payment of certain persons therein named for work done and materials furnished.

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

SECTION 1. The Comptroller of State is hereby authorized and directed to draw his warrants in favor of the following named

Comptroller to  
issue warrants  
in favor of—

Shirley & Bailey  
for \$818 75;  
Thomas Green  
for \$1,100;  
Ernest Poppe  
for \$2,112 70.

persons, to wit: Shirley & Bailey for the sum of eight hundred and eighteen dollars and seventy-five cents. Thomas Green for the sum of one thousand one hundred dollars. Ernest Poppe for the sum of two thousand one hundred and twelve dollars and seventy cents, payable out of the General Fund.

Approved, April 19, 1853.

## CHAPTER LXXI.

### AN ACT

#### Concerning Roads and Highways.

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

Penalty for obstructing roads.

SECTION 1. If any person shall obstruct, or cause to be obstructed, any Public Road, so as to prevent or delay any public or private conveyance, foot or horse-back passenger, or so as to impair, or in anywise injure the condition of said road, such person shall forfeit and pay a sum not exceeding fifty dollars.

Additional penalty.

SEC. 2. The person making such obstruction, shall, in addition to the penalty mentioned in the preceding section, forfeit and pay the further sum of ten dollars, for every day he shall suffer such obstruction to remain in or across such road.

Appropriation of revenue under the Act.

SEC. 3. The fines and forfeitures imposed by this Act, shall be recoverable by an action instituted in the name of the Supervisor of such road district where such obstructions occur, before any Justice of the Peace in the proper township, and the fines and forfeitures so imposed shall be for the benefit of such road district.

Duty of Supervisor.

SEC. 4. Whenever the aforesaid Supervisor shall be satisfied, either by his own observation, or upon information from others, that the provisions of this Act have been violated, it shall be his duty to prosecute, without delay, any such person or persons, according to the provisions of this Act.

Obstructions to be removed within twenty days from passage of Act.

SEC. 5. All persons who have heretofore obstructed any public road as aforesaid, are hereby required to remove the same, and if any such person or persons shall fail or refuse to remove such obstruction, within twenty days after the passage of this Act, they shall be liable to all the penalties prescribed in this Act.

Approved, April 19, 1852.

## CHAPTER LXXII.

## AN ACT

To provide for the Incorporation of Railroad Companies.

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

- SECTION 1.** Any number of persons, not less than twenty-five, being subscribers to the capital stock of any contemplated railroad, may be formed into a corporation for the purpose of constructing, owning and maintaining such railroad, of either single or double track, by complying with the following requirements: When an instrument, setting forth the road intended to be built, and the name of a person to act as Treasurer until articles of association have been adopted, and until a Treasurer has been duly elected, has been signed by not less than twenty-five persons as aforesaid, and when stock to the amount of at least one thousand dollars for every mile of the road so intended to be built, shall be in good faith subscribed, and ten per cent. paid thereon to the Treasurer named in said instrument; then (the said Treasurer having given notice in writing to all such subscribers, of a meeting to be held not less than twenty days after the date of such notice,) the said subscribers, either in person or by written proxy, may adopt articles of association, and may elect from among the subscribers to said articles, thirteen Directors for said company.
- SEC. 2.** The said articles of association shall set forth the name of the corporation, the number of years the same is to continue, (which shall not exceed fifty years,) the amount of the capital stock of the company, (which shall be divided into shares of one hundred dollars each, and which shall be the actual cost of constructing the road, together with the cost of the right of way, motive power, and every other appurtenance for the completion and running of said road, as nearly as can be estimated by competent engineers,) the names of the Directors to manage the concerns of the company, subject to the restrictions hereinafter specified, who shall hold their offices until others are elected, the place from and to which the proposed road is to be constructed, and each county into and through which it is intended to pass, and its length as near as may be, and the names of five Commissioners to open books of subscription to the stock, which Commissioners shall be subscribers to said articles of association.
- SEC. 3.** Each subscriber to such articles of association, shall personally subscribe thereto his name, place of residence, and number of shares of stock taken by him in such company; and the

Twenty-five or more persons may form a company by executing an instrument setting forth the road.

Name of Treasurer.

To be signed by twenty-five persons.

Amount of stock to be subscribed and amount paid thereon.

Treasurer to give notice of meeting. Articles of Association. Directors of company.

Articles of Association to set forth.

Duration of company.

Amount of capital stock and shares.

Names of Directors.

Route of road and names of Commissioners.

Manner of subscribing.

Articles of association to be filed in office of Secretary of State.

Subscribers to form a body corporate.

Powers, &c.

said articles, being so subscribed by not less than twenty-five persons, may, after the provisions of section four are complied with, be filed in the office of the Secretary of State; and thereupon the persons who have so subscribed, and all persons who shall from time to time become stockholders in such company, shall be a body corporate, by the name specified in such articles, and shall be capable in law of purchasing, holding and conveying, any real and personal estate whatever, in every respect as an individual or natural person might or could do.

Articles of Association and requirements.

SEC. 4. When the amount of stock specified in the first section of this Act shall have been subscribed, and ten per cent. on said amount shall have been actually and in good faith paid in cash, to the Treasurer appointed by the Directors named in such articles, and when there shall be endorsed on said articles, or annexed thereto, an affidavit made by at least three of the said Directors that said amount of stock has been subscribed, and that said ten per cent. has been actually paid in as aforesaid, and that the subscribers to said articles are all known by one or the other of the said three Directors to be subscribers thereto, and to be the persons so represented; then the said articles of association may be filed in the office of the Secretary of State.

Board of Directors and organization.

SEC. 5. The Directors named in the articles of association shall organize as a Board immediately after their election, notice in writing of the time and place of such meeting having first been given by the Treasurer to each Director, and at such meeting they shall appoint a President from among the Directors, and a Secretary, and a Treasurer, who shall be officers of the company as well as of the Board of Directors, and hold their respective offices until their successors have been duly qualified. The Secretary and the Treasurer, before they enter upon the performance of their duties, shall each give a bond, with sufficient surety for the faithful performance of their respective duties, which bond and surety shall be approved and accepted by the Board of Directors. The temporary Treasurer required by the first section, shall pay over all monies received by him as such Treasurer, to the Treasurer appointed by the Board of Directors, so soon as the latter has been qualified. The Board of Directors shall name, and give notice thereof to all the Commissioners, in two or more newspapers of this State in which notices of the time and place of all meetings of the company shall be published prior to any such meeting, until after the Directors provided for in section eleven shall have been elected: *Provided*, in selecting such newspapers, those published in the counties into or through which the contemplated railroad may run, shall be preferred.

Officers.

Secretary and Treasurer to give bond.

Moneys received by temporary Treasurer.

Duties of Board of Directors.

Notices of meetings.

If the entire capital is not subscribed for within a year, a new Board of Directors to be elected.

SEC. 6. Should the entire capital stock not be subscribed within one year from the date of the articles of association, a new Board of Directors shall be elected by the stockholders at the first regular meeting thereafter of the company, notice of such intended election having been given as hereinafter provided in

section eleven; and the Directors so elected shall have the same powers and the same duties as their predecessors in office.

SEC. 7. A copy of any articles of association filed in pursuance of this Act, with a copy of the affidavit aforesaid endorsed thereon or annexed thereto, and certified to be a copy by the Secretary of State, shall, in all courts and places, be presumptive evidence of the incorporation of such company, and of the facts therein stated, and such a copy, so certified, shall be kept in the office of the Secretary of the corporation, subject to examination during office hours by any person.

SEC. 8. Said articles of association may, at any time before the capital stock is fully subscribed for, be altered, modified, or changed, by filing with the Secretary of State new articles of association subscribed by two-thirds in numbers and also in amount of the stockholders and stock in such company, at the time the said new articles are adopted; *Provided*, there is endorsed upon the said new articles, or attached thereto, an affidavit made by the Secretary of the company that he is the acting Secretary of such company, and that the names of two thirds in numbers and amount of stockholders and stock, at the date of said affidavit, are subscribed to said new articles by such stockholders, which said affidavit shall be made before the County Clerk of the county in which the office of the Secretary of the company may be located. As soon as such new articles, with such an affidavit endorsed thereon, or attached thereto, have been filed as aforesaid, the corporation shall be conducted under the new articles, in the same manner as though the original articles had contained all the provisions of the new articles; and from and after the date of the filing of said new articles as aforesaid, the original articles shall be null and void. But the duration of the corporation shall not be extended by any new articles beyond fifty years after the date of the original articles; and the new articles shall not so change the character of the company as to make it other than a company incorporated for railroad purposes, according to the provisions of this Act; *Provided*, should any portion of the stockholders object to the filing of new articles as aforesaid, the company shall be liable for, and pay to each of the stockholders objecting, who may demand it, the several assessments they may have previously paid upon their several shares, and such shares, from and after the repayment of the assessments by the company, shall belong to the company.

SEC. 9. The Directors acting previous to the subscription of the entire capital stock, shall have no power, as such, to incur a debt or debts that shall be valid against the company, nor to assess the stockholders to an amount exceeding in all ten per cent. on their several shares.

SEC. 10. The Commissioners for opening books of subscription named in the articles of association, (any vacancy in their number being filled by the Board of Directors,) shall, within one month after the company shall be incorporated, and from time to time thereafter, open books of subscription to the capital stock of the

Notice to be given.

Certified copies of Articles of Association to be evidence.

Such copy to be kept by Secretary of company.

Articles of Association may be changed.

Mode.

New Articles and contents

Corporations to be conducted under new Articles.

Duration of company.

Character not to be changed.

Rights of stockholders.

Temporary Directors and powers.

Powers and duties of Commissioners.

Vacancies in Board.

Books of subscription.

Assessments on shares.	<p>company, in such places in this State or elsewhere, as they or the Board of Directors may designate, after giving such notice as a majority of said Commissioners shall direct, which books may be kept open until all the capital stock shall be subscribed, if the corporation shall so long exist. The said Commissioners, if so ordered by the Board of Directors, shall require each subscriber, at the time of subscribing, to pay such uniform assessment on each share subscribed for, as may be ordered by the said Board. The said Commissioners shall, also, from time to time, as may be ordered by the Directors, deposit all money received by them from subscribers, with the Treasurer of the corporation, taking his receipt therefor. The Commissioners shall close the books whenever informed by the Secretary of the company that new articles have been ordered to be filed, and shall keep them closed until notified by the Secretary that such order has been either executed or repealed. They shall also close the books conditionally, whenever they may believe that the whole capital stock has been subscribed; the said books to be re-opened, in case it shall appear upon examination, that the entire capital stock has not been already subscribed. And in case a greater amount of stock shall be subscribed than the whole capital stock of such company, the Commissioners shall distribute such capital stock as equally as possible among the subscribers in proportion to the subscriptions; but no share shall [be] divided in making such distribution, nor shall a greater number of shares be allotted to any subscriber than such subscriber shall have subscribed for.</p>
Money to be deposited.	
Books to be closed when new Articles are ordered.	
When capital stock is all subscribed.	
Distribution of stock.	
Election of Directors.	
Meetings and notices of.	
Number of Directors and how chosen.	
Qualifications and rights of voters.	
Directors and qualifications.	

SEC. 11. As soon as practicable, not exceeding six months after such capital stock shall have been subscribed, the Commissioners to receive subscriptions thereto shall distribute the same as aforesaid, shall appoint a time and place for the meeting of the stockholders to choose Directors, select newspapers for the publication of notices, and transact other business. Such meeting shall be held in one of the counties in or through which such railroad is proposed to be constructed, and notice thereof shall be given by said Commissioners, by public notice, to be published not less than twenty days previous thereto in two or more newspapers, as is provided for in section five. Thirteen Directors shall be chosen at such meeting, by ballot and by a majority of the votes of the stockholders being present, in person or by proxy; and every such stockholder being present, in person or by proxy, at such election or any subsequent election of Directors, shall be entitled to give one vote for every share of stock which he shall have owned for thirty days next preceding such election; but no stockholder shall vote at any such election upon any stock except such as he shall have owned for such thirty days. No person shall be a Director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for Directors at the election at which he shall be chosen, nor unless he shall be a resident of this State; and at least three of the Directors shall, at the time of their election, be residents of the counties in or

through which the route of such railroad shall run; and at least nine of the Directors shall be citizens of the United States. The Directors thus chosen shall be Directors for one year, and until others are duly elected in their places. The Commissioners mentioned in the last preceding section shall be Inspectors of the first election of Directors, shall openly count the votes and declare the result, and shall within ten days thereafter file a certificate thereof, subscribed by them or a majority of them, in the office of the Secretary of State, and in the office of the Clerk of each county in or through which such railroad shall be proposed to be constructed, and shall also deliver to the Treasurer of said company all moneys received by such Commissioners on subscription to such capital stock not already paid over to the Treasurer; and they shall also deliver to the Directors, declared by them to be elected, all books and papers relating to such subscription or belonging to said company, in the possession of the said Commissioners. Subsequent elections shall be held annually at such time and place in one of the counties into or through which such railroad shall pass, as shall be directed by the By-Laws of the company. In case it shall happen at any time that an election of Directors shall not be made on the day designated by the By-Laws of said company when it ought to have been made, the company for that reason shall not be dissolved, if within ninety days thereafter they shall hold an election for Directors in such manner as shall be provided by such By-Laws. At all meetings of the company when two thirds of all the shares that may have been previously subscribed are represented in person or by proxy, those so representing the same shall constitute a quorum for the transaction of business. Should the Commissioners fail to perform their several duties as set forth in this and the foregoing section, the company shall not for that reason be dissolved, but it may remove said Commissioners and elect others in their stead by a vote of two-thirds in interest of the stockholders who may be registered in the "Book of Stockholders," as hereinafter provided; notice of the meeting for such purpose having been given by the Secretary of the company not less than twenty days previous thereto, in the newspapers provided for in section five.

To serve one year.  
Commissioners to be Inspectors of Elections.  
Their duties.  
Certificate of result to be filed.

Collections to be paid.

Books and papers to be delivered to Treasurer.

Subsequent elections.

Directors to hold over in case of non-election on day appointed.

Quorums and number of shares necessary.

Failure of Commissioners to perform their duties.  
To be removed.

Notice of such intention to be published.

President of the company.

Secretary and Treasurer.

How chosen.  
To give bond.

May be removed.

Payments of subscriptions.

SEC. 12. There shall be a President of the company, who shall be a stockholder, and shall be elected by the stockholders at the time the Directors are elected. The Directors also shall elect or appoint a Secretary, a Treasurer, and such subordinate officers as the company, by its By-Laws, may designate. The said officers shall be chosen at such times, and for such terms, and they shall be required to give such security for the faithful performance of the duties of their respective offices, as the company by its By-Laws may require; and any such officer may be removed from office by the Board of Directors, by a four-fifths vote of said Board, and the vacancy filled by said Board for the remainder of the term of office.

SEC. 13. It shall be lawful for the Directors to call in and

demand from the stockholders, respectively, all sums of money by them subscribed, at such times, and in such payments or instalments as the Directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payment shall not be made by the stockholders within sixty days after a personal demand, or after notice requiring such payment shall have been published for the same period, in such newspapers as may be designated by the company, at the meetings required in section eleven; and no transfer of any share after such notice has been published, shall exempt such share from forfeiture; should the instalment on the same not be paid within the sixty days above limited, a declaration of every such forfeiture shall be made by the Directors, and the Secretary shall then make an entry to that effect in the "Book of Stockholders," as hereinafter provided.

Shares to be forfeited for non-payment.

Powers and duties of Directors. Vacancies.

SEC. 14. The Directors of such company shall have power to fill vacancies in their own body, when occasioned by death or resignation, and to make such by-laws as they may think proper, for the transfer of the stock, and the management of the property and business affairs of every description whatever, of such company, and for prescribing the duties of officers, artificers, and employees of said company, and for the appointment of all officers and the carrying on of all business within the objects and purposes of said company; *Provided*, that such by-laws be not inconsistent with the laws of this State, or of the United States, or with the articles of association, or with the by-laws adopted by the stockholders of the company.

Debts and contracts.

SEC. 15. No debt or contract shall be made, unless first authorized by two-thirds in interest of the stockholders, to be ascertained by a vote of the stockholders, entered at length on the minutes of the company; nor shall any contract, other than a cash contract, be made until twenty-five per cent. on the entire capital stock has been actually paid in to the Treasurer. After said twenty-five per cent. has been so paid in, should the company at any time, by a vote of two-thirds in interest of the stockholders, borrow money for the purpose of completing their road, and providing the necessary appurtenances for the running of the same, they shall have power to mortgage the corporate property of the company, and issue bonds thereon, for the payment of money borrowed for such purposes. Should any debt or contract be made not in accordance with the abovementioned provisions, the Directors, under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the Board of Directors, at the time, and except those who were not present when the same did happen, shall, in their individual and private capacities, be liable jointly and severally to the said corporation, and to any of the creditors thereof, for the full amount of such debt or contract, and shall moreover be deemed guilty of a misdemeanor, and upon conviction before any court having competent jurisdiction, be fined

Mortgage of property.

Directors responsible for liabilities contracted in violation of this section, and be deemed guilty of a misdemeanor.



any sum not exceeding ten thousand dollars, or imprisoned in the county jail any time not exceeding one year, or both, at the discretion of the Court.

SEC. 16. Any company incorporated under this Act may, by complying with the provisions herein contained, increase or diminish its capital stock to any amount which may be deemed sufficient and proper for the purpose of the corporation; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the sum to which the capital is proposed to be diminished, such amount shall be satisfied and reduced, so as not to exceed the diminished amount of capital. Whenever it is desired to increase or diminish the amount of capital stock, a meeting of the stockholders may be called by a notice signed by at least a majority of the Directors, and published for at least four weeks in such newspapers as have been selected according to the provisions of section eleven of this Act, which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to increase or diminish the capital; and a vote of two-thirds of all the shares of stock shall be necessary to an increase or diminution of the amount of the capital stock.

Capital may be increased or diminished.

Proceedings thereon.

Notices to be published.

SEC. 17. The Directors shall also cause to be kept a book, to be called "Record of Corporation Debts," in which the Secretary shall record all the debts and contracts of the Directors, the amount thereof, and with whom made; which book shall at all times be open to the inspection of any stockholder. When any debt or contract shall be paid or discharged, the Secretary shall make a memorandum thereof in the margin of the record where the same is recorded.

Record of corporation debts.  
Duties of Secretary.

SEC. 18. The Secretary of the corporation, who may be elected by the Directors named in the articles of association, and every succeeding secretary elected during the continuance of said corporation, shall keep in a book, provided for that purpose, a correct record of the proceedings at each meeting of the company, as well as of the Board of Directors; such record showing the name of each Director present at the opening of each meeting of the Board, and at what stage of the proceedings any Director previously absent may appear, and also at what stage of the proceedings any Director may obtain leave of absence. The record shall also show the name of each Director voting against any proposition, whenever any Director may require the same to be placed upon the record. Prior to the adjournment of each meeting of the company, or of the Board of Directors, the record of the proceedings of such meeting shall be read, amended if necessary, and approved by such company or such Board.

How elected and duties.

Secretary's record and contents.

To be approved at each meeting.

SEC. 19. The Secretary of the corporation shall also keep a book to be provided for that purpose, to be labelled "Book of Stockholders," which shall contain the names of all persons, alphabetically arranged, who are, or who shall within six years have been stockholders of said company, and showing their places of

Secretary shall also keep a Book of Stockholders.  
Contents.

residence, the number of shares of stock held by them respectively, the time when they respectively became the owners of such shares, the amount of stock actually paid in by them respectively, as also the time when any may have ceased to be stockholders; which book, during the usual business hours of the day, on every day, except Sunday, the Fourth of July, Thanksgiving, Christmas and New-Years' days, shall be open for the inspection of stockholders and creditors of the company, and their personal representatives, at the office of the Secretary of the company; and any and every such stockholder, creditor or representative shall have a right to make extracts from such book; and no transfer of stock shall be valid for any purpose whatever, except between the parties thereto, until it shall have been entered therein, by an entry showing to and by whom transferred, the numbers and designation of the shares, and the date of the transfer; and no abandonment of shares by the owners thereof, or forfeitures of shares by order of the Board of Directors, shall be valid until both the fact and date of such abandonment or such forfeiture has been entered in said book; and said book shall be presumptive evidence of the facts therein stated. On the failure or neglect of the Secretary to make any proper entry in such book, or refusal, or neglect to exhibit the same, or allow the same to be inspected, and extracts to be taken therefrom, he shall be liable to trial by the Board of Directors for misdemeanor in office, and he shall also be liable to trial for damages, before any Court of Justice having jurisdiction according to the damages alleged.

SEC. 20. The stock of such company shall be deemed personal estate; and when certificates of the ownership of shares are issued, the shares may be transferred by endorsement and delivery of the certificates thereof, such endorsement being by the signature of the proprietor, or his attorney, or legal representative; but such transfer shall not be valid, except between the parties thereto, until the same shall have been entered in the "Book of Stockholders," as provided in the nineteenth section; the entry of transfer to be made in said book by written order, either of the stockholder himself, or of his legal representative, or of a probate or civil court. Prior to the issuing of certificates of stock, the shares may be transferred by a delivery of the receipts for instalments paid, and by an entry as aforesaid, in the "Book of Stockholders;" certificates of stock shall not be issued until the entire capital stock has been fully paid in, or if issued, each certificate shall have the Treasurer's endorsement upon its face, showing the amount of money paid on the share represented by such certificate.

SEC. 21. Any stockholder transferring his shares, or abandoning them, by an entry to that effect on the aforesaid "Book of Stockholders," (all previous calls or assessments having been fully paid on said shares so abandoned,) as also any stockholder forfeiting his shares by order of the Board of Directors, entered in said "Book of Stockholders," shall, from and after the date

To be open for inspection of stockholders.

Extracts may be made therefrom.

Transfers of stock to be entered therein.

Made evidence.

Penalty for violation of duty.

Stock deemed personal property.

Transfer of shares.

Liability of stockholder to cease when shares held by him are transferred, except for assessments and his proportion of debts due previously.

of entry of such transfer, abandonment, or forfeiture, cease to be a stockholder in such corporation, and he shall not be liable to any future calls from the Directors, nor for any debts that may be contracted by said corporation after said entry has been made. But this shall not release him from his proportion of liability for any debt legally contracted by the corporation prior to said entry.

SEC. 22. The President, and a majority of the Directors, within thirty days after the payment of the last instalment of the capital stock, so fixed and limited by the company, shall make a certificate stating the amount of the capital so fixed and paid in, which certificate shall be signed by the President and a majority of the Directors, and sworn to by the President, and they shall, within the said thirty days, file and record the same in the office of the Secretary of State.

Certificate to be filed when the entire capital stock is paid in.

SEC. 23. If the Directors of the company shall declare and pay any dividend when the company is insolvent, or any dividend the payment of which would render it insolvent, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted, so long as they shall respectively remain in office. *Provided*, that if any of the Directors shall be absent at the time of making the dividend, or shall cause their dissent therefrom to be entered at large on the minutes of the said Directors at the time, they shall be exempt from the said liabilities.

Dividends not to be made if company is insolvent.

Assenting Directors liable, if violated.

Dissenting Directors to record their objections.

SEC. 24. If the officers of the company shall make a false certificate, or report, or publish a false notice, for the purpose of deceiving or defrauding the stockholders or the public, in relation to the concerns and affairs of the company, all the officers who shall have ordered or joined in the same, shall be jointly and severally liable for all the debts of the company contracted while they are officers thereof.

Officers of the company.

Penalty for fraud, &c.

SEC. 25. No person holding stock in such company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholders of such company; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estates and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such trust fund would have been if he had been living and competent to act, and hold the same stock in his own name.

Agents not responsible for liabilities of stock held by them.

SEC. 26. Every such executor, administrator, guardian or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a stockholder, and every person who shall pledge his stock as aforesaid, may, nevertheless, represent the same at all such meetings, and may vote accordingly as a stockholder.

Agents shall represent stock held by them, and may vote. Owners of hypothecated stock to exercise the rights of stockholders.

SEC. 27. Every such corporation shall have power, First, To cause such examinations and surveys for the proposed railroad to

Powers of corporations under the Act.

be made as may be necessary to the selection of the most advantageous route for the railroad, and for such purpose, by their officers, agents, and servants, to enter upon lands or waters of any person or persons, subject to responsibility for all damage which they shall do thereto. Second, To receive, hold, take, and convey such voluntary donations of real estate and other property as shall be made to aid and encourage the construction of said road. Third, To purchase, and by voluntary grants and donations receive and take, and by its officers, engineers, surveyors and agents, enter upon and take possession of, and hold, and use in any manner they may deem proper, the same as a natural person might or could do, all such lands, and real estate, and other property, as the Directors may deem necessary for the construction and maintenance of said road, and for the stations, depots, and other accommodations and purposes deemed necessary to accomplish the objects of the Company. Fourth, To lay out its road or roads, not exceeding nine rods wide, and to construct and maintain the same with a single or double track, with such appendages as may be deemed necessary for the convenient use of the same, and for the purpose of cutting embankments and procuring timber, stone, and gravel, may take as much more land as may be necessary for the purposes aforesaid, in the manner hereinafter provided for the proper construction and security of the road. Fifth, To construct their road across, or upon any stream of water, water course, roadstead, bay, navigable stream, or highway, railroad, or canal, which the route of its road shall intersect or cross; but the corporation shall restore the stream, or water course, road, or highway, railroad or canal, thus intersected, to its former state as near as practicable, so as not to impede its usefulness.

To restore public and private works to their original condition.

May enter upon land necessary for the construction of road, &c.

Proceedings thereon.

Commissioners to decide upon the compensation for property appropriated.

SEC. 28. Until otherwise provided by law, any company organized under this Act, may enter upon, take possession of, and use all such real estate and property as may be required for the construction and maintenance of a single or double track railroad, and the convenient accommodations appertaining to the same, by complying with the following provisions: Whenever the said corporation shall not have acquired by gift, or purchase, any land, real estate, or property, so required as aforesaid, or which may be affected by any operation connected with such construction and maintenance, it shall be lawful for the company, (by a petition signed by its attorney, or agent, describing with convenient accuracy and certainty, by map or otherwise, the lands, real estate, or property, so required to be taken or to be affected, setting forth the name and residence of each owner, or other persons interested therein as owner, claimant, tenant, lessee, or incumbrancer, as far as known to such attorney or agent, or appearing of record,) to apply to the Judge of the District Court, either in term time or vacation, of the county where the said lands, real estate, or property shall lie, praying the appointment of commissioners to ascertain the compensation to be made to such owners and persons interested, for the taking or injuriously affecting such lands, real

estate, or property as aforesaid. The Judge shall have satisfactory evidence that notice of an intended application, and the time and place thereof, for the appointment of Commissioners of Appraisalment between said corporation and the owners and persons interested in such lands, real estate, and property, had been given, at least five days previously, to every such owner personally, or to some person of suitable age, at the residence or on the premises of such owner, or by publication thereof in a newspaper printed in the county in which such land, real estate, or property may lie; such publication to be allowed only in respect to owners, who shall appear, by affidavit, to have no residence in the county known to such agent or attorney, whereat such notice could be delivered as aforesaid. The Judge may adjourn such proceedings from time to time, when necessary to the furtherance of justice, and may direct any further notice thereof to be given that may seem proper; and he shall hear the proofs and allegations of the parties interested, touching the regularity of the proceedings, and shall, by an entry in his minutes, appoint five competent and disinterested persons, Commissioners, to ascertain such compensation as aforesaid, specifying in such entry a time and place for the meeting of the Commissioners. The said Commissioners, before entering upon the duties of their office, shall be sworn, and any one of them may administer oaths to witnesses produced before them, and they may adjourn from day to day, to enable the parties to procure testimony, but for no longer period than one day, without the consent of both parties, until the matter is finally determined, unless otherwise ordered by the said Judge for good cause shown. Whenever they shall have adjourned to enable the parties to procure testimony, any of the Commissioners may issue subpoenas and compel witnesses to attend. The Commissioners having heard the proofs and allegations of the parties, three or more of said Commissioners shall, after viewing the premises, without fear, favor, or partiality, ascertain and certify the compensation proper to be made to the said owners and parties interested for the land, real estate, and property, so to be taken or injuriously affected as aforesaid, the valuation by said Commissioners to be of the said land, real estate, or property, as it was before the said railroad was projected, and not as improved in value by the projection of said road. The said Commissioners, or a majority of them, shall make, subscribe, and file with the Clerk of the county in which such lands, real estate, or property shall lie, a certificate of said ascertainment and assessment, in which the said lands, real estate, and property shall be described by map or otherwise, with convenient accuracy and certainty. Either party feeling aggrieved by the decision of the Commissioners, may appeal to the Supreme Court, as in other cases tried before the District Court: *Provided*, that such appeal shall not prevent the company from proceeding with their work, or retaining or taking possession of such lands, real estate and property, as may be necessary for the successful prosecution of their road. The Court or Judge, upon such certificate, and due

Appointment of Commissioners. How made, and proceedings thereon.

Powers and duties of District Judges, and proceedings under this Act.

Powers and duties of Commissioners.

Either party may appeal.

Business of the Company not to be affected thereby.

Proceedings after the decision of Commissioners is made.

proof that such ascertainment or assessment has been paid to the parties entitled to the same, or has been paid to the Clerk of the Court of the proper county, shall make and cause to be entered in his minutes, a rule describing such lands, real estate, and property, in manner aforesaid, such ascertainment or assessment of compensation, with the mode of making it, and such payment or deposit of the same compensation as aforesaid. A certified copy of such rule shall be recorded and indexed in the proper Recorder's office in the like manner and with like effect, as if it was a deed of conveyance in fee simple from the said owners and parties interested to the said corporation. Upon the entry of such rule, the said company shall become entitled to use and occupy all lands, real estate, and property described in said rule, as required to be taken as aforesaid during the continuance of the corporation, by this or any subsequent Act; and may take possession of what they are not at the time in possession of, and hold and use all described in said rule for the purposes of said road, or otherwise for the benefit of the company, and shall thereupon be discharged from all claims for damages by reason of any matter specified in the said petition, certificate, or rule of Court. If at any time after an attempted or actual ascertainment of compensation under this or any other Act, or any purchase by, or donation to the said corporation of any lands for the purposes aforesaid, it shall appear that the title thereby acquired to all or any part of such lands for the use of said road, or of said corporation, shall fail or be deemed defective, the said corporation may proceed anew to perfect such title by procuring an ascertainment of the compensation proper to be made to any person or persons, whose title, claim, or interest in, or lien upon such lands, shall not have been compensated and extinguished according to law, and by making payment thereof, in the manner hereinafter provided, as near as may be, and at any stage of such new proceedings, or of any proceedings under this Act, the Court, or Judge in Chambers, may, by a rule in that behalf made, authorize the said corporation, if already in possession, to continue in the use and possession, and if not in possession, to take possession of, and use such premises during the pendency and until the final conclusion of such proceedings, and may stay all actions or proceedings against such corporation on account thereof; *Provided*, such corporation shall pay a sufficient sum into court, or give approved security to pay the compensation in that behalf, when ascertained; and in every case where possession shall be authorized, it shall be lawful for the owner or owners to conduct the proceedings to a conclusion, if the same shall be delayed by the said company. The said Commissioners shall be entitled to receive from said corporation their reasonable disbursements, and a compensation per day, to be fixed by said Court or Judge, not to exceed five dollars for each day actually employed by them in the discharge of their duties, such disbursements to be taxed and allowed by the Court or Judge. If any Commissioner so appointed shall die, be unable, or fail to serve, the Court or

Titles of land obtained under this Act may be perfected, and proceedings thereon.

Jurisdiction of District Court.

Corporation to continue in possession until decision of Commissioners is made by giving security.

Compensation of Commissioners.

Vacancies in Board of Commissioners.

Judge may appoint another in his place, on reasonable notice of application for such an appointment, such application to be approved by the Court or Judge.

SEC. 29. In case any married woman, infant, idiot, or insane person, or any unknown owners not personally notified to appear, and who shall not appear, after such notice on the appointment of Commissioners, shall be interested in any such lands, real estate, or property, the Court or Judge shall appoint some proper person to appear before the said Commissioners, and act as attorney for and in behalf of said married woman, infant, idiot or insane person, unknown, or non-appearing owner, not personally served with notice.

Rights of unknown and non-appearing owners.

SEC. 30. If at any time after the location of the track of said road in whole or in part, and the filing of the map thereof, it shall appear to the Directors of said company, that the line in some parts thereof may be improved, it shall be lawful for the said Directors, from time to time, to alter the line, and cause a new map to be filed in the office where the map showing the first location is, or shall be filed, and may thereupon proceed to take possession of the lands embraced in such new location, that may be required for the construction and maintenance of said road on such new line, and the convenient accommodations appertaining to the same, and acquire the same, either by agreement with the owner or owners, or by such proceedings, as near as may be, as are authorized under the preceding sections of this Act, and use the same in place of the line, for which the new line is substituted.

Route of road may be altered.

Duty of Directors.

May take possession of land by complying with preceding sections of this Act.

SEC. 31. Whenever the track of the railroad shall cross a railroad or highway, such railroad or highway may be carried under or over the track as may be found most expedient; and in case where an embankment or cutting shall make a change in the line of such railroad or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such road or highway on such new line, as may be deemed requisite by said Directors, unless the lands so taken shall be purchased or be voluntarily given for the purposes aforesaid; compensation therefor shall be ascertained in the manner in this Act heretofore provided, as near as may be, and duly made by the said corporation to the owners and persons interested in such lands; the same when so taken, on compensation made, to become part of such intersecting railroad or highway, in such manner and by such tenure as the adjacent parts of the same highway may be held for highway purposes.

Construction of Road, and damages.

SEC. 32. If any such corporation shall, for its purposes aforesaid, require any land belonging to the people of this State, or any of the counties or towns, the State, county and town officers respectively having charge of such lands, may grant such land to such corporation for a compensation which shall be agreed upon between them, or donate the same; and if they shall not agree upon a sale and price, the same may be taken by the corporation as is before provided in other cases.

Public land may be appropriated for the use of corporations under this Act.

Compensation.

Fare and freightage under the Act.

Penalty for violation.

Reduction of rates left with the Company.

Passengers may be removed from the car for non-payment of fare.

Company shall furnish suitable accommodations for the transportation of passengers and freight.

Penalty for violation of preceding section.

Cars for freight, &c, shall provide passenger cars.

Penalty for violation of above.

And in case of accident.

Penalty for Engineers and Conductors becoming intoxicated.

SEC. 33. When any such railroad shall be opened for use, it shall be unlawful for the corporation, its officers, or employees, to charge more than twenty cents per mile for each passenger, and sixty cents per mile for each ton of freight; and for every transgression of such limitation, the corporation shall be liable to the party suffering thereby, treble the entire amount of fare or freight charged to said party. Any reduction below the rates above mentioned shall be left entirely to the decision and control of the corporation itself.

SEC. 34. If any passenger shall refuse to pay his fare, it shall be lawful for the conductor of the train and the employees of the corporation to put him out of the cars at any stopping place the conductor shall select.

SEC. 35. Every such corporation shall start and run their cars for the transportation of passengers and property at regular times, to be fixed by public notice, and shall furnish sufficient accommodations for the transportation of all such passengers and property as shall within a reasonable time previous thereto, offer or be offered for transportation at the place of starting, and at the junctions of other railroads, and at stopping places established for receiving and discharging way passengers and freight, and shall take, transport and discharge such passengers and property at, from and to such places on the due payment of freight and fare, established and authorized by said company or Directors thereof.

SEC. 36. In case of refusal by such corporation or their agents so to take and transport any passenger or property, that can reasonably and properly be carried, or to deliver the same when taken, within a reasonable time, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suit.

SEC. 37. It shall be unlawful to place baggage or freight, or merchandize, or lumber cars in the rear of passenger cars, and for any violation of the provisions of this section, the company shall be liable, upon complaint, to the party complaining, in the sum of five hundred dollars, and the person, agent, Director, or officer so causing the cars to be placed, shall be guilty of a misdemeanor, and upon conviction of such offence, shall be fined in any sum not exceeding five hundred dollars, or imprisonment in the county jail for three months, or both such fine and imprisonment; and should any accident happen to life or limb by such unlawful arrangement of cars, the person, agent, Director, or officer who so directed or suffered such arrangement, shall be guilty of felony, and upon conviction thereof shall be imprisoned in the penitentiary for any term not less than three and not more than ten years.

SEC. 38. If any person shall, while in charge of a locomotive engine, running upon any railroad for such corporation, or while acting as the conductor of a car or train of cars on any such railroad, be intoxicated, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding one



thousand dollars, or imprisoned in the county jail not exceeding six months.

SEC. 39. If any person shall wilfully do or cause to be done any act or acts whatever, whereby any building, construction, or work of any such corporation, or any engine, machine, or structure, or any matter or thing appertaining to the same, or to the track of said road, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and shall forfeit and pay to said corporation treble the amount of damages sustained by means of such offence, besides a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, or both such fine and imprisonment in the discretion of the Court.

Penalty for injuries done to property created under this Act.

SEC. 40. Every such corporation shall, within a reasonable time after their road shall be finally located, file in the office of the Secretary of State a map and profile of said road, and also a written statement specifying the line upon which it is proposed to construct the railroad, and the grades and curves of said road, and also a map of the lands taken or obtained for the use of said road; such maps and profile shall be drawn on a scale, and on paper to be designated by the chief engineer of said corporation, and shall be certified and signed by the president of said corporation, and by the chief engineer; on said maps and profile shall also be exhibited, by suitable lines, the boundaries of the several counties into or through which said railroad may run. A certified copy of said maps, profile and written statement, filed as aforesaid, shall be kept at the office of the Secretary of the corporation, and shall be open for examination at such times and to such persons as are specified in reference to the Book of Stockholders in the nineteenth section of this Act.

Statement to be filed in the office of the Secretary of State.

Contents.

And a copy to be deposited with the Secretary of the Company.

SEC. 41. If such corporation shall not, within two years after the filing of its original articles of association, begin the construction of its road, and expend thereon five per cent. on the amount of its capital, and finish the road and put it in full operation in six years, its Act of Incorporation shall be void.

Five per cent to be expended within two years.

SEC. 42. All railroads constructed under this Act of Incorporation shall be constructed with a six feet gauge, or with such gauge as may be established for the road crossing this continent, and with iron rail known as the T rail or the H rail, until otherwise provided by law.

Rails to be used in the construction of roads.

SEC. 43. Any railroad company incorporated under any former Act, may have the benefit of the provisions and limitations of this Act by filing with the Secretary of State new articles of association as set forth in section eight of this Act, and the filing of such articles by such company shall have the same effect upon the original articles of association of said company as if said company had been originally incorporated under this Act; *Provided*, that any company already incorporated shall not have more than two years after the passage of this Act, to begin the construction of its road.

Corporations formed under previous Act may avail themselves of provisions of this Act.

Proviso.

Provisions of this Act to apply to Car Road Companies.

SEC. 44. The provisions of this Act shall extend and be applied to companies incorporated for the purpose of constructing roads on which to run prairie cars, so far as the same can be made applicable. The stockholders in car road companies shall not be less than eight, and the directors not less than three in number.

Corporations formed under this Act subject to Corporation Act of 1850.

SEC. 45. All corporations that may be formed or organized under this Act, shall be subject to the provisions of Chapter one of an Act entitled "An Act concerning Corporations," passed April twenty-second, one thousand eight hundred and fifty, so far as such provisions are not inconsistent with this Act.

Former Acts repealed.

SEC. 46. An Act entitled "An Act to provide for the incorporation of railroad companies, passed April twenty-eighth, one thousand eight hundred and fifty-one, also an Act entitled "An Act supplemental to an Act entitled an Act to provide for the incorporation of railroad companies, passed twenty-eighth February, one thousand eight hundred and fifty-one, approved March twenty-second, one thousand eight hundred and fifty-two, are hereby repealed.

Approved, April 22, 1858.

## CHAPTER LXXIII.

### AN ACT

To provide for the incorporation of Wagon-road Companies.

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

Provisions of former Act applied.

SECTION 1. The provisions of Chapter four, of "An Act concerning Corporations," passed April twenty-second, one thousand eight hundred and fifty, wherein the same does not conflict with the provisions of the following sections of this Act, shall apply to the incorporation of companies formed for the purpose of constructing common wagon-roads.

Amount of stock.

SEC. 2. The amount of stock necessary to be subscribed prior to the incorporation of such company, shall be at least three hundred dollars per mile; the duration of such company shall not exceed ten years; the application for authority to construct such road shall be made to the Board of Supervisors, or when there is

Duration of Company.

Application to be made to Board

no such Board, by the Court of Sessions of each county in or through which said road shall run, and the notice of such application shall be for four successive weeks previous to presenting the same. Two of the Commissioners appointed to lay out such road shall be appointed by the Board of Supervisors, or Court of Sessions, as the case may be, and the other by the company. The Directors of such company shall not be less than three nor more than nine. The rates of toll shall be prescribed from year to year by the Board of Supervisors or Court of Sessions, as the case may be. Such company shall not be compelled to keep an office, but may deposit their books with the County Clerk of one of the counties in or through which said road may run, open for inspection, as if in their own office. Such company shall complete their road within two years from the date of the filing of their Articles of Association.

of Supervisors or Court of Sessions.

Notices of application.

Commissioners and their appointment.

Directors.

Rates of toll.

Books of Company may be deposited with County Clerk.

Roads to be completed within two years.

SEC. 3. When any existing road or highway, or any portion thereof, shall be taken by such company as a portion of their own road, it shall not be lawful for said company to erect any gates on such portion, or to demand or charge any tolls for the passing or re-passing of property or persons over the same.

Roads, &c., appropriated under this Act.

SEC. 4. The entire revenue derived from such road shall be appropriated at first to the re-payment to said company of the cost of said road, with twenty per cent. per annum interest thereon, together with the incidental expenses incurred in collecting toll and keeping said road in repair. When such re-payment has been made to said company, the toll shall be so reduced as to merely yield an income sufficient to keep said road in good repairs and pay incidental expenses.

Revenue of roads and appropriation thereof.

Reduction of toll.

Approved, April 22, 1853.

## CHAPTER LXXIV.

### AN ACT

To authorize the Board of Supervisors of Los Angeles County to levy a special tax for the erection of County Buildings.

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

SECTION 1. The Board of Supervisors of Los Angeles County, Special tax. for the year one thousand eight hundred and fifty-three, and also

the year one thousand eight hundred and fifty-four, is hereby authorized and directed to levy a special tax, not to exceed fifty cents on each one hundred dollars of valuation of the taxable property of said county, to be assessed and collected as other taxes, and the fund arising from said special tax shall be applied solely to the erection of a Jail and Court House for said County.

Approved, April 22, 1853.

Amount.

Appropriation of tax.

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## CHAPTER LXXV.

### AN ACT

To provide for the erection of a Jail in Sacramento County.

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

Special tax.

SECTION 1. The Board of Supervisors of the County of Sacramento are hereby authorized and empowered to levy a tax upon the taxable property of the County not exceeding one-fourth of one per cent. The proceeds of which shall be applied to the erection and furnishing a County Jail, and shall be applied to no other purpose.

Amount.

Appropriation of tax.

Duration of this Act.

SEC. 2. Whenever said Jail shall be completed, furnished and paid for, this Act shall cease and be of no effect.

Approved, April 22, 1853.

## CHAPTER LXXVI.

## AN ACT

To extend and to better define the powers and duties of the City Council of the City of Sacramento, and to authorize the establishment of Free Schools in said city.

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

SECTION 1. In addition to the amount of taxes authorized by law to be collected in the city of Sacramento, the Common Council of said city may, in their discretion, by ordinance, annually cause to be levied a special tax on all property, real and personal, within said city, of one-fourth of one per cent., to be levied and collected for the support of Free Common Schools within the city, which tax shall, in all respects, be levied and collected as other city taxes are authorized by law to be levied and collected ; and shall be set apart exclusively for the purposes above named.

May levy a special tax.

Amount.  
For the support of Common Schools.

SEC. 2. The Common School tax above provided for shall be expended under the direction of a Board of Trustees, to consist of one member from each ward of the city, appointed annually by the Common Council, on whose orders given from time to time and approved by the Common Council, the School Fund as aforesaid shall be drawn from the City Treasury ; *Provided*, that the said trustees, mentioned in this Act, shall receive no compensation for their services.

To be expended by a Board of Trustees.

How appointed.

School Fund.

Trustees to receive no compensation.

SEC. 3. Whenever the Common Council shall think it expedient to open, alter or improve any street or alley, or to improve any public ground, notice thereof shall be given by publication for ten days in some daily paper published in said city. Should one-third of all owners in value, as shown by the last general assessment of the adjacent property, protest against the proposed improvement within ten days after the last day of said publication, it shall not then be made. If no such protest be made, the Common Council shall proceed with such improvement, the expenses of which shall be borne by the property adjacent : *Provided*, that the words " adjacent " shall be construed to mean the same property as described in section eighteen of the charter of said city, as amended and approved, March fourteenth, one thousand eight hundred and fifty-three, and the assessment, levy and collection of said assessment, and the power of sale, and right of redemption shall, in all respects, be the same as mentioned in said city charter, except that no petition shall be required when the proposition

Powers of Common Council to make public improvements. Notices to be published. Rights of property owners.

Improvements and expenses thereof.

Term adjacent defined.

Collection of assessments. Right of redemption.

and notice comes from the council as provided herein. Should any person or persons be dissatisfied with any special assessment made for the opening, improving, or altering streets, or improving public grounds, such person may appeal to the Common Council, who shall hear and determine said appeal, and make such order in the premises as to them shall seem just and equitable, and their decision shall be final and conclusive.

Appeal.

New loans may be made to meet payments on funded debt.

SEC. 4. Whenever the principal sum of the loan or loans which have been, or shall hereafter be made by the said City Council, or any part thereof shall be about to become due and payable, and the financial condition of the city at the time shall be such, in the opinion of the City Council, as to render it expedient to create a further loan or loans for the purpose of paying such principal sum about coming due, the City Council shall be authorized, by ordinance or otherwise, to create from time to time, and as often as may be necessary, further loan or loans upon the faith and credit of the city, and upon the pledges and securities authorized by law to be given; which loan or loans shall be for such amount as may be required for the purposes aforesaid. The loans last aforesaid shall be for a period not less than five years, nor more than twenty-years, and shall in all respects conform to, and be subject to the conditions, restrictions and provisions of the city charter; *Provided*, the loan or loans hereby authorized, shall be made at a rate of interest not to exceed twelve per cent. per annum.

How effected.

Duration of loans and payment of interest.

Approved, April 26, 1853.

## CHAPTER LXXVII.

### AN ACT

In relation to the Interest on the Funded Debt of one thousand eight hundred and fifty-two.

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

Certain moneys appropriated for the payment of the interest on the funded debt of 1853.

SECTION 1. All moneys belonging to the State now in the hands, or that may hereafter come into the hands, of the Tax Collectors, Sheriffs, and County Treasurers of the respective counties of this State, prior to the first day of September, one thousand eight hundred and fifty-three, shall be paid over, in the manner provided by law, to the State Treasurer, and shall by him be paid over to the holders of the coupons of the bonds of one thousand

eight hundred and fifty-two, or so much as may be necessary to liquidate the interest due on said bonds up to the first day of July, one thousand eight hundred and fifty-three: And no existing law shall be so construed as to conflict with the provisions of this Act.

SEC. 2. After the liquidation of the interest aforesaid, the surplus of the moneys above provided to be appropriated as aforesaid, if there be any, shall be paid into the General Fund of the State, and shall constitute a part of the same.

Appropriation of surplus.

Approved, April 26, 1853.

## CHAPTER LXXVIII.

### AN ACT

For dividing the County of Los Angeles, and making a new County therefrom, to be called "San Bernardino County."

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

SECTION 1. The County of Los Angeles is hereby divided as follows: Beginning at a point where a due south line drawn from the highest peak of the Sierra de Santiago intersects the northern boundary of San Diego County; thence running along the summit of said Sierra to the Santa Ana river, between the ranch of Sierra and the residence of Bernardo Yorba; thence across the Santa Ana river along the summit of the range of hills, that lie between the Coyotes and Chino, (leaving the ranches of Ontiveras and Ybana to the west of this line,) to the southeast corner of the ranch of San Jose; thence along the eastern boundaries of said ranch and of San Antonio, and the western and northern boundaries of Cucaimonga ranch to the ravine of Cucaimonga; thence up said ravine to its source in the coast range; thence due north to the northern boundary of Los Angeles County; thence northeast to the State line; thence along the State line to the northern boundary line of San Diego County; thence westerly along the northern boundary of San Diego to the place of beginning.

Division and boundaries.

SEC. 2. The eastern portion of Los Angeles County, so cut off, shall be called San Bernardino County, and the seat of justice thereof, shall be at such place as the majority of the voters shall determine at the first county election, hereinafter provided to be

County of San Bernardino, and seat of justice thereof.

held in said county, and shall remain at the place so designated until changed by the people, as provided by law.

Election of county officers.

SEC. 3. During the fourth week of June next, there shall be held an election in said Bernardino County, for the election of the following officers, to wit: one County Judge, one County Attorney, one County Clerk, who shall also be Recorder; one County Surveyor, one Sheriff, one Coroner, one Treasurer and one Assessor.

Term of office of County Judge.

SEC. 4. The County Judge, chosen under this Act, shall hold office until the first Monday of April, A. D., one thousand eight hundred and fifty-four, and until his successor shall be elected and qualified. The other officers shall hold their office until the first Monday of October, one thousand eight hundred and fifty-three, and until their successors are elected and qualified. The successors of the officers elected under this Act, shall be chosen at the general elections established by law, which shall take place next preceding the expiration of their respective terms.

Of other county officers.

Election of their successors.

SEC. 5. Isaac Williams, David Seely, H. G. Sherwood, and John Brown, are hereby appointed and constituted a Board of Commissioners, to designate the election precincts in the County of San Bernardino, for the election of officers at the first election, and to appoint the Inspectors of Election at the several precincts designated to receive the returns of the election, and to issue certificates of election.

Board of Commissioners.

Powers and duties.

SEC. 6. The provisions of "An Act to regulate Elections," passed March twenty-third, one thousand eight hundred and fifty, shall apply to the county election ordered by this Act, except that the Board of Commissioners shall designate the election precincts, appoint the Inspectors of Election at such precincts, receive the returns of election, and issue the several certificates to the persons elected.

County election, and regulations thereof.

Inspectors of Elections.

SEC. 7. For the purpose of designating the several precincts in the county, the said Board shall meet two weeks previous to the day of election, and at said meeting shall designate the precincts of the county, and appoint the Inspectors of Election at such precincts. The said Board shall appoint one of their number as President, and one as Clerk, and shall keep a record of their proceedings; two-thirds of the number of said Board shall constitute a quorum to transact business.

Organization of Board and duties.

SEC. 8. The said Board shall immediately after designating the precincts in the county, and appointing the Inspectors thereof, give notice of such precincts and Inspectors, by advertisement in Spanish and English, in the Los Angeles Star, and by notice posted at each of said precincts in Spanish and English.

Notices of election precincts, &c.

SEC. 9. If precincts be not established according to the provisions of this Act, an election may be held at any place or places where there are not less than thirty resident electors present.

Precincts may be opened if not established.

SEC. 10. Scaled returns from the officers of elections may be delivered to any member of the Board. The Board shall meet in the county within five days subsequent to the election, and the returns shall then be opened and read, and under their direction,

Returns of election. To be canvassed by Board of Commissioners and statement of the result.



and in their presence a tabular statement shall be made out, showing the vote given in each precinct in the county, or if precincts be not established at each place where polls were opened as provided for in the preceding section of this Act, for each person, and for each of the offices to be filled at the election, and for the Seat of Justice of the county, and also the entire vote given in the county for each person. The statement thus made out by such Board, shall be signed by the President and Clerk.

SEC. 11. So soon as the statement and certificates are made out by the Board, the President shall declare the result, and immediately make out, send or deliver to each person chosen, a certificate of election, signed by him as President of the Board of Commissioners and attested by the Clerk.

President of the Board shall declare the result and issue Certificates of Election.

SEC. 12. Each person chosen shall qualify and enter upon the discharge of his duties within twenty days after the receipt of his certificate of election. The person elected as County Judge shall qualify before the President of the Board of Commissioners of the county. Persons elected to the other offices may qualify before said President or before the County Judge.

Persons elected shall qualify within twenty days.

SEC. 13. The President of said Board shall transmit, without delay, a copy of the tabular statement prepared as provided in section ten, to the Secretary of State. The election returns of said county, the tabular statement and the record of proceedings of the Board, shall be retained by the President of the said Board, until the person elected as Clerk of said county shall have qualified and entered upon his duties, after which they shall be filed in the office of said clerk.

Statement of result of election to be forwarded to Secretary of State.

Returns and Record of Board to be filed with County Clerk.

SEC. 14. The County of San Bernardino is hereby excepted from the operation of the Supervisor Act, passed May third, A.D., one thousand eight hundred and fifty-two, shall be attached to the first Judicial District, and shall be entitled to one member of Assembly, and Los Angeles County to one member of Assembly, and the two counties jointly shall elect one Senator, until otherwise provided by law.

San Bernardino county, excepted from Supervisor's Act.

Legislative apportionment.

SEC. 15. At the first term of the Court of Sessions held in San Bernardino County, there shall be appointed two Commissioners, to meet a like number of Commissioners, to be appointed by the Board of Supervisors of Los Angeles County, for the purpose of ascertaining the proportion of the debt of Los Angeles County, that is justly chargeable to San Bernardino County. The said Commissioners shall proceed to ascertain the total indebtedness of Los Angeles County, that shall have accrued up to the time of the organization of San Bernardino County. They shall apportion to the respective counties a portion of said indebtedness, proportioned to the amount of taxable property returned by the Assessor of Los Angeles County, for the year one thousand eight hundred and fifty-three, which is hereby made the basis for apportioning the debt aforesaid. Said Commissioners shall report their apportionment to the Court of Sessions and Board of Supervisors of their respective counties, and if they shall ratify said appor-

Appointment of Commissioners to regulate the debt of Los Angeles county.

Duties of Commissioners.

Debt of Los Angeles county due from San Bernardino county.

tionment, it shall be final and binding on the two counties. For the proportion of the unfundable debt of Los Angeles County that shall be apportioned to San Bernardino County, the Court of Sessions of said county shall draw a warrant in favor of the Treasurer of Los Angeles County, payable out of the Treasury of San Bernardino County. Of the funded debt of Los Angeles County, the amount found justly chargeable to San Bernardino County shall be assumed by said county, and the principal and interest thereof paid at its County Treasury; *Provided*, that the holders of said proportion of the debt consent to such assumption and payment.

Former Act to apply to the county of San Bernardino.

SEC. 16. All the provisions of the Act to "Fund the Debt of Los Angeles county, and provide for the payment thereof," passed March the eighteenth, one thousand eight hundred and fifty-three, shall have the same force and be obligatory on the same officers in San Bernardino county as in Los Angeles county, and shall continue in full force and obligation until the extinguishment of the said funded debt, and until its proportion of the funded debt shall be set off to said county, as provided for in the preceding section. The Court of Sessions in San Bernardino county shall each year draw a warrant on the Treasurer of said county in favor of the Treasurer of Los Angeles county, for the total amount of the interest tax of that year, payable out of the first moneys paid into the Treasury on the annual assessment of each year, as provided in the Act aforesaid, and shall each and every year draw a warrant for said tax, until the total extinguishment of the debt aforesaid. It shall be the duty of the Treasurer of Los Angeles county to bring suit against any and every officer of San Bernardino county who may hinder the prompt payment of the interest tax aforesaid, into the Treasury of Los Angeles [county]; and the District Court having jurisdiction in said county, shall have power to issue all necessary writs to enforce the provisions of this Act and the Funding Act aforesaid; and the proportion of the funded debt set off to San Bernardino county shall be paid and liquidated to the holders thereof in the manner provided in the said Funding Act.

San Bernardino county to pay its proportion of interest yearly.

Actions for violating this section.

Jurisdiction of District Court.

Assessments and duty of County Assessor of Los Angeles county.

SEC. 17. In case the Assessor of Los Angeles county shall have completed his assessment of the portion of said county that is hereby set off to San Bernardino county, or any part thereof, before the organization of said county, he shall certify to the Court of Sessions of said county, when organized, his assessment of all property and polls in said county, for their action, and such assessment shall be deemed the legal assessment of said county for the present year, subject to the action of the Board of Equalization of said county; and the delinquent list of all property and polls in said county of San Bernardino, for the year one thousand eight hundred and fifty-two, that shall not have been collected on the organization of said county, shall be assigned to said county for its use and benefit.

Delinquent list of 1852.

Compensation of Associate Justices of Court of Sessions.

SEC. 18. The Associate Justices of the Court of Sessions of said county, shall receive as compensation two dollars per diem for each day's actual attendance on the terms of court. The

Township Officers of the several townships of San Bernardino county that were elected at the general election of one thousand eight hundred and fifty-two, in Los Angeles county, shall continue in office until their successors, to be elected at the general election of one thousand eight hundred and fifty-three, shall be elected and qualified.

Township  
Officers.

Duration of  
office.

Approved, April 26, 1853.

## CHAPTER LXXIX.

### AN ACT

To provide for the Compilation and Publication of the Laws of the State of California, and the payment thereof.

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

SECTION 1. Frederick A. Snyder is hereby appointed and constituted an agent on the part of the State of California, to compile, codify, and publish the laws of the State of California in one volume, in the manner hereinafter designated.

F. A. Snyder  
appointed to  
codify the laws  
of the State.

SEC. 2. Before entering upon the duties of his agency, said agent shall execute a bond in the penal sum of ten thousand dollars, payable to the people of the State of California, with two or more sureties, to be approved by the Governor, for the faithful performance of the duties enjoined on him by this Act, which bond shall be filed in the office of the Secretary of State.

To give bond.

SEC. 3. It shall be the duty of said agent to carefully compile and codify all laws of a public and general nature that may be in force at the close of the present session of the Legislature of the State of California, and combine therewith all such laws as may be enacted during the present session of said Legislature ; to carefully index the same, and make full marginal notes indicating the contents of each section, and cause and procure the same to be printed and published in a neat manner, and bound in leather covers in a strong and durable manner, in convenient form, in one volume.

To compile and  
codify the laws  
of the State,  
including those  
of session of  
1853.

To index and  
marginal note  
the same.

Style of  
publication.

SEC. 4. In order to enable the said Snyder to carry out the objects of this Act, it shall be the duty of the Secretary of State, within thirty days after the close of the present session of the

Secretary of  
State to furnish  
copies of laws of  
session of 1853.

Legislature, to furnish him with certified copies of all laws passed during the present session of the Legislature.

Style of publication, and time of delivery of copies required under the Act.

SEC. 5. The volume of compiled laws herein provided for shall be printed on paper of good quality, with neat long primer type, bound as provided in section three of this Act, and the whole number mentioned in section six shall be delivered by said Snyder to the Secretary of State within six months from the adjournment of the present Legislature.

Copies to be distributed according to law.

SEC. 6. The number of copies published according to the provisions of this Act shall be twelve hundred, to be distributed and disposed of in the manner prescribed by law.

After the execution of bond, warrant to issue for \$4,000.

SEC. 7. Immediately after said agent shall have filed his bond as herein specified, it shall be the duty of the Comptroller of State to issue his warrant drawn on the Treasurer of State in favor of said Snyder, for the sum of four thousand dollars, payable out of the General Fund, and when said agent shall deposit in the office of the Secretary of State twelve hundred copies of said compiled and codified statutes, it shall be the duty of the Comptroller of State to issue a like warrant, payable out of the same fund in favor of said Snyder for the additional sum of six thousand dollars, which shall be his compensation in full for the twelve hundred copies of said statutes.

And when provisions of the Act are compiled with, a warrant for \$6,000 more.

SEC. 8. Selucius Garfield is hereby constituted an examiner, who, in conjunction with the said Snyder, shall carefully examine any compilation prepared by said Snyder, and aid in the correction of such compilation, and in making such further compilation as may be necessary for the completion and perfection of the work herein provided for; *Provided*, that said Garfield shall receive no compensation from the State for such examination.

S. Garfield appointed Examiner.

Duties.

No compensation to be allowed.

Examination of compilation and publication thereof.

SEC. 9. On the completion of the examination aforesaid, the examiner mentioned in section eight shall certify to said agent the correctness of said compilation, which certificate shall authorize said agent to proceed forthwith to publish the compilation herein provided for.

Agent and Examiner to take oath of office.

SEC. 10. Before entering upon their respective duties, the agent and examiner aforesaid shall be sworn by some person competent to administer oaths, to faithfully perform the duties imposed upon them by this Act.

Conflicting laws repealed.

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

Approved, April 27, 1853.

## CHAPTER LXXX.

## AN ACT

## Concerning Notaries Public.

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

SECTION 1. The Governor shall have power to appoint and commission twenty Notaries Public for the county of San Francisco, fifteen for each of the counties of Sacramento, El Dorado, Nevada, Placer, Yuba, Sierra, Butte, Calaveras, Tuolumne, and San Joaquin, and five for each of the other counties of the State, who shall hold office for the term of two years, and until their successors are appointed and qualified.

Governor to appoint.  
Number for  
San Francisco,  
for Sacramento,  
El Dorado,  
Nevada, Placer,  
Yuba, Sierra,  
Butte, Calaveras,  
Tuolumne and  
San Joaquin.  
For the other  
counties of the  
State.  
Term of office.

SEC. 2. Each Notary Public, before entering upon the duties of his office, shall take the oath of office, which shall be endorsed on his commission, and shall enter into bond to the State in the sum of five thousand dollars, with sureties to be approved by the County Judge of the county for which such Notary may be appointed.

Notaries to take  
oath and enter  
into bonds.

SEC. 3. The bond, together with a certificate of the oath, shall be filed and recorded in the office of the County Clerk of such county.

Bond and copy  
of oath to be  
recorded.

SEC. 4. Notaries Public shall have authority to demand acceptance and payment of foreign bills of exchange, and to protest the same for non-acceptance and non-payment, and to exercise such other powers and duties as by the law of nations, and according to commercial usages, or by the laws of any other State, Government, or county, may be performed by Notaries Public.

Powers and  
duties of  
Notaries.  
Foreign bills of  
exchange, &c.

SEC. 5. They may also demand acceptance of inland bills of exchange and payment thereof, and of promissory notes, and may protest the same for non-acceptance or non-payment, as the case may require.

Inland bills of  
exchange, &c.

SEC. 6. Each Notary Public shall have power to take and to certify the acknowledgment or proof of powers of attorney, mortgages, deeds, and other instruments of writing, the acknowledgments of any conveyance, or other instrument of writing executed by any married woman, to take depositions, and to administer oaths and affirmations in all matters incident or belonging to the duties of his office, and to take affidavits to be used before any court, judge, or officer of this State.

Acknowledg-  
ment of deeds,  
mortgages, &c.

Depositions,  
oaths, &c.

SEC. 7. Each Notary Public shall keep a fair record of all his official acts, except such as are mentioned in section six of this

To keep record  
of official acts.

Certified copies thereof.

To provide notarial seal.

Seal, books, &c. exempt from execution.

To be deposited in the office of County Clerk for use of successor.

Certificates, &c. of Notaries made evidence.

Original protest of Notary setting forth certain proceedings made evidence of the facts contained therein.

Penalty for violation of duty.

Liable for damages on his bond. And for wilful neglect or violation of duty, a fine. Amount.

When office becomes vacant, books, &c. to be deposited with Recorder.

Books, &c. to be delivered to successor in office.

Notaries to issue copies of papers,

Act, and when required, shall give a certified copy of any record in his office to any person, upon the payment of the fees therefor.

SEC. 8. Each Notary Public shall provide a notarial seal, with which he shall authenticate all his official acts, on which seal shall be engraved the arms of this State and the name of the county for which he is commissioned, which seal, together with the registers and official documents, shall not be liable to be seized on by any execution; and in case of the death or removal of said Notary Public, the aforesaid register and official documents shall be lodged in the office of the County Recorder of his county, for the use of his successor in office.

SEC. 9. Any certificate or instrument, either printed or written, purporting to be the official act of a Notary Public of this State, and purporting to be under the seal and signature of such Notary Public, shall be received as *prima facie* evidence of the official character of such instrument, and of the truth of the facts therein set forth.

SEC. 10. The original protest of a Notary Public under his hand and official seal, of any bill of exchange or promissory note, for non-acceptance or non-payment, stating the presentment by him of such bill of exchange or note for acceptance or payment, and the non-acceptance or non-payment thereof, and the service of notice on any or all of the parties to such bill of exchange or promissory note, and specifying the mode of giving such notice and the reputed place of residence of the party to such bill of exchange or promissory note, and specifying the mode of giving such notice, and the reputed place of residence of the party to whom the same was given, and the post office nearest thereto, shall be *prima facie* evidence of the facts contained therein. The certificate of a Notary Public drawn from his record, stating the protest and the facts therein contained, shall be evidence of the facts in like manner as the original protest.

SEC. 11. For any misconduct or neglect of duty in any of the cases in which any Notary Public, appointed under the authority of this State, is authorized to act, either by the law of this State, or of any other State, Government, or county, or by the law of nations, or by commercial usage, he shall be liable on his official bond to the parties injured thereby, for all damages sustained. For any wilful violation or neglect of duty, any Notary Public shall be subject to criminal prosecution, and may be punished by fine not exceeding two thousand dollars and removal from office.

SEC. 12. If any Notary Public die, resign, be disqualified, or remove from the county, his record and all his public papers shall, within thirty days, be delivered to the Recorder of the County, who shall deliver them to the successor of the said Notary when qualified.

SEC. 13. When the term of office of any Notary Public expires, and his successor is appointed and qualified, he shall deliver his record and public papers to such successor.

SEC. 14. Any Notary Public having in his possession the re-

cords and papers of his predecessor or predecessors, in office, may grant certificates, or give certified copies of such records and papers, in like manner and with the same effect, as such predecessor or predecessors could have done. &c. of their predecessors.

SEC. 15. Each Notary Public shall receive such fees for his services as may be allowed by law. Fees.

SEC. 16. The Act concerning Notaries Public, passed March twenty-seventh one thousand eight hundred and fifty, is hereby repealed, such repeal to take effect on the first day of June, one thousand eight hundred and fifty-three, on which day the officers appointed under said law shall deliver their records and all their public papers to the Recorder of the county, to be by him delivered to the Notaries Public appointed under this Act. Former Act repealed.  
To take effect.  
Officers under former law to transfer their official papers, &c.

SEC. 17. This Act shall take effect from and after its passage, except section sixteen, which shall take effect on the first day of June, one thousand eight hundred and fifty-three. Commencement of this Act.

Approved, April 30, 1853.

## CHAPTER LXXXI.

### AN ACT

To provide for the payment of certain persons therein named, for services rendered and materials furnished.

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

SECTION 1. The Comptroller of State is hereby authorized and required to draw his warrants upon the Treasurer in favor of George Dingley, for the sum of five hundred dollars; in favor of Laurance McMahon, for twenty-five dollars; in favor of John Taylor, for one hundred dollars, payable out of the General Fund from any money not otherwise appropriated. Comptroller to issue warrants in favor of Geo. Dingley for \$500; L. McMahon for \$25; John Taylor for \$100.

Approved, April 30, 1853.

## CHAPTER LXXXII.

## AN ACT

To amend an Act entitled an Act to establish a Standard of Weights and Measures, passed March thirtieth, one thousand eight hundred and fifty.

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

County Sealers to procure a standard of weights and measures.

SECTION 1. It shall be the duty of the County Sealers of the various counties of this State, to procure at the expense of their said counties, a complete standard of Weights and Measures, in conformity with that established by the Congress of the United States, which shall consist of a yard, a pound weight, liquid gallon, and a half bushel, and the usual subdivisions of such Weights and Measures; the said standards to be certified to by the Weigher and Measurer of the United States Custom House.

To be certified to by U. S. Measurer.

To be kept in the office of County Sealer.

SEC. 2. Said Weights and Measures shall be kept in the office of the County Sealer; shall be sealed with the seal of the County Court, and a certificate of their accuracy under the affidavit of said sealer, shall be entered upon the minutes of the County Court, and a copy thereof transmitted to the Secretary of State and filed by him in his office.

All weights, measures and beams to be certified to, once a year.

SEC. 3. It shall be the duty of all persons using any weights, measures, or beams, by which any commodity or article of trade or traffic is weighed or measured, to have the same certified by the County Sealer, at least, once in each year: and any person hereafter using any weights, measures or beams, in weighing or measuring, not conformable to the standard of the county in which such weights, measures or beams are used, he or she shall be liable to indictment therefor, and upon conviction thereof, shall be fined in a sum not less than fifty dollars, or more than one thousand dollars.

Penalty for using false weights, &c.

SEC. 4. So much of the first, seventh, eighth, ninth, tenth, eleventh, thirteenth and fourteenth sections of the Act passed March thirtieth, one thousand eight hundred and fifty, entitled an Act to establish a Standard of Weights and Measures, as conflicts with this Act, is hereby repealed.

Sections of former Act repealed.

SEC. 5. This Act shall take effect from and after its passage.  
Approved, April 30, 1853.



## CHAPTER LXXXIII.

## AN ACT

Supplementary to an Act to provide for the appointment, and prescribe the duties of Guardians, passed April nineteenth, one thousand eight hundred and fifty.

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

SECTION 1. The following shall be an additional section to the Act to provide for the appointment and prescribe the duties of Guardians, passed April nineteenth, one thousand eight hundred and fifty, to wit : Section Fifty. All sales of real estate of minor heirs, made for the benefit of said minor heirs, in accordance with the provisions of this Act, shall be for cash, or for part cash and part deferred payments, not to exceed three years, bearing date from date of sale as in the discretion of the Probate Judge may be most beneficial to said minor heirs. Guardians making the sales aforesaid, shall demand and receive from the purchasers bond and mortgage on the real estate so sold, with such additional security as the Judge may deem necessary and sufficient to secure the faithful payment of the deferred payments and the interest thereon.

Former Act amended.

Conditions of sales of real estate of minor heirs.

Bond and mortgage to be given for deferred payments.

Approved, April 30, 1853.

## CHAPTER LXXXIV.

## AN ACT

To authorize the issue of a duplicate twelve per cent. War Bond to John C. Johnson.

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

Duplicate warrant to be issued.

SECTION 1. The Treasurer of State is hereby authorized and required to cause the issue of a twelve per cent. War Loan Bond to John C. Johnson, for the sum of one thousand dollars, said bond to be numbered "Thirty-four," and marked "Duplicate."

Bond to be executed to secure the State.

SEC. 2. The said John C. Johnson shall enter into bond with the State of California, in the sum of two thousand dollars, with security to be approved by the Comptroller and Treasurer of State, conditioned, that he will hold the State harmless should the original bond ever be presented at the Treasury for payment.

Approved, April 30, 1853.

## CHAPTER LXXXV.

## AN ACT

To amend the sixteenth section of an Act entitled an Act to provide for Funding the debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the Debt, passed April twentieth, one thousand eight hundred and fifty-two.

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

Former Act amended.

SECTION 1. The sixteenth section of an Act entitled an Act to provide for Funding the Debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of

the Debt, passed April twentieth, one thousand eight hundred and fifty-two, is hereby amended so as to read as follows: Section Sixteen. No other tax, or license tax, than such as are provided for in this Act shall be levied for county purposes, upon the citizens of San Joaquin County: *Provided*, fines, forfeitures and probate fees are not considered as coming under the head of "tax or license tax," in the meaning of this section; *And, provided further*, that notwithstanding the provisions of this section, the Court of Sessions shall have the power to levy an ad valorem tax upon real and personal estate, not exceeding one-half of one per cent. for the purpose of having erected in said county, a County Court House and a County Jail.

County tax.

Certain fees excepted.

Court of Sessions may levy special tax for erection of County Buildings.

Approved, April 30, 1853.

## CHAPTER LXXXVI.

### AN ACT

#### To Provide for the Measurement of Lumber.

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

SECTION 1. There shall be appointed a Measurer of Lumber whose duty it shall be to measure boards, plank, timber and shingles, if designed for use in, or exportation from, the port of San Francisco, as provided in the following sections of this Act.

Measurer for the port of San Francisco.

SEC. 2. The Measurer of Lumber may demand and receive for measuring and examining boards and plank according to the superficial measure, one dollar for every thousand feet. For measuring other timber reduced to cubical feet, fifty cents for every ton, consisting of forty cubical feet, and for shingles twenty-five cents for every thousand, to be paid by the seller.

Compensation.

SEC. 3. The said Measurer shall, before he enters upon the duties of his appointment, take and subscribe an oath or affirmation, before some Judge or Justice of the Peace of the county of San Francisco, faithfully to perform the duties of Measurer of Lumber according to law, and to the best of his knowledge; a certificate of such oath he shall file in the County Recorder's office. And it shall be the duty of the Measurer so appointed to measure and mark the quantity of feet and count all lumber received in the city of San Francisco, or elsewhere, if required to by the buyer or seller: *Provided*, that no person who shall have

Measurer to take oath.

A copy to be filed in Recorder's office, duties of Measurer of lumber.

Measurers not to be engaged in the lumber trade.

Penalty for violation.

Mode of measuring.

been appointed a Measurer and Deputy Measurer of Lumber shall directly or indirectly be engaged in buying or selling of lumber, under the penalty of five hundred dollars, to be recovered as debts of like amount are recoverable, for the use of the Trustees of the State Lunatic Asylum.

SEC. 4. All boards and planks shall be reduced to and counted as inch measure, and it shall further be the duty of the Measurer to furnish a correct list or bill of lumber, with the quantity by him measured, to the parties requiring the same, which certificate shall be furnished without charge. All lumber required to be measured by either the seller or purchaser, shall be measured by the regular commissioned Measurer or his Deputy.

### General Provisions.

Measurer to be appointed by the Governor. Term of office.

May appoint deputies.

To be accountable for their acts.

Measurer and deputies to take oath.

To be filed in the office of County Recorder.

Measurers to execute bond.

To be for the use of parties aggrieved.

Bonds given under the Act to be filed at the office of Secretary of State.

Copies of Bonds under the Act made evidence.

SEC. 5. The Measurer hereinbefore mentioned shall be appointed by the Governor, and shall hold his office for one year.

SEC. 6. The Measurer hereinbefore mentioned is empowered, and if necessary to the convenient dispatch of his duties, is hereby required to appoint a sufficient number of Deputies, for whom he shall be accountable, which Deputies are hereby empowered to perform the duties of measuring, as their principal might or could do, and they are hereby made liable to the like penalties.

SEC. 7. Every person appointed as aforesaid to the office of Measurer, and also every Deputy of such person shall, before he enter upon the duties of his office, take and subscribe an oath or affirmation before some person having power or authority to administer oaths, to support the Constitution of the United States, and the Constitution of this State, and to perform the duties of his said office with fidelity, which oath or affirmation he shall cause to be filed in the office of the said County Recorder.

SEC. 8. Every person who shall be appointed to the office of Measurer as aforesaid shall also before entering upon the duties of his office, execute a Bond to the State in such sum and with such surety as shall be approved by the Court of Sessions of the county of San Francisco, with conditions for the faithful performance of the duties imposed upon him by law, which bond shall be for the use of all persons who may be aggrieved by the acts or neglect of such Measurer.

SEC. 9. Every person appointed a Measurer as aforesaid, shall cause the bond hereinbefore prescribed, being duly acknowledged by him and his sureties, to be recorded by the Recorder of Deeds of the said county, and as soon afterwards as convenient to be transmitted to the Secretary of State.

SEC. 10. Copies of the record of official bond of any Measurer, acknowledged and recorded as aforesaid, and duly certified by the Recorder of Deeds, for the time being, shall be good evidence in any action brought against such Measurer or his sureties on such bond, according to its form and effect, in the same manner as the original would be if produced and offered in evidence.

SEC. 11. Every Measurer shall, at his own costs and charges, procure such brands, instruments and apparatus, as may be necessary or may be by law required, for the due execution of his office.

Measurers to procure suitable brands, &c.

SEC. 12. Every Measurer and every Deputy Measurer, shall, when required by the buyer or seller of any of the articles aforesaid, proceed at the time of said requisition to measure the same in the manner prescribed by this Act: *Provided*, neither said Measurer nor any of his deputies shall demand, or be entitled to, any of the fees or compensation aforesaid, unless for measurement according to the provisions hereof, at the request of the buyer or seller as aforesaid.

Measurers to inspect lumber when required.

Measurement of lumber not to be made unless requested by the buyer or seller.

SEC. 13. Every Measurer as aforesaid shall keep true accounts, in a book or books, in a plain intelligible manner, of all the lumber by him or his deputies measured, and of the quantity thereof, and such accounts shall be opened at all seasonable hours for examination, if required by any person interested.

Books and accounts to be kept, and to be open at all times for inspection.

SEC. 14. If any Measurer as aforesaid shall refuse or neglect to record his proceedings as aforesaid, or shall refuse or neglect to give a certified extract of such part thereof as any person having an interest therein shall require, such person having paid or tendered to him an amount at the rate of fifty cents for every hundred words that may be contained in such certificate, he shall, for every such neglect or refusal forfeit and pay to the party aggrieved, a sum not exceeding fifty dollars.

Penalty for refusal to furnish copies.

SEC. 15. If any such Measurer shall be convicted of making a fraudulent entry in his books aforesaid, he shall be fined the sum of one thousand dollars, and be imprisoned not less than six months in the county jail.

Penalty for fraudulent entries.

SEC. 16. Every person who shall counterfeit, forge, or fraudulently impress, or make the brand mark of any number or other mark of any such Measurer, upon any article subject to measurement, or shall counterfeit the stamp of any Measurer, or shall fraudulently alter, deface, conceal or erase, any Measurer's mark, duly made, shall for every such offence be deemed guilty of a misdemeanor, and be punishable by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, at the discretion of the court having jurisdiction of the offence.

Penalty for counterfeiting brands or marks of Measurers.

SEC. 17. If any person whose fees are fixed by this Act shall take, under any pretence whatever, any other or greater fees for services performed in pursuance of this Act, than are hereby allowed, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of one hundred dollars, one-half for the use of the State Insane Asylum, and the other half for the use of the person injured.

Penalty for charging unlawful fees.

SEC. 18. All offences which are committed against any of the provisions of this Act, unless it be otherwise especially provided, may be prosecuted in the name of the State in any Court of Record in the courts where the same may have been committed, at the instance of any person who shall sue therefor, in the same

Offences for violation of the Act, may be prosecuted in any Court of Record. Mode of proceedings.

Appropriation  
of funds.

manner as debts of like amount are recoverable, with costs of suit, and one moiety thereof shall be paid to the person suing and recovering the same, and the residue shall be paid into the Treasury of the State Insane Asylum for the use of that institution.

Approved, April 30, 1853.

## CHAPTER LXXXVII.

### AN ACT

Explanatory and supplementary to an Act approved April sixteenth, one thousand eight hundred and fifty-three, providing an additional War Fund.

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

Additional  
War Fund  
provided.

SECTION 1. That the amount of twenty-three thousand dollars (\$23,000) of War Fund, appropriated by the Act of the Legislature, approved April sixteenth, one thousand eight hundred and fifty-three, be and the same is hereby made an additional appropriation to the six hundred thousand dollars authorized for the settlement and liquidation of war claims, under the provisions of an Act approved May the third, one thousand eight hundred and fifty-two, and that the blank bonds prepared for such purpose, and the time of payment provided in said Act, as well as the guarantees for redemption, shall be the same under the Act to which this is explanatory, as is provided by the Act referred to of May third, one thousand eight hundred and fifty-two.

Subject to the  
provisions of  
Act of 1852.

Approved, May 3, 1853.

## CHAPTER LXXXVIII.

## AN ACT

To provide for the better publication of Official and Legal Notices.

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

SECTION 1. All publications, advertisements, or notices relating to the estates of deceased persons ; to the formation, change, or dissolution of partnerships ; to assignments in bankruptcy ; all publications, advertisements, or notices, made or required by or on behalf of any corporate or county authorities or officers, or the officers of any city or county in this State, or any of them in their official capacity ; and all such notices or advertisements as may be required in the course of any civil action or legal proceedings, which now is, or hereafter may be, required by law, (except notices of sheriffs' and constables' sales in counties where no newspaper is printed,) shall be published in the manner hereinafter provided, or the same shall be of no legal effect :

Publications, &c. under the Act.

Shall be inserted in such newspapers as provided in this Act.

First. For the city and county of San Francisco, and the counties of Monterey, Alameda, and Contra Costa, all such notices or advertisements shall be published in the newspaper known as the "Placer Times and Transcript," now printed in the county of San Francisco.

For counties of San Francisco, Monterey, Contra Costa and Alameda. In the "Placer Times and Transcript."

Second. For the city and county of Sacramento, and the counties of Colusa, Sutter, and Solano, all such notices or advertisements shall be published in the newspaper known as the "Democratic State Journal," now printed in the county of Sacramento.

Counties of Sacramento, Colusa, Sutter and Solano. In the "Democratic State Journal."

Third. For the city of Marysville, and the counties of Yuba and Butte, all such notices or advertisements shall be published in the newspaper known as the "California Express," now printed in the county of Yuba.

Counties of Yuba and Butte, in "California Express."

Fourth. For the county of Sierra, all such notices or advertisements shall be published in the newspaper known as the "Downville Echo," now printed in the county of Sierra.

County of Sierra, in the "Downville Echo."

Fifth. For the counties of Shasta, Klamath, Trinity, and Siskiyou, all such notices or advertisements shall be published in the newspaper known as the "Shasta Courier," now printed in the county of Shasta.

Counties of Shasta, Klamath, Trinity and Siskiyou, in "Shasta Courier."

Sixth. For the county of Nevada, all such notices or advertisements shall be published in the newspaper known as the "Nevada Journal," now printed in the county of Nevada.

County of Nevada, in "Nevada Journal."

Seventh. For the county of Placer, all such notices or adver-

County of Placer,

in "Placer Herald."

County of El Dorado, in "Miner's Advocate."

Counties of Marin, Mendocino, Napa and Sonoma, in "Sonoma Bulletin."

Counties of San Joaquin, Mariposa and Tulare, in "San Joaquin Republican."

County of Tuolumne, in "Columbia Gazette," or "Sonora Herald."

Counties of San Diego and San Bernardino, in "San Diego Herald."

Counties of Los Angeles, Santa Barbara and San Luis Obispo, in "Los Angeles Star."

Counties of Santa Clara and Santa Cruz, in "Santa Clara Register."

County of Calaveras, in "Calaveras Chronicle."

County of Yolo, in "Californian."

Fees of advertising.

Affidavit of publisher.

May be filed within one year with County Clerk.

Made evidence of the facts contained therein.

tisements shall be published in the newspaper known as the "Placer Herald," now printed in the county of Placer.

Eighth. For the county of El Dorado, all such notices or advertisements shall be published in the newspaper known as the "Miners' Advocate," now printed in the county of El Dorado.

Ninth. For the counties of Marin, Mendocino, Napa and Sonoma, all such notices or advertisements shall be published in the newspaper known as the "Sonoma Bulletin," now printed in the county of Sonoma.

Tenth. For the city of Stockton, and the counties of San Joaquin, Mariposa, and Tulare, all such notices or advertisements shall be published in the newspaper known as the "San Joaquin Republican," now printed in the county of San Joaquin.

Eleventh. For the county of Tuolumne, all such notices or advertisements shall be published in the newspaper known as the "Columbia Gazette," or "Sonora Herald," now printed in the county of Tuolumne.

Twelfth. For the county of San Diego, San Bernardino, all such notices or advertisements shall be published in the newspaper known as the "San Diego Herald," now printed in the county of San Diego.

Thirteenth. For the counties of Los Angeles, Santa Barbara, and San Luis Obispo, all such notices or advertisements shall be published in the newspaper known as the "Los Angeles Star," now printed in the county of Los Angeles.

Fourteenth. For the counties of Santa Clara and Santa Cruz, all such notices or advertisements shall be published in the newspaper known as the "Santa Clara Register," now printed in the county of Santa Clara.

Fifteenth. For the county of Calaveras, all such notices or advertisements shall be published in the newspaper known as the "Calaveras Chronicle," now printed in the county of Calaveras.

Sixteenth. For the county of Yolo, all such notices or advertisements shall be published in the newspaper known as the "Californian," now published in the county of Sacramento.

SEC. 2. The fees charged for publishing notices or advertisements, under this Act, shall not exceed two dollars for each square of two hundred and eighty ems for the first insertion, and one dollar per square for each succeeding insertion.

SEC. 3. The affidavit in writing of the publisher or of the publisher's foreman or clerk, of any one of the newspapers in this Act specified, annexed to a printed copy of any notice or advertisement taken from the newspaper in which it was printed, specifying the number of times, the date of the first and last insertion, and the name of the paper in which the same was published, may be filed at any time within one year from the date of the last insertion of such notice or advertisement with the County Clerk of the county for which such notice or advertisement is published. And the original affidavits thus filed, or copies thereof, certified by the officer having custody of the same, shall be entitled to be read in evidence before any



court of justice in this State, and in all proceedings before any board, body, or officer, in which it shall be necessary to refer thereto, and shall be *prima facie* evidence of the facts therein stated.

SEC. 4. The terms "notices," "publications," and "advertisements," as used in this Act, shall be held to include all publications, whether in newspaper or otherwise, made under or by virtue of any law or statute of this State now existing, or which may hereafter be enacted, or by order of any court or officer of law; and in the cities in the county in which the newspapers in this Act mentioned are published respectively, all publications required or ordered by or on behalf of any municipal corporation or officer under or by virtue of the laws incorporating said cities or otherwise.

Explanation of terms "Notices," "Publications," "Advertisements."

SEC. 5. Should any of the newspapers mentioned in this Act cease to be published, then the publication herein required to be made in said paper may be made or continued in any other newspaper published in the same county; or if there be none in the same county, then in the nearest newspaper; such other newspaper to be designated by the Judge of District Court of the county in which such publication was commenced; *Provided*, that should any newspaper be hereafter permanently established and published in any county for ninety days, in which no paper is at present published, such paper shall be the legal paper for the county for the publication of such notices as are contemplated by this Act.

In case of discontinuance of any of the newspapers declared official by this Act, publications to be made in other papers.

Publications to be made in papers hereafter established.

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

Commencement of this Act.

SEC. 7. In consideration of the publication of the notices and advertisements heretofore named, the publisher of each and every newspaper mentioned in this Act is required to send to the office of the Secretary of State, and to the County Clerk of every county in this State, two copies of each of their issue, free of charge; and the Secretary of State, and the County Clerks, are required to keep and preserve the same, open to public inspection.

Copies of papers declared official under the Act, to be forwarded to Secretary of State and County Clerks.

To be preserved by them.

Approved, May 3, 1853.

## CHAPTER LXXXIX.

## AN ACT

To amend an Act entitled an Act concerning the office of County Assessor, passed March twenty-seventh, one thousand eight hundred and fifty.

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

Former Act amended.

Compensation to be regulated by the Board of Supervisors or Court of Sessions.

SECTION 1. Section seven of the above entitled Act is hereby amended so as to read as follows : The Assessor and Deputy Assessor shall each be allowed such sum per day, not exceeding sixteen nor less than eight dollars, as said Court of Sessions or Board of Supervisors in those counties where such Board has superseded the Court of Sessions, may see fit to allow for each day the said Court or Board shall be satisfied they shall have been respectively employed in the discharge of the duties required of them by law.  
Approved, May 5, 1853.

## CHAPTER XC.

## AN ACT

To authorize the Pacific Mail Steamship Company to hold, use, and occupy certain lands in the City of Benicia.

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

Company authorized to hold certain property of the State.

SECTION 1. That the Pacific Mail Steamship Company are hereby authorized to construct, hold, use, and occupy for their own use and benefit, and that of their successors and assigns, a wharf or wharves, pier or piers, upon the following land and lands covered with water, situate in the City of Benicia, which lands are hereby granted to the said company, their successors, or as-

signs, for the term of ninety-nine years, and are known and described as follows: Bounded on the west by the westerly line of lot number seven, in block number seventy-three, continued southward in a right line to a point three hundred feet distant from the line of high water mark; on the north by the natural high water mark; on the east by the easterly line of lot number four, in block number seventy-eight, continued southward in a right line to a point three hundred feet distant from the line of high water mark; and on the south by a line parallel to the line of the shore and three hundred feet distant therefrom: the said lines of said lots being the same as are laid down on a map or survey of the City of Benicia, heretofore made by Benjamin W. Barlow, City and County Surveyor.

Boundaries and extent.

SEC. 2. That it shall be the duty of the Commissioners appointed under the provisions of this Act, to assess the grant and franchise herein conceded to the said Company, and in making such assessment, to take into their consideration the rights if any already vested in said company, except and without regard to such rights as may be claimed under any ordinance from the City of Benicia.

Board of Commissioners to assess the value of land conveyed by this Act. Rights of company.

SEC. 3. That said Board of Commissioners shall consist of the following State officers, namely, the Treasurer, Comptroller, and Secretary of State, who shall, within thirty days from and after the passage of this Act, make the said assessment and give notice of the same to the agent of said Company; *And, Provided*, that the Commissioners herein mentioned, shall, prior to entering upon the duties herein prescribed, make oath before some person authorized to administer oaths, that they are not, nor will they be, interested in any way in the property described in this Act.

Board of Commissioners and duties.

Not to be interested in the property conveyed by this Act.

SEC. 4. That this grant shall be inoperative, if the said Company shall fail, within ten days from and after the notification last mentioned, to pay into the Treasury of this State the sum assessed by the said Commissioners, in the lawful coin of the United States, which shall go into the General Fund.

Act declared inoperative, if company fail to comply with its provisions.

SEC. 5. The property or franchise hereby ceded, shall be subject to taxation the same as other property in this State.

Property conveyed to be subject to taxation.

Approved, May 5, 1853.

## CHAPTER XCI.

## AN ACT

To authorize the Board of Supervisors of San Diego County to levy a special tax for the erection of a County Jail.

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

Board of Supervisors may levy a special tax.

Amount.

To be applied to the erection of a County Jail.

SECTION 1. The Board of Supervisors of San Diego county shall, if they deem it expedient, levy a special tax for the years one thousand eight hundred and fifty-three, four and five ; said tax not to exceed forty cents on each one hundred dollars of valuation of the taxable property of said county, to be assessed and collected as other taxes ; and the fund arising from such special tax shall be applied solely to the erection of a Jail for said county.  
Approved, May 7, 1853.

## CHAPTER XCII.

## AN ACT

To amend an Act entitled "An Act concerning Corporations," passed April twenty-second, one thousand eight hundred and fifty.

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

Former Act amended.

Amount of real estate to be held by associations, &c. Of annual income.

The Masonic Grand Lodge

SECTION 1. Section one hundred and eighty-two of said Act is so amended as to read as follows : The real estate held by the trustees in trust for such organization, shall in no case exceed four whole lots in a town or city, or twenty acres in the county ; nor shall the annual income of such real and personal property, held in trust by them, exceed the sum of twenty thousand dollars : *Provided*, That the Grand Lodge of the ancient order of Free and

Accepted Masons in this State, or any subordinate lodge thereof, may acquire and hold such property, real and personal, as may be deemed necessary by the proper authorities thereof to carry out the charitable purposes of said Grand Lodge, or subordinate lodges, or for the establishment and endowment of a college, school, or schools in said State, and for the necessary use and ceremonies of said order, and may sue and be sued, and shall have such other general powers as are granted to corporations under an Act entitled an Act concerning Corporations, passed April twenty-second, one thousand eight hundred and fifty.

may hold such property as may be necessary for the purposes of their organization.

And shall have other general corporate powers.

Approved, May 7, 1853.

## CHAPTER XCIII.

### AN ACT

Supplementary to the Act incorporating the City of Marysville.

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

SECTION 1. The Common Council of the city of Marysville shall have power, in addition to the powers vested in them by the Act incorporating said city—

Powers and duties of Common Council.

First. To levy and collect taxes on all property, real and personal, within the city, made taxable by law for State purposes, not exceeding one per centum per annum upon the assessed value of such property.

To levy and collect taxes.  
Amount.

Second. To levy and collect during the present year, in addition to the general tax, a special tax of six cents on every hundred dollars worth of real and personal property within the city, made taxable by law for School purposes.

Special tax.  
Amount.  
For school purposes.

Third. To make special assessments of taxes for widening or altering any street, alley, or public ground of the city, or filling up any slough crossing the same, amounting to not more than two-thirds of the cost of such improvement, upon the real property situated upon either side of the street, alley or public ground, to be so improved, according to the benefit to accrue thereby to such property, to be computed by three persons to be chosen by the Common Council for that purpose, and who, before entering upon their duty, shall be sworn to make such computation faithfully and impartially, and shall make their report to the Common Council in

Special assessments for public improvements.

To be computed by three persons selected by Common Council.

Their report to be final.

Common Council may take private property for public improvements. Compensation therefor.

Proceedings thereon.

Court of Sessions to be petitioned for the appointment of Commissioners.

Court upon proof shall appoint three persons to ascertain the value.

Proceedings of Commissioners in ascertaining the value of property appropriated under the Act.

Certified copy of report to be recorded.

City Marshal, how elected.

Term of office.

Vacancy shall be filled by special election.

Temporary appointment.

Mayor authorized to hold a Mayor's Court. Jurisdiction.

writing, under their hands and seals; and the concurrent report of two of whom may be received as final in the premises.

SEC. 2. Whenever it shall become necessary for the Common Council to take private property for the purposes of laying out, altering or widening streets, or alleys, and they cannot agree with the owner or owners thereof as to the price to be paid for the same, 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.

SEC. 3. To determine such value and compensation, a petition in the corporate name of the city shall be presented to the Court of Sessions of the county, particularly describing the property, and praying the appointment of commissioners to ascertain its value. Notice must be served upon the owner or owners, if resident within the county, of the intended application, and of the time at which it will be presented.

SEC. 4. The court, upon proof that the notice mentioned in the preceding section has been given, or that the owner or owners reside out of the county, shall appoint three disinterested persons as Commissioners, to ascertain and report the value of the property and the compensation to be made to the owner or owners thereof.

SEC. 5. The Commissioners shall be sworn to discharge their duties faithfully and impartially. They shall view the premises, and ascertain and certify, under their hands and seals, the value of the property to be taken, and shall particularly describe such property. Their report, or the report of the majority of them, shall be filed with the Clerk of the county. The court, upon such report and upon proof that the owner or owners of such property, or those who may be entitled, will receive just compensation therefor, and upon tender of the same in court, in warrants of the city, shall direct the report to be entered on its minutes, and a certified copy thereof to be recorded in the Recorder's office of the county, and thereupon the corporation shall be entitled to enter upon, use and occupy the property, as fully as if conveyed by the owner or owners thereof.

SEC. 6. The Marshal of the city shall hereafter be elected by the qualified electors of the city, at the annual election for city officers, and shall hold his office for one year, and until his successor is elected and qualified. Whenever a vacancy shall occur in the office of Marshal, by death, resignation, removal or otherwise, the Common Council shall order a special election to fill such vacancy, until such election can be had. The Common Council shall have the power to appoint some one to act temporarily as Marshal. The person elected to fill the vacancy shall hold his for the residue only of the term of his predecessor.

SEC. 7. The Mayor of said city is authorized and empowered to hold a court, to be denominated the "Mayor's Court." Said court shall have jurisdiction over all violations of city ordinances, and may hold to bail, fine, or commit to prison, offenders, in accordance with the provisions of such ordinances, of all pro-

ceedings for the recovery of any penalty, fine, or forfeiture, imposed by ordinance, provided the amount thereof shall not exceed five hundred dollars; of all cases of misdemeanor and wilful injury to property, committed within the city limits, punishable by fine not exceeding five hundred dollars and imprisonment not exceeding three months, and shall also have final jurisdiction in all cases of petty larceny: *Provided*, in all such cases the defendant shall have the right of trial by jury of six men. Said Mayor's Court shall exercise all the powers of a Justice of the Peace in regard to offences committed within the city limits, subject to all the rules governing Justices of the Peace in the aforesaid cases; and said Mayor shall issue all processes, and administer all oaths necessary to the exercise of the jurisdiction hereby conferred. The place of holding said court shall be defined by ordinance. For all services in holding court, the Mayor shall be entitled to the same fees and emoluments as are allowed by law to Justices of the Peace for similar services in criminal cases; all moneys collected by him other than such fees, in actions and proceedings to which the city are a party, shall be paid by him into the city treasury at the end of each week.

Limits of fines and forfeitures.

Defendants shall have right of trial by jury.

Mayor's Court shall have the powers of a Justice of the Peace.

Place of holding court.

Fees and emoluments.

SEC. 8. All real estate within the city limits, used expressly for farming purposes, and known as suburban lots, shall be exempt from paying city taxes.

Real estate within city exempt from city taxes.

SEC. 9. The Common Council shall be empowered, by a majority vote of their body, to submit to the people, at a special election to be held for that purpose within the corporate limits of the city, upon thirty days published notice of the same, whether or not the city shall negotiate a loan not to exceed one hundred thousand dollars, to be appropriated to the erection, and building a plank road from Marysville to Grass Valley and Nevada; a majority of votes in said election to govern.

Common Council to submit to the people if a loan shall be made to build a plank road.

SEC. 10. If said vote is passed, the money shall be raised by the pledge of city bonds, to be issued for that purpose, under the direction of the council. The city to receive stock in said road, for the amount so raised and used in the construction of said road.

If passed, the loan to be raised by pledge of City Bonds.

SEC. 11. No loan shall be negotiated under the preceding provisions for a term of less than five years, nor at a rate of interest exceeding twenty per cent. per annum.

Term of loan and interest thereon.

SEC. 12. Every assessment and levy of taxes, duly made for any purpose, in conformity with the spirit and provisions of this Act, shall stand as a judgment, and have the force and effect of an execution against the party and property liable therefor; and the City Marshal shall have, and is hereby invested with the same powers for collecting such taxes, as are now possessed by the Sheriff for collecting State and County taxes.

Assessments and taxes under the Act shall have the force and effect of an execution.

City Marshal invested with powers of sheriff in collection of above.

SEC. 13. All Acts, or parts of Acts, conflicting with the above provisions, are hereby repealed.

Conflicting Acts repealed.

Approved, May 7, 1853.

## CHAPTER XCIV.

## AN ACT

To compensate Dr. John B. Trask for his report on the Geology of the Mineral Districts, and to enable him to make further examinations.

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

Comptroller to issue warrant for \$2,000.

Further Geological investigations.

SECTION 1. The Comptroller is hereby required to draw his warrant, in favor of Dr. John B. Trask, on the Treasurer of State, for the sum of two thousand dollars, to be paid for the Geological Report furnished by said Trask, and to enable him to prosecute further investigations relative to the same subject, under authority of certain resolutions passed by the Senate and Assembly.

Approved, May 7, 1853.

## CHAPTER XCV.

## AN ACT

To provide for the Translation of the Laws into the Spanish Language for the year one thousand eight hundred and fifty-three.

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

Secretary of State to contract with W. E. P. Hartnell for the translation of Laws and Resolutions of 1853.

Compensation not to exceed \$2 per folio.

SECTION 1. The Secretary of State is hereby authorized and directed to contract with William E. P. Hartnell, for the translation of the Laws and Joint Resolutions of the Legislature of the State of California, for the year one thousand eight hundred and fifty-three, into the Spanish language ; *Provided*, the price for said translation does not exceed two dollars per folio of one hundred words for the translation, and fifty cents per folio for the engrossed copy for the use of the printer ; *And provided*, the said



Hartnell shall take and subscribe the oath, and give bond as required by the "Act to provide for the Translation of the Laws into the Spanish Language," passed April twenty-fourth, one thousand eight hundred and fifty-two. Said Hartnell shall complete the translation aforesaid, within a reasonable time after receiving the copy that may be designated by the Secretary of State. The Comptroller is hereby authorized to draw his warrant on the Treasurer, to pay to said Hartnell, from time to time, the amounts due said Hartnell, on the certificate of the Secretary of State.

Translator to take oath and give bond.

Time for completion of translation.

Warrants to issue as the work is completed.

Approved, May 7, 1853.

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## CHAPTER XCVI.

### AN ACT

To provide for the payment of Freight, on State Furniture, to Calvin Valprey.

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

SECTION 1. The Comptroller of State is hereby authorized and required to draw his warrant on the Treasurer of the State in favor of Calvin Valprey, for the sum of one hundred and sixty dollars, payable out of the General Fund, from any money not otherwise appropriated.

Comptroller to issue warrant for \$160.

Approved, May 7, 1853.

## CHAPTER XCVII.

## AN ACT

In relation to Clerks in the office of the Comptroller of State, and to provide for their pay.

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

Comptroller to have printed and to forward to the County Auditors the necessary blank licenses.

SECTION 1. The Comptroller of State, shall have printed, and forwarded to the Auditor of each county, all necessary blank licenses, where the moneys are payable for State purposes, and may allow to his authorized deputy, for signing any, or all State Licenses, the same rates of compensation, as is by law allowed to the Book-keeper in his office ; such allowance to be paid only for the time actually employed, by the said deputy, in the discharge of his duties.

Compensation to deputy for signing.

SEC. 2. The Clerk heretofore employed, by the Comptroller of State, in the work of signing Foreign Miner's Licenses shall receive the same rate of compensation, for the time actually employed in that service ; and the Comptroller is hereby required to audit the same.

Compensation to Clerk for signing miners' licenses.

Approved, May 7, 1853.

## CHAPTER XCVIII.

## AN ACT

For the relief of Orrin Bailey, and other persons therein mentioned, for services rendered in behalf of the State.

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

Comptroller to issue warrant to

SECTION 1. The Comptroller of State is hereby authorized and required to issue his warrant upon the Treasurer of State, in

favor of Orrin Bailey, for the sum of one hundred and twenty dollars, and in favor of William Corbett, for one hundred and twenty dollars, payable out of the General Fund.

Orrin Bailey for \$120.  
To W. Corbett for \$120.

SEC. 2. The Comptroller is hereby authorized and required to issue his warrants upon the State Treasurer, payable out of the General Fund, in favor of the following named persons: Arsinia Miramontez, for forty-three and a half dollars; Francisco Sanchez, for thirty-nine dollars; John Cole, for twenty-four dollars; Charles Ridout, for six and a half dollars; F. W. Sibert, for five and a half dollars; William Lampman, for six and a half dollars; John S. Lee, for sixteen and a half dollars; Thomas Hayos, for seventy-three and a half dollars; Henry Vandewater, for sixty dollars; Roman de Zaldo, twenty dollars; Thomas Fitzgerald, forty dollars; *Provided*, that no warrants shall be issued to the persons named in this section, except upon personal application or presentation of a power of attorney.

Comptroller to issue warrants to certain persons herein named.

On personal application or power of attorney.

Approved, May 7, 1853.

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## CHAPTER XCIX.

### AN ACT

To authorize the County Surveyor of Calaveras [County] to rent an office.

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

SECTION 1. The County Surveyor of the County of Calaveras, is hereby authorized to rent a suitable office, and it shall be lawful for the Board of Supervisors, or Court of Sessions of said County, to audit and direct the payment of the rent of said office.

May rent an office.

Payment of same.

Approved, May 7, 1853.

## CHAPTER C.

## AN ACT

For the relief of Reuben Clark and William Craine.

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

Comptroller of State to issue warrant to R. Clark and W. Craine for \$620.

SECTION 1. That the Comptroller of State is hereby authorized and required to draw his warrant on the Treasurer of State, in favor of Reuben Clark and William Craine, for the sum of six hundred and twenty dollars, payable out of any money in the Treasury not otherwise appropriated.

Approved, May 7, 1853.

## CHAPTER CI.

## AN ACT

Supplemental to an Act entitled "An Act providing a Fund for the use of a State Library," passed May first, one thousand eight hundred and fifty-two.

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

All fees collected by Secretary of State, constituted a portion of the Library Fund.

SECTION 1. All fees of whatever character, collected in the office of the Secretary of State, shall constitute a portion of the Library Fund, and be paid over into the Treasury, under the same rules and conditions as now exist in reference to fees upon Commissioners under the Act to which this is supplemental.

Fees on Commissions. To be paid previous to issuance thereof.

SEC. 2. The fees chargeable on each commission shall hereafter be five dollars, to be collected by the Secretary of State previous to the issuance of the commission.

Approved, May 11, 1853.

## CHAPTER CII.

## AN ACT

To amend an Act to fix the times of holding Court in the Eleventh Judicial District in this State, approved January fourteenth, one thousand eight hundred and fifty-three.

*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 : The terms of the District Court of the Eleventh Judicial District shall be held as follows : In the County of El Dorado, on the fourth Monday of January, the second Monday of May, the third Monday of August, and the third Monday of November in each year. In the County of Placer on the second Monday of January, the third Monday of April, the third Monday of July, and the third Monday of October in each year. In the County of Yolo, on the third Monday of March, the second Monday of August, and the third Monday of December, in each year.

Former Act amended.

Terms of District Court—  
For the county of El Dorado.

For the county of Placer.

For the county of Yolo.

Approved, May 11, 1853.

## CHAPTER CIII.

## AN ACT

Appropriating money to defray the expenses of the Government of this State.

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

SECTION 1. The sum of three hundred thousand dollars is hereby appropriated to defray the expenses of the Government of the State of California, for the fractional fiscal year ending on the

Appropriation for fractional fiscal year 1853.

For fiscal year  
1854.

last day of June, eighteen hundred and fifty-three, and the further sum of three hundred thousand dollars, is hereby appropriated to defray in part the expenses of the Government of the State of California, for the next fiscal year commencing on the first day of July, eighteen hundred and fifty-three; both said sums of money to be paid out of the General Fund not otherwise specially appropriated by law.

Approved May 11, 1853.

## CHAPTER CIV.

### AN ACT

To amend an Act to incorporate the City of San Jose, passed March twenty-seventh, one thousand eight hundred and fifty.

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

Former Act  
amended.

Powers and  
duties of  
Common  
Council.

Fines, penalties  
and forfeitures.

Limit of fines,  
&c.

SECTION 1. The fifth section of an act to incorporate the City of San Jose, passed March twenty-seventh, one thousand eight hundred and fifty, is hereby amended so as to read as follows : Section 5. The said City Council shall have power to make by-laws and ordinances, not repugnant to the Constitution and Laws of the United States, or of this State—to prevent and remove nuisances; to provide for licensing, regulating and restraining theatrical and other amusements within the city; to provide for licensing any or all business not prohibited by law; to fix the amount of license tax for the same, to be apportioned and classified according to the amount of capital invested; to regulate and establish markets; to introduce water into the limits of the city, for irrigation and other purposes; to establish a Board of Health; to cause the streets to be cleaned and repaired; to remove all obstructions from the side walks; and to provide for the construction, repair and cleaning of the same and of the gutters, at the expense of the respective holders of the property fronting on the streets; to impose and appropriate fines, penalties and forfeitures for breaches of their ordinances; and to provide for punishment of breaches of the city ordinances; *Provided*, that no fine shall be imposed of more than five hundred dollars, and no offender be imprisoned for a longer time than ten days; to levy and collect

taxes ; to lay out, extend, alter or widen streets or alleys ; to establish and regulate a police ; to make appropriations for any object of city expenditure ; to erect and maintain poor houses and hospitals ; to prevent the introduction and spreading of diseases ; and to pass such other by-laws and ordinances for the regulation of the police of said city, as they shall deem necessary ; which by-laws and ordinances shall be published in the manner to be prescribed by the aforesaid City Council.

Taxes and public improvements.

Poor Houses and Hospitals.

By-laws and Ordinances to be published.

Approved, May 11, 1853.

## CHAPTER CV.

### AN ACT

For the relief of the claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity County.

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

SECTION 1. Any person or persons holding deeds from the original claimants, or their assigns, of the town of Union, Trinity County, for lots or blocks of land in said town, and having had said deeds recorded in the record books of the town of Union, prior to the organization of Trinity County, and in the Recorder's office of said county since the organization thereof; and any person or persons holding deeds from Isaac Wilson, or his assigns, for lots or blocks of land in the town of Eureka, Trinity County, said deeds having been recorded in the Recorder's book of the town of Eureka, prior to the organization of Trinity County, and in the Recorder's office of Trinity County, since said county was organized, may commence and maintain any action for interference with, or injuries done to his or her possessions of said lots or blocks of land, against any person or persons so interfering with or injuring such lots or blocks of land or possessions.

Holder of lots in certain towns of Trinity county authorized to commence and maintain title to the same.

Approved, May 11, 1853.

## CHAPTER CVI.

## AN ACT

Supplementary to "an Act to Fund the Debt of Los Angeles County and provide for the payment thereof," passed March nineteenth, one thousand eight hundred and fifty-three.

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

County taxes shall only be appropriated to the payment of indebtedness incurred since May, 1853.

And no other tax shall be levied except the county tax authorized by former Act.

Former acts repealed.

SECTION 1. The annual tax, by law authorized to be collected in Los Angeles County, for county purposes, for the fiscal year of one thousand eight hundred and fifty-three, four, and for each year thereafter, shall be levied, collected and appropriated, only to the payment of such county indebtedness, as may be incurred subsequent to May first, one thousand eight hundred and fifty-three, and the Board of Supervisors of Los Angeles County, shall levy and collect no tax for the payment of county indebtedness, incurred prior to the date aforesaid, except the special tax authorized to be levied for that purpose by the Act to fund the debt of Los Angeles County, and provide for the payment thereof, passed March nineteenth, one thousand eight hundred and fifty-three.

SEC. 2. All Acts, and parts of Acts, inconsistent with the provisions of this Act, are hereby repealed, so far as they apply to Los Angeles County.

Approved, May 11, 1853.



## CHAPTER CVII.

## AN ACT

To abolish the Board of Supervisors in the Counties of Calaveras, Sacramento and Colusi.

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

SECTION 1. The Act entitled "An Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers," be, and the same is hereby repealed, so far as the provisions of said Act extend to the Counties of Calaveras, Sacramento and Colusi.

Board of Supervisors in the counties of Calaveras, Sacramento and Colusi, abolished.

Approved, May 11, 1853.

## CHAPTER CVIII.

## AN ACT

In relation to Personal Mortgages in certain cases.

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

SECTION 1. A mortgage for a good and valuable consideration upon possessory claims to public lands, all buildings and improvements upon such lands, all quartz claims, and all other such personal property as shall be fixed in its structure to the soil, acknowledged in manner and form as mortgages upon real estate are required by law to be acknowledged and recorded in the office of the Recorder of the County in which the property is situated, shall have the same effect against third persons as mortgages upon real property.

Certain personal mortgages to have the same effect as mortgages upon real estate.

SEC. 2. The seventeenth section of an Act entitled "An Act concerning Fraudulent Conveyances and Contracts," passed April nineteenth, one thousand eight hundred and fifty, in so far as the same conflicts with the provisions of this Act is, hereby repealed.

Section of former Act repealed.

Approved, May 11, 1853.

## CHAPTER CIX.

## AN ACT

For the payment of certain persons therein named, for labor performed and materials furnished.

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

Comptroller to issue warrant to S. C. Gray for \$48.  
To Neville and Derby for \$70.  
To J. J. Neff, \$50.  
J. S. Taylor, for \$30.  
Steamer Senator, for \$100.

SECTION 1. The Comptroller of State is hereby authorized and required to draw his Warrants upon the Treasurer in favor of S. C. Gray, for forty-eight dollars ; of Neville & Derby, for seventy dollars ; of Jno. J. Neff, for fifty dollars ; of James S. Taylor, for thirty dollars ; of steamer Senator, for one hundred dollars—payable out of the General Fund, from any money not otherwise appropriated.

Approved May 11, 1853.

## CHAPTER CX.

## AN ACT

To provide Aaron D. Blanchard and Samuel Stephens with duplicate Warrants, in lieu of certain Warrants lost or destroyed.

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

Comptroller to issue duplicate warrants to S. Stephens, for \$200 23.

To A. D. Blanchard for \$109 and \$436 25.

SECTION 1. The Comptroller of State is hereby authorized and required to draw and deliver his Warrant in favor of Samuel Stephens, upon the War Loan Fund for the sum of two hundred and nine dollars and twenty-three cents, the same to be in lieu and a duplicate of Warrant No. 434, which is supposed to be lost. Also to draw and deliver to Aaron D. Blanchard, the following duplicate Warrants upon said fund: one No. 16, in favor of Aaron D. Blanchard, for one hundred and nine dollars ; one No.

184, in favor of Aaron D. Blanchard, for four hundred and thirty-six dollars and twenty-five cents; one No. 62, in favor of Martin Hughes, for eighty-eight dollars; one No. 220, in favor of Martin Hughes, for three hundred and sixteen dollars and seventy-five cents; one No. 688, in favor of James H. Keith, for one hundred and twenty-five dollars.

M. Hughes, for \$88 and \$316 75.

To J. H. Keith, for \$125.

SEC. 2. The said Warrants shall be marked "Duplicates" by the Comptroller; and the said Samuel Stephens and Aaron D. Blanchard shall each execute to the State and deliver to the Treasurer of State their several bonds, with good and sufficient sureties to the satisfaction of the Treasurer, in a sum double the aforesaid amounts, conditional, to be paid if the Warrants claimed to be lost or destroyed, or any of them, shall ever be presented for payment.

To be marked duplicates.

Bonds to be executed to secure the State.

Approved May 11, 1858.

## CHAPTER CXI.

### AN ACT

Providing for the erection of a State Prison and declaring null and void the existing State Prison Contract.

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

SECTION 1. The Lieutenant Governor, Secretary of State, and Treasurer of State, are hereby constituted a Board of Commissioners, whose duty it shall be to enter into a contract for the erection of a State Prison.

Board of Commissioners. To enter into a contract for erection of a prison.

SEC. 2. The necessary expenses of the Commissioners, incurred in the discharge of their duty, shall be paid out of the General Fund; *Provided*, the amount paid to each Commissioner shall not exceed the sum of five hundred dollars per annum.

Expenses of Commissioners.

Amount.

SEC. 3. Said Board of Commissioners shall determine upon a suitable plan for a State Prison, and that said building shall be sufficient to accommodate at least two hundred and fifty prisoners safely, having regard to the health as well as the safety of the convicts.

Commissioners to determine upon a plan.

Capacity of prison building.

SEC. 4. After the adoption of the plan aforesaid, for the Prison Buildings, the Board of Commissioners shall advertise forty days in three of the public newspapers of this State, for proposals

Commissioners to advertise for proposals.

for erecting the Prison Buildings aforesaid, according to the plan and stipulations advertised.

Examination of proposals and award of contract.

SEC. 5. At the expiration of the time specified in section four, the Board of Commissioners shall, in the presence of the Governor, open and examine all the proposals that may have been received by them or either of them, and shall award the contract to the lowest responsible bidder; *Provided*, no proposal shall be received and noted by said Board, the amount of which shall exceed the sum of one hundred and thirty-five thousand dollars.

Amount of contract shall not exceed \$135,000.

Contract to be secured by a bond. And to be completed within a period to be determined upon by the Commissioners.

SEC. 6. The Board of Commissioners shall, on the part of the State, enter into a contract with the person or persons to whom the contract is awarded for the building of the Prison aforesaid, taking good and sufficient security for the faithful performance of the contract, and its completion within the period to be determined upon by said Board; *Provided*, such contract shall not be for a sum exceeding one hundred and thirty-five thousand dollars.

Payments to be made in bonds of the State payable in ten years, with seven per cent. interest, payable semi-annually.

SEC. 7. For the purpose of paying the contractor for the building aforesaid, it is hereby made the duty of the Treasurer of State to cause to be issued bonds of the State, of the denomination of five hundred dollars, payable ten years after date, and bearing an annual interest of seven per cent., payable, semi-annually, at the office of the Treasurer of State, which bonds shall be signed by the Governor, and countersigned by the Comptroller, and endorsed by the Treasurer of State, and shall have the same forms and validity as the bonds issued under "An Act to Fund the Indebtedness of the State," passed April twenty-ninth, one thousand eight hundred and fifty-one.

Form of bonds.

To have the same validity as the bonds of 1851.

SEC. 8. The payment to the contractor shall be made monthly, and for the purpose of ascertaining the amount due at the end of each month, it is herein made the duty of said Board of Commissioners, to ascertain and certify the same to the Comptroller of State, who shall thereupon issue his warrants on the Treasurer of State, in the sum thus certified, payable out of the bonds herein provided for; *Provided*, that the sums so paid shall not exceed eighty-five per cent. on the amount actually expended, as certified by the Board of Commissioners, until the completion of the Prison provided to be erected by this Act, unless otherwise ordered by legislative enactment.

Payments to contractor.

Commissioners to ascertain the amount of work executed, and certify the same to Comptroller.

Bonds to issue for eighty-five per cent. of the amount, unless otherwise ordered by the Legislature.

Commissioners not to be interested in the contract, &c.

SEC. 9. The Commissioners, or either of them, acting by virtue of this Act, shall not, either directly or indirectly, be in any manner interested in any contract or undertaking, either for supplies, materials, or otherwise, in the erection of the buildings herein contemplated, and any violation of this section shall be held as a felony, and upon conviction before any competent tribunal, said Commissioners, or either of them, shall be fined in a sum not less than five thousand dollars, nor more than fifteen thousand dollars, or imprisoned in the State Prison any time not less than five, nor more than ten years, or both such fine and imprisonment at the discretion of the Jury.

Penalty for violating this section.

Prison to be erected at San Quentin Point.

SEC. 10. The said Commissioners shall direct that the State

Prison shall be erected upon the present Prison grounds, at San Quintin Point, in the County of Marin, and the present excavations, and such materials as are now provided upon said grounds, by F. Vassault, shall be used in completing said Prison; *Provided*, the cost of such excavations and materials shall not exceed the sum of eighteen thousand three hundred and fifteen dollars, which sum shall be paid out of the General Fund, and in fundable scrip; and is an additional appropriation to the one hundred and thirty-five thousand dollars appropriated by this Act.

Excavations, &c., now provided, shall be used in its construction, provided the cost does not exceed \$18,315. To be paid from the General Fund, and is in addition to the \$135,000.

SEC. 11. The State Prison Contract, made and entered into by virtue of the Act entitled "An Act providing for the erection of a State Prison," passed May first, one thousand eight hundred and fifty-two, between F. Vassault, (or any other person or persons,) and the Board of Commissioners, is hereby declared to be null and void from the beginning, and of no binding force or obligation upon the State or any officer thereof.

Former contract declared null and void.

SEC. 12. The Act entitled "An Act providing for the erection of a State Prison," approved May first, one thousand eight hundred and fifty-two, is hereby repealed.

State Prison Act of 1852 repealed.

SEC. 13. There shall be levied and collected each year, a tax of four cents upon each one hundred dollars of taxable property in this State, for State Prison purposes; the money thus collected shall be called a State Prison Fund.

State tax for State Prison purposes. Amount.

SEC. 14. The Treasurer of State shall, after paying the interest as it becomes due upon the bonds authorized to be issued by this Act, set apart the residue of said fund, as a sinking fund, to be applied to the redemption of the bonds herein authorized to be issued.

After payment of interest the balance to be set apart is a sinking fund for the redemption of bonds under this Act.

SEC. 15. Thirty days prior to the first Monday in July, one thousand eight hundred and fifty-five, and thirty days prior to the first Monday of July, in each year thereafter, until the principal and interest of the debt hereby created shall be paid, the Treasurer of State shall publish in two newspapers, in the city of San Francisco, a notice specifying the amount of money on hand, and set apart for the redemption of the said bonds, and that he will receive proposals for the redemption of that amount of bonds until the first Monday of July next, after the date of the publication of such notice.

Treasurer of State to advertise yearly for proposals for the redemption of bonds issued under the Act.

SEC. 16. On the first Monday of July next, succeeding the day of the publication of the notice herein authorized to be made, the Treasurer of State shall proceed to open the bids in the presence of the Comptroller and Secretary of State, and shall make the award in favor of the person or persons whose bid or bids may be most advantageous to the State; *Provided*, that no bonds shall be redeemed by the Treasurer for more than their par value.

Treasurer to examine the bids in presence of Comptroller and Secretary of State, and award to the lowest bidder.

SEC. 17. The operation of this Act shall cease as soon as the debt hereby created and the interest thereon shall be paid.

This Act to cease when the prison debt is paid.

SEC. 18. Any person making a bid for the contract herein provided for, shall deposit a bond with sufficient security in the penal sum of ten thousand dollars, to be approved by the Commis-

Each bidder to deposit a bond that he will comply with his bid.

sioners, conditioned to the faithful compliance with his bid, if accepted, that he will abide by the bid submitted by him, and that it was made in good faith; and should his bid be the lowest and best bid, that he will abide the award of the contract made by the Commissioners; and should he refuse to comply, the bond shall be forfeited to the State and be applied to the building of said prison.

Approved, May 11, 1853.

If bid be accepted, the bond to be forfeited if not complied with.

## CHAPTER CXII.

### AN ACT

For the relief of Albert Putnam.

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

SECTION 1. The Treasurer of the county of Sacramento is hereby authorized and directed to pay over to Albert Putnam, the one-half of any moneys that may be collected on account of the forfeited recognizance, or a judgment on the same, of Fanny Smith alias Scymour, indicted in said county for shooting the said Putnam.

SEC. 2. All Acts, or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

Approved, May 11, 1853.

Forfeited recognizance to be paid to A. Putnam.

Former inconsistent Acts repealed.

## CHAPTER CXIII.

## AN ACT

## To Incorporate the City of Monterey.

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

SECTION 1. The district of country in the county of Monterey, heretofore known as the Pueblo of Monterey, and the inhabitants residing therein, shall be a corporation, under the name and style of the city of Monterey, and by that name shall be known in law, have perpetual succession, sue and be sued, complain and defend in all courts, and in all actions and proceedings, and may hold and receive property real and personal, and may lease or sell the same for the benefit of said city.

Pueblo of Monterey incorporated a city.

Corporate powers.

SEC. 2. The officers of the city of Monterey shall consist of three Trustees, one of whom shall be elected as President, one as Treasurer, and one as Clerk, and any two of them shall constitute a quorum for the transaction of business; and said Trustees shall hold office for one year, and until their successors are qualified.

Officers to consist of three Trustees, who shall act respectively as President, Treasurer and Secretary.

Any two shall form a quorum. Term of office.

Annual election.

SEC. 3. The annual election for Trustees, under the provisions of this Act, shall be held on the first Monday of June in each year, the elections shall be conducted in all respects according to the provisions of the General Election Law of the State, and the returns of said elections shall be made to the county Clerk of Monterey County, within five days after the election, and said county Clerk, within five days thereafter, shall issue a certificate of election to each of the persons elected.

Returns to be made to County Clerk, who shall issue certificates of election.

SEC. 4. No person shall be entitled to vote at any city election who is not a white male citizen of the United States, and who has not been a resident of the State six months, and of the city thirty days next preceding the election, and no person shall be eligible to the office of Trustee, who is not a qualified elector of the city; within ten days after receiving his certificate of election, and before entering upon the discharge of his duty, each Trustee shall take the oath of office, and give official bond to the city of Monterey in the sum of one thousand dollars, with at least two sufficient sureties, for the faithful discharge of his duty as Trustee; said bond to be approved of by the county Judge, or county Clerk of Monterey county, and filed in the office of said Clerk.

Qualifications of voters.

Trustees to make oath and execute bond.

To be approved by County Judge and filed in the office of County Clerk.

SEC. 5. The Trustees shall have power to pay city indebtedness, duly and legally contracted before this Act takes effect. To have possession of, protect and preserve the property of the city;

Powers of Trustees.

to pay taxes hereafter duly levied on city property for county and State purposes, and to purchase and pay for necessary blank books and stationery for the use of said Trustees, and also to pay the necessary expense of city elections. The Trustees shall also have power, to lease portions of the city lands for terms of one year, the city receiving the rents thereof.

May lease the city lands.

Trustees may dispose of portions of public property to raise money for city purposes.

Sales of property for a larger amount than is necessary declared null and void.

Sales to be made at public auction after ten days' notice.

Trustees to act as auctioneers.

Conveyances to be made for property sold before the taking effect of this Act.

Trustees may sue for recovery of property.

Trustees may contract, after submitting the question to the people, for the possession of property.

Notice of election.

Duties of Treasurer.

Duties of Clerk.

Trustees shall publish annual statements.

No debts to be contracted except those provided for by this Act.

Trustees to receive no compensation.

Vacancies in Board.

Special election.

Powers and liabilities of the corporation

SEC. 6. When it shall be necessary to raise money for the purpose stated in the preceding section, the Trustees shall have power to sell portions of the city property to the amount required to be raised and expenses of sale, and no more, and any further sale shall be invalid and null; such sales shall be at public auction in the city of Monterey, after ten days' public notice, and at such sale any of the Trustees shall have power to act as auctioneers, and if before the taking effect of this Act, the Marshal of the city of Monterey shall have sold real estate for taxes due said city and the period for redemption shall not have expired, said Trustees shall have power, and be required to give conveyances to the purchaser of the property sold, if the same shall not be redeemed within six months after said tax sale.

SEC. 7. That if at any time the Trustees shall deem it advisable to sue or defend for the recovery of any property of the city or to prevent waste thereon, they may enter into a contract with an attorney for that purpose, and also the Trustees may contract with the parties in possession of said property, or claiming the same, for compromise and settlement; but no contract authorized by this section, shall be binding on said city or the Trustees thereof, until the same shall be ratified by a majority of the votes cast at a city election called for that purpose by the Trustees, and due notice of such election, shall be given for at least five days.

SEC. 8. The Treasurer shall receive and safely keep all moneys belonging to the city, and shall pay out the same when directed by the Trustees for the purposes specified in this Act, and he shall keep an account of all moneys by him so received and expended, and the Clerk shall keep a faithful record of the proceedings of the Trustees, and the Trustees shall annually in the month of May, publish a statement in detail of their receipts and expenditures, by posting copies of the statement in three of the most public places in the city of Monterey, and the said Trustees shall have no further authority whatever, to create any further debt on the part of said city otherwise than provided for in this Act, and said Trustees shall receive no compensation for their services.

SEC. 9. In case a vacancy in the Board of Trustees, the remaining members shall order a special election to fill such vacancy, giving at least six days' notice thereof, and if said Board shall become entirely vacant, then the county Judge, or the Clerk of said county, shall order a special election to fill said Board, giving notice as aforesaid.

SEC. 10. The corporation created by this Act shall succeed to all the legal rights and claims of the Pueblo of Monterey, and



shall be subject to all the liabilities incurred and obligations created, by the Ayuntamiento of said Pueblo, and shall also succeed to all the legal rights and claims of the corporation created by the Act entitled "An Act to Incorporate the City of Monterey," passed March thirtieth, in the year one thousand eight hundred and fifty, also of the corporation created by the Act entitled "An Act to Incorporate the City of Monterey," passed April thirtieth, in the year one thousand eight hundred and fifty-one, and shall be subject to all the liabilities incurred and obligations created, under said Acts of incorporation.

created under  
this Act.

SEC. 11. As soon as the Trustees shall be elected and qualified under this Act, the former city officers shall deliver to said Trustees all moneys, documents and property in their possession belonging to the city of Monterey.

All moneys, &c.,  
held under  
former Act to be  
delivered over to  
the new Board of  
Trustees.

SEC. 12. That an Act entitled "An Act to Incorporate the City of Monterey," passed April thirtieth, in the year one thousand eight hundred and fifty-one, be, and the same is hereby repealed.

Former Act  
repealed.

SEC. 13. This Act shall take effect on the first Monday in June next.

Act to take effect.

Approved, May 11, 1853.

## CHAPTER CXIV.

### AN ACT

To divide the County of Trinity, and form a new county out of the western portion of the same, to be called Humboldt.

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

SECTION 1. There shall be formed of the western portion of the county of Trinity a new county, to be called "Humboldt."

Portion of Trinity  
county to be  
called Humboldt  
county.  
Boundaries.

SEC. 2. The boundary of the county of Humboldt shall be as follows: Commencing on the north at a point in the ocean three miles due west of the mouth of Mad river; thence due east from the point of beginning to the Trinity river; thence up the Trinity river to the mouth of the South Fork of said Trinity river, running along the eastern side of the said South Fork, one hundred feet above high water mark, to the mouth of Grouse creek; and thence in a due south direction to the fortieth degree of north latitude:

and thence due west to the Pacific ocean, and three miles therein ; and thence north to the point of beginning.

Seat of Justice to be selected by the voters of the county.

SEC. 3. The seat of justice shall be at such place as may be determined by the qualified electors of the county at the election for county officers, as provided by this Act.

Election of county officers and selection of county seat.

SEC. 4. There shall be held an election for county officers, and to determine the county seat in said county of Humboldt; on the third Monday in June of the present year, eighteen hundred and fifty-three.

Officers to be elected.

SEC. 5. At the election mentioned in the preceding section, there shall be chosen one County Judge, one District Attorney, one County Clerk, one Sheriff, one County Surveyor, one Assessor, one Treasurer, one Coroner, and one Public Administrator; also a place to be the Seat of Justice.

Board of Commissioners. To designate election precincts. Inspectors and Judges of Election. Returns and issue certificates of election.

SEC. 6. A. H. Murdock, E. F. James, James Ryan, John Kingsbury, and K. Dobbins, of the county of Humboldt, are heroby appointed and constituted a Board of Commissioners, to designate the election precincts in the said county of Humboldt for the said election, to appoint the Inspectors and Judges of election at the several precincts as designated, to receive the returns of election, and to issue certificates of election.

Election to be regulated by statute, except as provided in the preceding section.

SEC. 7. The laws of a general nature now in force regulating elections in this State, shall apply to the election ordered by this Act, except that the Board of Commissioners herein appointed shall designate the election precincts, appoint the Inspectors and Judges of Election, receive the returns of the election, issue the several certificates to the persons elected, and declare what place receives the highest number of votes for county seat.

Place of holding sessions of Board.

SEC. 8. Said Board of Commissioners shall meet and hold their sessions for the transaction of business at the town of Bucksport, in said county.

Time of meeting.

SEC. 9. The said Board of Commissioners shall meet if possible on the Monday two weeks previous to the election, or during any succeeding day of the same week; at such meeting, said Board shall appoint one of their number as president and one as clerk; a record of their proceedings shall be kept; the attendance of a majority of the members of the Board shall be necessary for the transaction of business. At the said meeting, the Board shall designate the precincts of the county, and appoint the Inspectors and Judges of such precincts.

Officers to be appointed. Record of proceedings. Majority to form a quorum.

Precincts and Inspectors of Election.

Board to give notice of election.

SEC. 10. The said Board shall, immediately after designating the precincts in their county, and appointing the Inspectors and Judges thereof, give notice of the same by posting notices at each of the said precincts.

Returns of Election, and canvassing thereof.

Tabular statement of the result to be made.

SEC. 11. Scaled returns from the officers of election may be delivered to any member of said Board. The said Board shall meet on the tenth day subsequent to the election, and the returns shall then be opened and read, and under their direction and in their presence, a tabular statement shall be made out, showing the vote given at each precinct of the county for each person, and for

each of the offices to be filled at the election, and also the entire vote given in the county for each person, and the entire vote given in the county for county seat, and for what place or places cast: The statement thus made out by such Board shall be signed by its President and Clerk. The place for which the highest number of votes shall be found to have been cast shall be the county seat.

Selection of county seat.

SEC. 12. Each person chosen shall qualify and enter upon the discharge of the duties of his office within ten days after the receipt of his certificate of election: the persons elected as county officers, as provided in this Act, shall qualify before the President of the Board, or may qualify before any officer authorized by law to administer oaths.

Persons elected to qualify within ten days.

SEC. 13. The President of the Board shall transmit without delay a copy of the tabular statement prepared as provided in section twelve, to the Secretary of State. The election returns of the county, and the tabular statement, shall be retained by the President of the Board of Commissioners of the county, until the person elected as clerk of said county has qualified and entered upon his duties, after which they shall be filed in his office.

President of the Board shall transmit statement to Secretary of State.  
(Original returns and statement to be delivered to County Clerk.

SEC. 14. The County Judge chosen under this Act shall hold office for four years from the first of January next, and until his successor is elected and qualified. The other officers elected in pursuance of this Act shall hold their respective offices for two years from the first of January next, and until their successors are elected and qualified.

Term of office of County Judge.

Of other officers.

SEC. 15. At the first term of the Court of Sessions held in Humboldt county, there shall be appointed by said court two Commissioners, to meet a corresponding number of Commissioners to be appointed by the Court of Sessions of Trinity county, for the purpose of ascertaining the present amount of indebtedness of Trinity county, a statement of which amount shall be forwarded by said Commissioners to the Court of Sessions of each of said counties. So soon as the Court of Sessions of Humboldt county shall have been so notified, said court shall issue a warrant on the treasury of said county, in favor of the Treasurer of Trinity county, for one-half of the amount of indebtedness so found, payable out of any money which may come into its possession and belonging to said Humboldt county. The said Commissioners shall meet at Weaverville, in the county of Trinity, on the first Monday of August of the present year, or as soon thereafter as practicable. Said Commissioners shall also examine the assessment roll of Trinity county for the present year, and so much of the property upon said roll as may be situated within the limits of Humboldt county, as defined by this Act, shall be stricken from said roll and placed upon a new roll, to be entitled the assessment roll of Humboldt county, which said roll shall be delivered to the Court of Sessions of said Humboldt county. The taxes due upon the property assessed in said last named roll shall be collected by the proper collecting officer of said county, and be paid into the treasury thereof.

Court of Sessions shall appoint two Commissioners to regulate debt of Trinity county.

Warrant to issue to Trinity county for portion of debt due from Humboldt county.

Duties of Commissioners.

Shall regulate assessment roll.

Collection of taxes.

SEC. 16. The county of Humboldt shall be in the eighth Ju-

Attached to the Eighth Judicial District. Attached to Trinity for judicial purposes until organized.

County officers residing in new county to continue in office.

Clerk of Trinity county to furnish copies of papers to the county of Humboldt.

judicial District of the State; until said county shall be fully organized under this Act, it shall be attached to Trinity county for all judicial purposes.

SEC. 17. All township officers chosen at the last general election for Trinity county, whose districts by this Act may be included within the present limits of Humboldt county, shall continue to hold their respective offices for said county of Humboldt during the term for which they were elected, and until their successors are elected and qualified.

SEC. 18. The Clerk of Trinity county, upon application and payment of his fees, shall transmit to the Clerk's office of the county of Humboldt, certified copies of all deeds or other papers recorded in his office as Recorder, wherein the subject matter of such deed or other paper is situate in Humboldt county. Said Clerk of Trinity county shall transmit as aforesaid all files in his office, wherein both parties reside in Humboldt county, or when the subject matter is situate in said county, and for this the Clerk shall receive the fees allowed by law. The said Clerk shall also transmit as aforesaid, and upon like conditions, all papers and files relating to unfinished actions, or proceedings in the notice of actions, whether original or on appeal, wherein both parties reside in said Humboldt county, or (of local action) where the subject matter in controversy, if situate in said county of Humboldt.

Approved May 12, 1853.

## CHAPTER CXV.

### AN ACT

Concerning the Auditing of Accounts by the Court of Sessions and Board of Supervisors.

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

Duties of District Attorney.

SECTION 1. The District Attorney, when not in attendance upon the District Court or Court of Sessions as criminal prosecutor, shall attend the sittings of the Board of Supervisors or Court of Sessions, (as the case may be,) when engaged in auditing accounts and claims brought against the county, and in all cases oppose such accounts or claims as he may deem unjust, illegal or extortionate.

SEC. 2. No District Attorney, except for his own services, shall be allowed to present any claim, account or demand for allowance against his own county, or in any way to advocate the relief asked on the claim or demand made by another.

Shall not act as attorney for claim against his own county.

SEC. 3. Any person being a citizen and tax-payer of the county in which he resides, may appear before the Board of Supervisors or Court of Sessions, (as the case may be,) and oppose the allowance of any claim or demand made against the county; *Provided, however,* that the provisions of this section shall not apply to cases, where fees are prescribed by statute.

Parties may appear and oppose claims.

Except in cases where fees are allowed by statute.

Approved, May 12, 1853.

## CHAPTER CXVI.

### AN ACT

To amend an Act entitled "An Act defining the rights of Husband and Wife," passed seventeenth April, one thousand eight hundred and fifty.

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

SECTION 1. The ninth section of the "Act defining the rights of Husband and Wife," passed on the seventeenth April, one thousand eight hundred and fifty, is amended to read as follows: The husband shall have the entire management and control of the common property, with the like absolute power of disposition, as of his own separate estate; and the rents and profits of the separate estate of either husband or wife shall be deemed common property; unless in the case of the separate property of the wife, it shall be provided by the terms of the instrument whereby such property may have been bequeathed, devised or given to her, that the rents and profits thereof shall be applied to her sole and separate use; in which case the entire management and disposal of the rents and profits of such property shall belong to the wife, and shall not be liable for the debts of the husband.

Former Act amended.

Power of husband over common property.

Income of separate property.

Wife to have entire control of bequeathed property.

Not liable for husband's debts.

Approved, May 12, 1853.

## CHAPTER CXVII.

## AN ACT

To repeal "An Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office."

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

Former Act repealed.

SECTION 1. An Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed April twenty-fifth, one thousand eight hundred and fifty-one, is hereby repealed.

Property of the State to be in charge of Secretary of State.

SEC. 2. The property of this State in buildings, furniture, and other materials, heretofore under the charge of the Superintendent of Public Buildings, shall hereafter be, and remain under the charge of the Secretary of State.

Approved, May 12, 1853.

## CHAPTER CXVIII.

## AN ACT

To change the name of Alfred Morgan to Alfred Grey Morgan.

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

Name changed.

SECTION 1. It shall be lawful for the person heretofore bearing the name of Alfred Morgan, to change the same to Alfred Grey Morgan.

Approved, May 12, 1853.

## CHAPTER OXIX.

## AN ACT

To repeal "An Act to provide for the Payment of State Prison Inspectors," approved May third, one thousand eight hundred and fifty-two.

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

SECTION 1. That "an Act to provide for the payment of State Prison Inspectors," approved May third, one thousand, eight hundred and fifty-two be, and the same is hereby repealed.

Former Act repealed.

Approved, May 12, 1853.

## CHAPTER OXX.

## AN ACT

To provide for the Construction of a Canal from Tulare lake to the waters of the San Joaquin.

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

SECTION 1. Blanton McAlpin, John Bowling, Jacob S. Cohen, Elam Covington, and William Roach, and their associates, are hereby granted, and the same to them is hereby fully confirmed, the right and privilege to construct and put in operation a canal from the Tulare lake to the waters of the San Joaquin, at such points and terminus on said waters as they may select; *Provided*, that nothing herein contained shall be construed to the prejudice of the interests of the State, or of private individuals, to any lands covered by water that may be drained by said canal.

Certain persons authorized to construct a canal.

Certain interests not to be prejudiced thereby.

SEC. 2. The said grantees shall have, and are hereby granted, for the construction of said canal, the full right of way through any and all lands belonging to this State, and also across or on

Right of way granted.

- any streets, roads, or highways established by law; *Provided*, that such streets, roads and highways shall not, in any manner, be obstructed by said grantees.
- Conditions.** SEC. 3. The said grantees shall construct and put in operation the said canal from and within three years of the passage of this Act.
- Canal to be in operation in three years.
- Grantees to be governed by "Corporation Act."
- SEC. 4. With the exception of the powers herein granted, the said grantees and constructors of said canal shall be always governed by and conform to the now existing laws of the State with regard to the Act concerning corporations.
- Donation of land to a d in constructing canal.
- SEC. 5. For the purpose of enabling the said grantees to carry into effect the construction of said canal without molestation, two hundred feet of any land belonging to the State on each side of said canal as may be constructed, is hereby granted and confirmed to said grantees; *Provided*, that said grantees shall keep open on each side of said canal a public highway, free of any expense or charge for the same.
- Public highway to be kept open.
- Grant to be annulled for violation of this Act.
- SEC. 6. Any violation of the provisions of this Act on the part of said grantees and their associates, shall be considered an annulment of this grant, and upon suit of any interested person, and proof thereof being made before any court of competent jurisdiction, the same may be declared null and void.
- Penalty for injury to property of the company.
- SEC. 7. Any person or persons who shall injure, molest, or destroy any part of said canal, or any material or property belonging thereto, shall, on conviction thereof, be punished by a fine not less than five hundred nor more than two thousand dollars, and imprisonment not less than six months nor more than twelve months for each offence, and shall likewise be liable to the party damaged in a civil action for the entire damages thereby incurred.
- Canal declared navigable.
- SEC. 8. The said canal when completed is hereby declared navigable, and the said grantees, and their associates and assigns, shall have the right to charge and receive such toll for passing through and navigating said canal, as may be fixed by the Legislature, or so long as it neglects to do so, by the Board of Supervisors of the counties within which it is located; *Provided*, said canal shall be of a uniform width of at least twenty-five feet, and of a depth of at least six feet.
- Rate of toll to be fixed by Legislature or Board of Supervisors.
- Dimensions of the Canal.
- To remain the property of grantees for fifty years.
- SEC. 9. The said canal shall remain the property of the parties herein named, their assigns or executors, for the period of fifty years, after which time it shall revert to and become the property of the State.

Approved, May 12, 1853.



## CHAPTER CXXI.

## AN ACT

## To authorize the Formation of Corporations for the Construction of Plank or Turnpike Roads.

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

SECTION 1. Nine or more persons may organize a Joint Stock Company for the construction of a plank road, a turnpike road, or a plank and turnpike road, in this State, in the following manner :

Nine or more persons may organize a Company.

SEC. 2. They shall make and subscribe their declaration of intention to organize such company, and shall designate therein what kind of road, the general route, and the termini, as nearly as practicable, and shall also designate therein a time not less than ten days after publication, and a place in one of the counties intended to be traversed by such road, for a meeting of the subscribers of the notice, for the purpose of a preliminary organization of such company, as hereinafter provided.

Declaration to be made setting forth the kind of road, the termini, and the time and place of meeting.

SEC. 3. Said notice shall be published one week or more in one or more newspapers in each of the counties intended to be traversed by such road, and if there be no newspaper published therein, then said notice shall be posted for the same period in five public places in said counties.

Notice to be published.

SEC. 4. At the time and place specified for the meeting of the subscribers, they shall proceed to the election, from their number, of a President, Secretary and Treasurer, and designate their corporate name, and shall file a certificate of the same, together with their declaration of intention, as provided in section ninth of this Act, from which time they and their successors and all officers and stockholders, shall be and remain a body corporate. The officers shall hold their offices until the final organization of the company and the election of their successors, as is hereinafter provided.

Proceedings of meeting.

Election of officers. Certificate of intentions to be filed.

Corporate powers to date from organization.

Temporary officers to serve until permanent organization.

Survey of Road.

SEC. 5. The company, after the preliminary organization, shall, as soon as practicable, cause a survey to be made of the proposed route, and shall determine the amount of capital stock required for the construction of the road, and also fix the number and valuation of shares, and to determine the period of its existence, which shall not exceed twenty years. They shall also open the books for subscriptions to stock in such company, at such time and place and in such manner, as they shall designate by vote.

Amount of capital.

The number and value of shares, and the period of existence.

Books of subscription.

SEC. 6. Until the final organization of the company, as here-

Members to be responsible for

Debts until final organization.

Notice of meeting for permanent organization to be given when capital stock is subscribed.

Officers.

Board of Directors, &c.  
By-laws.  
Stockholders to constitute organization.

Officers to be elected for one year, and to be elected annually thereafter.  
Their qualification and mode of election.

Elections.

Vacancies.

President and Secretary ex-officio members of Board.  
Stock held in trust.

Hypothecated stock.

Directors to hold over in case of non-election, and their acts declared valid.

Majority of Directors to form a quorum.

Meetings of Directors, and notices thereof.

Unless organization is made,

inafter provided, the members thereof shall be jointly and severally liable for all debts contracted prior to such final organization.

SEC. 7. As soon as the amount of the capital stock designated shall be subscribed, reasonable notice shall be given by the company to all resident stockholders of the State, in such manner as the company may direct, that a meeting of the stockholders will be held at a specified time and place, for the purpose of electing a President, Secretary and Treasurer, and a Board of not less than five Directors and officers, to fill such other offices as may be established, and of enacting by-laws for the company; and thereupon, at such specified time and place, the stockholders shall proceed to elect said officers, and perform such other acts as may be necessary for the better organization of the company. The officers specified in this section shall hold their offices one year and until their successors be elected, and thereafter such officers shall be annually elected. They shall be stockholders and residents of the State, except absent on business of the company, and shall be elected at such time and place, and upon such notice, and in such mode, as shall be decided by the by-laws of the company. But all elections shall be by ballot, and each stockholder, either in person or by proxy, shall be entitled to as many votes as he owns shares of stock. In such elections, a plurality of votes shall elect. Vacancies shall be filled in such manner as may be provided for in the by-laws. The President and Secretary of the company shall be ex-officio members of the Board of Directors, and the President and Secretary thereof. Whenever any stock is held by any person as executor, administrator, guardian or trustee, he shall represent such stock at all meetings of the company, and may vote accordingly as a stockholder. Any stockholder may pledge his stock by a delivery of the certificates or other evidence of his interest, but may nevertheless represent the same at all meetings, and vote accordingly as a stockholder.

SEC. 8. If it should happen at any time that an election shall not be made on the day designated by the by-laws of the company, the corporation shall not for that reason be dissolved; but it shall be lawful on any other day to hold an election in such manner as shall be provided for by the by-laws of the company; and all acts of Directors and officers, shall be valid and binding upon the company until their successors shall be elected. A majority of the whole number of Directors shall form a Board for the transaction of business, and every decision of a majority of the persons duly assembled as a Board, shall be valid as a corporate act.

SEC. 9. The meeting of the Directors shall be called by a notice, signed by the President or two Directors, setting forth the time and place of the meeting, which notice shall be either delivered personally to each Director, or published at least ten days in some newspaper of the county in which is the principal place of business of the corporation, or if no newspaper be published in the county, then in some newspaper nearest thereto.

SEC. 10. Unless the preliminary organization provided for in

section four of this Act, be made within one month after the publication of the original notice of declaration of intention, and unless the whole amount of capital stock designated shall be subscribed, and the final organization provided in section seven be made, within six months after such preliminary organization, and an amount equal to ten per cent. or more of the capital stock be paid in, and the survey filed within one month after such final organization, then the company shall be deemed to have abandoned its intention and shall be dissolved by operation of law.

SEC. 11. As soon as the preliminary organization shall have been made, the company shall file in the office of the County Recorder in each county traversed by such road, a copy of the original notice of declaration of intention, and a certificate of the election of officers and of the corporate name; and as soon as the final organization of said company shall have been made, and an amount equal to ten per cent. of the capital stock have been paid in, a certificate of the same, setting forth the whole amount of stock and the per centage therein paid, shall be filed as above provided in this section, and as soon as the survey and the route shall have been adopted, the same shall be filed in each county traversed by the road. Immediately after the filing of the notice, certificates and surveys, the Recorder of the county first in alphabetical order, shall certify to the Secretary of State the fact of the complete organization of the company, as appearing on record in his office.

SEC. 12. The company shall have power—

First. To sue and be sued, in any court.

Second. To make and use a common seal, and alter the same at pleasure.

Third. To purchase, hold, sell and convey, such real and personal estate, as the purposes of the corporation shall require.

Fourth. To appoint such officers, agents and servants, as the business of the corporation shall require, to define their powers, prescribe their duties, and fix their compensation.

Fifth. To require of them such security as may be thought proper for the fulfilment of their duties, and to remove them at will, except that no officer or Director shall be removed from office unless by a vote of a majority of the stockholders.

Sixth. To make by-laws not inconsistent with the laws of this State, for the organization of the company, the management of its property, the regulation of its affairs, the transfer of its stock, and for carrying on all kinds of business within the objects and purposes of the company.

SEC. 13. The stock of the company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the company; but no transfer shall be valid except between the parties thereto, until the same shall have been so entered on the books of the company, as to show the names of the parties by and to whom transferred, the number and designation of the shares, and the date of the transfer; and no such

stock  
subscribed, and  
ten per cent.  
expended within  
a given time, the  
company  
declared  
dissolved.

Certificate, &c.  
to be filed with  
the Recorder  
setting forth  
proceedings of  
the company,  
and that certain  
provisions of the  
law have been  
complied with.

Recorder to  
forward certified  
copy to Secretary  
of State.

Corporate  
powers of the  
company.

Stock of  
company  
deemed personal  
estate.  
Transfer of  
shares.

Not to affect mechanic's liens, &c.

Collections of subscriptions and powers of the company in enforcing the payment thereof.

Penalty for default.

Mode of sale of forfeited shares.

Location of road.

Company may take possession of land necessary for the completion of road.

Commissioners to determine the value of the same.

Their power and proceedings.

To report to County Court.

Proceedings thereon.

Property injured by construction of road and compensation therefor.

transfer shall be deemed valid to the prejudice of any mechanic's lien, or debt due to laborers on said property.

SEC. 14. The company shall have power to call in and demand from the stockholders the sums by them subscribed, at such times, and in such payments or instalments as they may deem proper. Notice of each assessment shall be given to the stockholders personally, or shall be published once a week for at least four weeks, in some newspaper published at the place designated as the principal place of business of the corporation, or if none be published there, in some newspaper nearest to such place. If after such notice has been given, any stockholder shall make default in the payment of the assessment upon the shares held by him, so many of such shares may be sold as will be necessary for the payment of the assessment on all the shares held by him. The sale of said shares shall be made as prescribed in the by-laws of the company: *Provided*, that no sale shall be made except at public auction to the highest bidder, after a notice of thirty days, published as above directed in this section, and that at such sale, the person who will agree to pay the assessment so due, together with the expense of advertisement and the other expenses of sale, for the smallest number of whole shares, shall be deemed the highest bidder.

SEC. 15. The company shall have power to locate its contemplated road, in such manner and place as may be designated by its engineer, and approved by the company, following the general route and termini described in the original notice, and for that purpose they may enter upon and take possession of any land or real estate. If the same be private and individual property, and the right of way over and through it be not obtained by agreement, the company shall petition the County Court of the county in which the land may be situated, setting forth all such cases of disagreement in such county, and praying the court to appoint three Commissioners to assess the damages arising from the taking of such right of way, and such court 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 such taking, and to award the amount of the same to the person or persons entitled thereto, and for this purpose said Commissioners shall have power to administer oaths. The Commissioners shall make their report to the court, and the same shall be affirmed, or set aside for cause shown, and if set aside, a new commission shall be appointed, who shall proceed in like manner; and as soon as such award shall be affirmed, it shall have the effect of a judgment, and execution may be issued thereupon by the Clerk of the court.

SEC. 16. The company shall not locate their road through any house or orchard, or through any yard or garden within fifty feet of any dwelling house, or through or over any mining claim, ditch, flume or aqueduct, carrying water for mining or other purposes, so as to hinder or obstruct the working of such claim, or

the running of such water, without the consent of the owner thereof, or the approval of two or three commissioners, to be appointed by the Court of Sessions for such purpose; and should such approval be obtained, and the road be located, the damages shall be assessed by the last named commissioners, and collected in the same manner as is provided in section fifteen of this Act.

To be assessed by the Commissioners appointed under the Act.

SEC. 17. Whenever any survey or location of such road shall touch, lap, or cover any portion of any public road or highway established under the laws of this State, the Court of Sessions of the county may order the survey and re-location of such public road, to straighten the line of the same in such manner as shall not conflict with the plank or turnpike road; the expense of the survey, re-location, and opening of such public road, shall be paid by the company or corporation designing to use the original track of such road. Whenever any road contemplated in this Act shall cross any public road or highway, except in cutting off an arc, bend, or irregularity in such public road, the company shall so construct its road that animals and vehicles can pass over the same, without hindrance, inconvenience or delay.

Roads and highways affected by the construction of roads under the Act.

SEC. 18. The company shall have full power to bridge any stream or river on their adopted route, and to determine all matters touching the construction of their road, including the width, and the manner and the style in which the same may be built, and the regulations of tolls and toll gates, together with such other powers as are now provided by law.

Construction of road and regulation of tolls.

SEC. 19. The Board of Directors shall exercise the corporate powers of the company, with such limitations and restrictions, and to the extent only, that may be prescribed in the by-laws of the company. It is expressly understood that the Directors and officers have no powers except such as are given by the stockholders in their resolutions and by-laws. The Secretary of the company shall file a copy of the by-laws, and all amendments thereto, with the County Recorder of each county traversed by the road, for public inspection, from which filing, all contracts made by Directors, or any officers or agents of the company, in behalf of the company, must be entered into under the powers and by the authority conferred in such by-laws, otherwise all such contracts shall be null and void as against the company, but valid and binding as against each and all the Directors, officers or agents, who made such contract or did not dissent therefrom. A majority of votes at any legal meeting shall be required for the valid enactment of by-laws, passage of resolutions, and in all proceedings of the company:—*Provided*, that said Board of Directors shall not be empowered in any manner, to mortgage, or otherwise to hypothecate the property of the company, until twenty-five per cent. of the capital stock has been paid in and vested in the construction of said road, nor then, unless by a vote of two-thirds in interest of the stockholders.

Board of Directors to exercise the corporate powers as set forth in the by-laws of the company.

A copy of which to be filed by the Secretary in each county traversed by the road.

Contracts to be made in accordance therewith.

Or binding against Directors making the same.

Majority of votes necessary for the enactment of by-laws, &c.

Mortgages of property or hypothecation of stock not to be made unless by a vote of two-thirds of the stockholders.

SEC. 20. Each stockholder shall be individually and personally liable for his proportion of the debts and liabilities of the company,

Each stockholder responsible for his proportion

of the liabilities  
of the company.

contracted or incurred during the time that he was a stockholder; for the recovery of which, joint or several actions may be instituted and prosecuted. The liability of each shall be proportioned to the amount of stock owned respectively.

Agents not  
responsible for  
liabilities of  
stock held by  
them.

SEC. 21. No person holding stock as executor, administrator, guardian or trustee, or holding it as collateral security, or in pledge, shall be personally subject to any liability as a stockholder of the company, but the person pledging the stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estate and funds in the hands of the executor, administrator, guardian or trustee, shall be liable in like manner and to the same extent, as the testator or intestate, or the ward or person interested in the trust fund, would have been if he had been living and competent to act and hold the stock in his own name.

Record of the  
company.

SEC. 22. It shall be the duty of every company incorporated under this Act, to cause a book to be kept containing the names of all persons, alphabetically arranged, who are or shall become stockholders of the corporation, and showing the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares; which book, during the usual business hours of the day, on every day except Sunday and the Fourth of July, shall be open for the inspection of the stockholders and creditors of the company, at the office or principal place of business of the company; and any stockholder or creditor shall have the right to make extracts from such book, or to demand and receive from the Clerk or other officer having charge of such book, a certified copy of any entry made therein, such book or certified copy of any entry shall be presumptive evidence of the facts therein stated, in any action or proceeding against the company, or against any one or more stockholders.

Contents.

To be open for  
the inspection of  
stockholders and  
creditors.

Extracts may be  
made therefrom.

Record or  
certified copy  
thereof made  
evidence.

Duties of Clerk,  
and penalty for  
violation thereof.

SEC. 23. If the Clerk, or other officer having charge of such book, shall make any false entry, or neglect to make any proper entry therein, or shall refuse or neglect to exhibit the same, or to allow the same to be inspected, or extracts to be taken therefrom, or to give a certified copy of any entry therein, as provided in the preceding section, he shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the party injured a penalty of one hundred dollars, and all damages resulting therefrom; and for neglecting to keep such book for inspection as aforesaid, the corporation shall forfeit to the people the sum of one hundred dollars for every day it shall so neglect; to be sued for and recovered in the name of the people, by the District Attorney of the county in which the principal place of business of the corporation is located.

Corporation  
liable for neglect  
to keep record  
open for  
inspection.

Companies  
organized under  
this Act, may  
increase or  
diminish its  
capital stock.

Excess of  
liabilities to be  
liquidated.

SEC. 24. Any company incorporated under this Act may, by complying with the provisions herein contained, increase or diminish its capital stock to any amount which may be deemed sufficient and proper for the purpose of the corporation; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the sum to which the capital is proposed to be diminished, such amount

shall be satisfied and reduced, so as not to exceed the diminished amount of capital.

SEC. 25. Whenever it is desired to increase or diminish the capital stock, a meeting of the stockholders may be called by a notice, signed by at least a majority of the Directors, and published for at least four weeks in some newspaper published in the county where the principal place of business of the company is located; which notice shall specify the object of the meeting, the time and place where it is to be held, and the amount to which it is proposed to increase or diminish the capital; and a vote of two-thirds of all the shares of stock shall be necessary to an increase or diminution of the amount of capital stock.

Proceedings to increase or diminish capital stock.

Vote of two-thirds necessary.

SEC. 26. If, at any meeting so called, a sufficient number of votes has been given in favor of increasing or diminishing the amount of the capital, a certificate of the proceedings, showing a compliance with these provisions, the amount of capital actually paid in, the whole amount of the debts and liabilities of the company, and the amount to which the capital stock is to be increased or diminished, shall be made out, signed and verified by the affidavit of the Chairman and Secretary of the meeting, certified by a majority of the Directors, and filed as required by the eleventh section of this Act, and when so filed, the capital stock of the corporation shall be increased or diminished to the amount specified in the certificate.

Certificate setting forth certain proceedings and information connected with the change of capital stock, to be filed in accordance with eleventh section of this Act.

SEC. 27. Upon the dissolution of any company formed under this Act, the Directors at the time of the dissolution shall be trustees of the creditors and stockholders of the corporation dissolved, and shall have full power and authority to sue for and recover the debts and property of the corporation, by the name of Trustees of such corporation; collect and pay the outstanding debts, settle all its affairs, and divide among the stockholders the money and other property that shall remain after the payment of the debts and necessary expenses.

Proceedings upon the dissolution of companies formed under this Act.

SEC. 28. Any company formed under this Act, may dissolve and disincorporate itself by presenting to the County Judge of the county in which the meetings of the company are usually held, a petition to that effect, accompanied by a certificate of its proper officers, and setting forth that at a general or special meeting of the stockholders, called for that purpose, it was decided by a vote of two-thirds of all the stockholders to disincorporate and dissolve the corporation: notice of the application shall be given them by the Clerk, which notice shall set forth the nature of the application, and shall specify the time and place at which it is to be heard, and shall be published in some newspaper in the county, or by advertisement posted up for thirty days in three of the most public places in the county. At the time and place appointed, or at any other to which it may be postponed by the Judge, he shall proceed to consider the application, and if satisfied that the corporation has taken the necessary preliminary steps, and obtained the necessary vote to dissolve itself, and that all claims against

Petition setting forth proceedings of company, after publication of notice, to be presented to County Judge, and action thereon.

the corporation are discharged, he shall enter an order declaring it dissolved.

Persons may be detained for non-payment of toll.

SEC. 29. Each toll-gatherer may detain and prevent from passing through his gate, the persons leading or driving animals or carriages subject to toll, until they shall have paid respectively the tolls authorized by law.

Rates of toll to be posted conspicuously.

SEC. 30. It shall be the duty of the President and Directors to affix and keep up, at, or over each gate, or some conspicuous place, so as to be conveniently read, a printed list of the rates of toll demanded at such gate.

Penalty for detaining travellers, and the collection of unlawful toll.

SEC. 31. Every toll-gatherer who, at any gate, shall unreasonably hinder or delay any traveller or passenger liable to the payment of toll, or shall demand and receive from any person more than by law he is authorized to collect, shall, for each offence, forfeit the sum of ten dollars to the person aggrieved.

Penalty for injury to property of corporations formed under this Act.

SEC. 32. Every person who shall—First. Wilfully break, cut down, deface, or injure any mile-stone or post on any turnpike road, or plank road; or, Second. Wilfully break, or throw down any gate on such road; or, Third. Dig up or spoil any part of such road or anything thereunto belonging; or, Fourth. Forcibly or fraudulently pass any gate thereon without having paid the legal toll, for each offence, shall forfeit to the corporation injured the sum of twenty-five dollars, in addition to the damages resulting from his wrongful act.

Penalty for avoiding payment of toll.

SEC. 33. Every person who, to avoid the payment of the legal toll, shall, with his team, carriage or horse, turn out of a turnpike road, or plank road, or pass any gate thereon on ground adjacent thereto, and again enter upon such road, shall, for each offence, forfeit the sum of five dollars to the corporation injured.

San Francisco county exempted from this Act.

SEC. 34. That portion of the county of San Francisco, lying within the corporate limits of the city of San Francisco, shall be exempt from the provisions of this Act.

Chapter four of Corporation Act of 1850, and conflicting Acts, repealed.

SEC. 35. Chapter four of an Act entitled an Act concerning Corporations, passed April twenty-second, one thousand eight hundred and fifty, and all other Laws and Acts inconsistent herewith, are hereby repealed.

Approved, May 12, 1853.



## CHAPTER CXXII.

## AN ACT

Amendatory of an Act entitled "An Act authorizing the Treasurer of the State to issue Bonds for the Payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity and Monterey Expeditions against the Indians," passed May third, one thousand eight hundred and fifty-two.

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

SECTION 1. The Secretary of State of this State is hereby added to and constituted one of the Board of Examiners under said Act, and the action of a majority of said Board shall be binding.

Secretary of State constituted one of the Board of Examiners. Action of a majority of Board declared binding.

Approved, May 12, 1853.

## CHAPTER CXXIII.

## AN ACT

To provide for the Pay and Compensation of Major James Birney, as Paymaster to Troops called into the service of this State in defending our Eastern Frontier from the hostilities of Indians, under an Act, passed March seventeenth, one thousand eight hundred and fifty-one.

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

SECTION 1. The Comptroller of State is hereby authorized and required to issue his warrant on the Treasurer of State, in favor of James Birney, for the sum of eight thousand six hundred

Comptroller to issue warrant for \$8,648.

Payable out of  
the war bonds  
issued under Act  
of 1862.

and forty-eight dollars, payable out of the war bonds, provided by  
"An Act authorizing the Treasurer of the State to issue bonds for  
the payment of the expenses of the Mariposa, Second El Dorado,  
Utah, Los Angeles, Clear Lake, Klamath and Trinity and Monte-  
rey Expeditions against the Indians."

Approved, May 13, 1853.

## CHAPTER CXXIV.

### AN ACT

#### For the relief of William Waldo.

Preamble.

*Whereas*, William Waldo, in the year one thousand eight hundred and fifty, expended a large sum of money, to wit: the sum of twenty-seven thousand dollars, to relieve certain destitute and suffering immigrants across the plains to this State; which sum has been ascertained and audited and settled by a relief committee, appointed by the people of the State of California.

*And whereas*, the Senate and Assembly of this State, by their Joint Resolution, approved March twenty-sixth, one thousand eight hundred and fifty-one, in view of the justice of refunding to said Waldo said sum, instructed the Senators and requested the representatives in Congress from this State, to endeavor to procure an appropriation from the Federal Treasury to pay this claim; which resolution has been ineffectual to procure any relief to the said Waldo.

*And whereas*, this State, by its Legislature, has repeatedly recognized its obligation to relieve the destitute immigration overland, to California, by making liberal appropriations for that purpose. Now, for the purpose of discharging a high public obligation which the Federal Government ought to have met, but which, it is believed, was created at the instance of the people of the State, and in good faith, and for the purpose of refunding to the said Waldo, a sum advanced as a great public benefaction to persons who are now citizens of the State of California, it is enacted as follows:

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

Comptroller to  
issue warrant for  
\$27,000.

SECTION 1. The Comptroller of this State is hereby authorized and directed to draw his warrant on the State Treasurer, in

favor of William Waldo, for the sum of twenty-seven thousand dollars, it being the amount advanced by him in the year one thousand eight hundred and fifty, to relieve immigrants to California.

Approved, May 13, 1853.

For amount advanced to relieve the immigrants in 1850.

## CHAPTER CXXV.

### AN ACT

To fix the Compensation of County Judges and Associate Justices of the Court of Sessions and to repeal a like Act, passed April twenty-second, one thousand eight hundred and fifty.

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

SECTION 1. The County Judges of the several counties in this State, shall receive for their services, annually, the following sums :

First. Of the county of San Francisco, six thousand dollars.

Second. Of the counties of Sacramento, San Joaquin and Mariposa, each, five thousand dollars.

Third. Of the counties of Calaveras, Tuolumne, El Dorado, Yuba and Nevada, each, four thousand dollars.

Fourth. Of the county of Placer, three thousand five hundred dollars.

Fifth. Of the counties of Butte, Shasta, Sutter, Trinity, Alameda, Contra Costa and Yolo, each, two thousand five hundred dollars.

Sixth. Of the counties of Tulare, Napa, Sonoma, Colusa, Marin, Santa Clara, and of Humboldt, (when organized) each, two thousand dollars.

Seventh. Of the counties of Los Angeles, Klamath, Siskiyou and Monterey, each, one thousand five hundred dollars.

Eighth. Of the counties of Santa Barbara and Santa Cruz, each, one thousand two hundred dollars.

Ninth. Of the counties of San Diego and San Luis Obispo, each, one thousand dollars.

SEC. 2. The County Auditor of each county shall, quarterly, on the first judicial days of the months of January, April, July

Salary for County Judge of San Francisco county. Of Sacramento, San Joaquin and Mariposa counties. Of Calaveras, Tuolumne, El Dorado, Yuba and Nevada. Of Placer county. Butte, Shasta, Sutter, Trinity, Alameda, Contra Costa and Yolo.

Of Tulare, Napa, Sonoma, Colusa, Marin, Santa Clara and Humboldt.

Of Los Angeles, Klamath, Siskiyou and Monterey.

Of Santa Barbara and Santa Cruz.

San Diego and San Luis Obispo.

County Auditor shall issue

warrant for salary quarterly.

and October of each year, draw his warrant on the County Treasurer of his county, in favor of the County Judge, for such portion of the salary of the County Judge as may be due under the provisions of this Act, which warrant shall be paid by the County Treasurer in the same manner as other warrants drawn on the County Treasury.

Salary of Associate Justices of Court of Sessions.

SEC. 3. The Associate Justices of the Court of Sessions of each county, shall each be allowed eight dollars for every day's actual attendance at the terms of court, to be paid out of the County Treasury, except in the counties of San Diego, Los Angeles, San Bernardino, Santa Barbara, San Luis Obispo, and Monterey, where they shall each be allowed three dollars for each day's attendance as aforesaid. The County Judge of their county shall certify as to the number of days of their attendance at each term, and his certificate shall be sufficient authority for the County Auditor to audit a claim and draw a warrant on the Treasury for the amount.

County Judge to certify the number of days in attendance.

Act not to affect salaries of Judges now in office.

SEC. 4. Nothing in this Act shall be so construed as to affect the salary of any County Judge now in office, but this Act shall apply to their successors to be elected hereafter: *Provided*, that the County Judges of the counties of Placer, Nevada, Trinity and Klamath, shall be entitled to receive during the remainder of their term, the salaries fixed by this Act. "An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions," passed April twenty-second, A. D., one thousand eight hundred and fifty, is hereby repealed.

Salaries of certain County Judges excepted.

Former Act repealed.

Approved, May 17, 1853.

## CHAPTER CXXVI.

### AN ACT

For the relief of Manuel Garfias, former Treasurer of Los Angeles County.

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

Comptroller to credit \$1,000 for moneys stolen.

SECTION 1. The Comptroller of State is hereby authorized and directed to credit the account of Manuel Garfias, former Treasurer of Los Angeles county, with the sum of one thousand dollars, on his settlement made with said Comptroller, on January

twenty-sixth, one thousand eight hundred and fifty-two, said sum having been stolen from said Garfias at the time of settlement aforesaid.

Approved, May 17, 1853.

## CHAPTER CXXVII.

### AN ACT

Supplementary to an Act entitled "An Act to abolish the Boards of Supervisors in the counties of Calaveras, Sacramento and Colusi," passed May eleventh, one thousand eight hundred and fifty-three.

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

SECTION 1. The Courts of Sessions of the counties of Calaveras, Sacramento and Colusi, are hereby authorized and required to perform any and all duties ; and are hereby vested with the same powers and responsibilities that were conferred on the Boards of Supervisors of their respective counties, under an Act entitled "An Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers," passed May third, one thousand eight hundred and fifty-two.

Courts of Sessions of Calaveras, Sacramento and Colusi counties vested with certain powers.

SEC. 2. The Boards of Supervisors of the counties of Calaveras, Sacramento and Colusi, are hereby required to place in the hands of the Court of Sessions of their respective counties, all books, papers, &c. they may have in their hands, or under their control, belonging to their respective counties, so soon as a certified copy of this Act shall be presented to them.

Books, papers, &c. of Board of Supervisors to be transferred to Courts of Sessions.

SEC. 3. The Secretary of State is hereby required to transmit a certified copy of this Act, and also a certified copy of the Act entitled "An Act to abolish the Boards of Supervisors in the counties of Calaveras, Sacramento and Colusi, to the Court of Sessions of each of the said counties.

Secretary of State to transmit copies of this Act.

Approved, May 17, 1853.

## CHAPTER CXXVIII.

## AN ACT

To amend an Act entitled "An Act declaring certain Rivers and Creeks navigable, passed February eighteenth, one thousand eight hundred and fifty-one.

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

**SECTION 1.** The first section of an Act entitled "An Act declaring certain Rivers and Creeks navigable," passed February eighteenth, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows: "Section 1. So much of the San José de Guadalupe River as lies between its mouth and Alviso; and so much of a slough as lies between the warehouses of Bodley and Barrows, and R. Wilson and the Bay of San Francisco; and so much of the Petaluma River as lies between its mouth and the northern boundary of the town of Petaluma, situate on the western bank of Petaluma Creek; and so much of the Sonoma river as lies between its mouth and a point opposite Fowler's Hotel, in the town of San Luis; and so much of the Napa River as lies between its mouth and the toll-bridge; and so much of the Suisun River as lies between its mouth and the town of Suisun Embarcadero; and so much of the Sacramento River as lies between its mouth and the mouth of Clear Creek; and so much of the Feather River as lies between its mouth and the northern boundary of the city of Ophir; and so much of Yuba River as lies between its mouth and a point at the mouth of the slough at the foot of A street in the city of Marysville; and so much of the San Joaquin River as lies between its mouth and the Tulare Lake; and so much of the Stockton Slough as lies between its mouth and the west line of El Dorado street, in Stockton; and so much of the Mokelumne River as lies between its mouth and the first falls; and so much of the Tuolumne River as lies between its mouth and cañon or foot of the rapids; and so much of Deer Creek as lies between the house of Peter Lassen and its mouth; and so much of the river, called the American Fork, as lies between its mouth and a point known as the "lower ford" are hereby declared navigable streams: *Provided*, that until a road shall be constructed, which can be travelled at all seasons of the year from the city of Sacramento to the town of Brighton, the part of section one of this Act which relates to the river, called the "American Fork," shall be void, and that portion of this Act shall

Former Act amended.

Certain rivers declared navigable.  
San José river.

Petaluma river.

Sonoma river.

Suisun river.

Sacramento river.

Yuba river.

San Joaquin river.  
Stockton slough.

Mokelumne river.

Tuolumne river.

Deer creek.

American Fork.

American Fork excepted until a road from Sacramento City shall be built.

read—"and so much of the river, called the American Fork, as lies between its mouth and a point opposite the town of Brighton, are hereby declared to be navigable."

Approved, May 17, 1853.

## CHAPTER CXXIX.

### AN ACT

To Fund the Debt of the County of Yolo, and Provide for the Payment thereof.

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

SECTION 1. With a few to fund the debt of the county of Yolo existing prior to the first of January, one thousand eight hundred and fifty-three, and provide for the payment thereof, the Treasurer of the county of Yolo, shall cause to be prepared bonds to the amount of fifteen thousand dollars, in denominations of twenty dollars, one hundred dollars, and two hundred dollars each, bearing interest at the rate of seven per cent. per annum, from the date of their issue. Said bonds shall be payable at the office of said Treasurer on the first day of June, one thousand eight hundred and fifty-eight. The interest accruing on said bonds shall be due and payable on the first day of June, in the year one thousand eight hundred and fifty-four; after which time, the interest shall be due and payable on the first day of June of each year, until said bonds shall be paid and liquidated. Said bonds shall be signed by the County Judge, and countersigned by the County Recorder, and shall be endorsed by the Treasurer, and shall have the seal of the county attached thereto.

SECTION 2. It shall be the duty of the Auditor to furnish to the Treasurer a certified copy of the book of records of warrants issued, and it shall be the duty of the Treasurer to examine all warrants received, and find if they are true and correct ones, issued according to law and the Auditor's book, and corresponding with the entries therein, and no others than those so issued and corresponding shall be considered true and lawful warrants to be funded; and it shall be the duty of the Treasurer and Recorder of said county each to keep a separate record of all such bonds as may be issued, showing the number, date, and amount of said bonds, and to whom the same were issued.

SECTION 3. When any interest shall be paid upon a bond issued

County Treasurer to cause bonds to be prepared to fund county debt.

Amount.

Denominations.

When and where payable.

Payment of interest.

Bonds to be signed by County Judge and Recorder, and endorsed by Treasurer.

Auditor to furnish record of warrants, and Treasurer to examine the same.

Treasurer and Recorder to keep separate records of bonds.

Payments of interest and

vouchers for the same.

under the provisions of this Act, the County Treasurer shall endorse the same upon the said bond, and shall demand and receive from the person drawing such interest a receipt for the same, which receipt shall be filed and be a proper voucher for said Treasurer.

Expenses for preparing bonds.

SEC. 4. The County Treasurer shall pay out of any moneys in the treasury not otherwise appropriated, any and all expenses that he may incur in having said bonds prepared; the sum so paid out not to exceed two hundred dollars.

Any indebtedness incurred prior to January, 1853, to be exchanged for bonds.

SEC. 5. From and after the passage of this Act, all persons having any indebtedness of the said county of Yolo, in the shape of warrants drawn by the Recorder of said county upon the County Treasurer, prior to the first day of January, one thousand eight hundred and fifty-three, shall, upon the presentation to the said Treasurer, receive in exchange therefor a bond or bonds of the county of Yolo, such as are provided for in the first section of this Act: *Provided*, that the amount so presented shall not be less than twenty dollars. The Treasurer shall endorse on the back of each bond or warrant redeemed by him, the date on which he redeemed the same, and from whom received, and also keep a record of the same, giving the number, date, and amount of the bond and warrant.

Amounts not to be less than \$20.

Redeemed bonds and warrants to be endorsed.

County Judge and Recorder to examine and cancel redeemed bonds and warrants.

SEC. 6. It shall be the duty of the County Judge and Recorder to attend at least once in each month at the County Treasurer's office, to examine all bonds and warrants received by the Treasurer as aforesaid, and cause the same to be registered and cancelled in such manner as to prevent their being re-issued or put in circulation.

Interest tax for the payment of principal and interest.

SEC. 7. In addition to the ordinary taxes for general county purposes, there shall this year, and annually thereafter, until the principal and interest of said bonds to be issued shall be fully provided for by payment or otherwise, as hereinafter provided, be collected in the same manner with the ordinary revenues of said county, and by the same officers, a special tax, to be called the "Interest Tax," of fifteen cents on each one hundred dollars of taxable property, which tax shall be collected and paid over unto the county in the legal currency of the State of California, or in gold dust at seventeen dollars per ounce. The fund derived from this tax shall be applied only to the payment of the interest to accrue upon the bonds herein provided for: *Provided, however*, that should said fund furnish a surplus over and above what may be required for the payment of said interest, such surplus shall be turned over and paid into the Sinking Fund herein provided for.

Amount.

Fund to be applied only to the payment of interest.

Surplus to be paid into Sinking Fund.

Treasurer to make arrangements for the interest sixty days before time of payment.

SEC. 8. It shall be the duty of the County Treasurer of said county of Yolo, to make certain arrangements for the payment of the interest on the said bonds when the same falls due, at least sixty days before the time of payment, and in event said interest fund is insufficient, the said Treasurer shall draw on the common or general fund of said county of Yolo for such purpose; and in the event that those funds prove inadequate, the said Treasurer, assisted by the District Attorney, is 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 Yolo.

If fund is insufficient, contracts shall be made to supply deficiency.

Sinking Fund.

SEC. 9. It shall be the duty of said Treasurer to set apart a fund, to be called the Sinking Fund of the county of Yolo. Into this fund shall be paid, First: Any and all surplus of the interest fund as aforesaid. Second: Whatever surplus may remain in the treasury of the county of Yolo on the first day of March, one thousand eight hundred and fifty-four, and on the first day of March every year thereafter, after paying the ordinary yearly expenses of the county; each of such payments to be continued until the Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds as aforesaid, and when these shall be paid and liquidated the payment shall cease, and all surplus remaining in said Sinking Fund shall be paid into the common treasury of the said county. Whenever, at any time, there shall be in the Sinking Fund a sum of money amounting to one thousand dollars or upwards, the County Treasurer shall advertise in a public newspaper published in said county, and if none be published therein, then in some paper published in Sacramento city, for the space of two weeks, for sealed proposals for the redemption of said bonds. After the expiration of the time of publication, the Treasurer shall open the sealed proposals in presence of the County Recorder, and shall pay and liquidate said bonds presented at the lowest value at which they may be proposed to be liquidated; *Provided*, the same shall not be for more than the par value; *And provided*, whenever there may be sufficient in the Sinking Fund for the extinguishment of the debt of said county, it shall be the duty of the said Treasurer to advertise in some newspaper published in the county, for the space of four weeks, for the redemption of the outstanding bonds of said county, as hereinbefore provided, after which time the said bonds shall cease to bear any interest.

Moneys composing it.

To be continued until the amount be sufficient to redeem the bonds issued under the Act.

Surplus to be paid into County Treasury.

When amount in Sinking Fund reaches \$1000, Treasurer to advertise for redemption of bonds.

Proposals and award.

When Sinking Fund will liquidate the entire debt, Treasurer to advertise for redemption of bonds.

Treasurer to keep record of Sinking Fund. To be open for inspection.

Statement of the business and condition of Fund to be published.

Commencement of this Act.

County indebtedness not to be liquidated except as provided in this Act.

SEC. 10. Full and particular account and record of said Sinking Fund shall be kept by said Treasurer, and shall at all times be open to the inspection of the public during office hours, and to any committee appointed by the Grand Jury or Court of Sessions of said county; and upon the demand of the Grand Jury or Board of Supervisors of said county, the said Treasurer and District Attorney of the county of Yolo shall cause a concise statement of the condition and business of said fund, and of the amount of bonds issued, and to whom issued, to be published in some newspaper in said county, if any be published therein, and if none, then in some newspaper published in Sacramento city.

SEC. 11. This Act shall take effect on the first day of July next ensuing, from which time it shall not be lawful for the Treasurer to pay or liquidate any of the indebtedness of the said county which accrued prior to the first of January, one thousand eight hundred and fifty-three, in any other manner than as herein provided, unless otherwise ordered by any future enactment.

Approved, May 17, 1853.

## CHAPTER CXXX.

## AN ACT

Entitled an Act to prevent persons from enticing Seamen to desert.

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

Enticing seamen, prohibited.

SECTION 1. If any person or persons shall entice any seaman to desert from any vessel, belonging to any citizen or citizens of the United States, or of any foreign country, while lying within the waters of this State, and on board of which said seaman shall have shipped for a term or voyage unexpired at the time of such enticement, such person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction, shall be sentenced for the first offence to imprisonment in the county jail, not less than two months, nor more than six months, and to a fine not less than fifty dollars, nor more than five hundred dollars; and for each subsequent offence, to imprisonment not less than six months, nor more than two years, and a fine not less than five hundred dollars, nor more than one thousand.

Penalty for violating this Act.

First offence.

Subsequent offences.

Penalty for harboring or secreting deserting seamen.

SEC. 2. Any person or persons, who shall harbor or secrete any seaman shipped as aforesaid, knowing him to be so shipped, and with a view to persuade or enable said seaman to desert, shall be deemed guilty of a misdemeanor, and punished as provided in the first section of this Act.

Approved, May 17, 1853.

## CHAPTER CXXXI.

## AN ACT

To Limit the Hours of Labor.

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

SECTION 1. Ten hours shall be considered a legal day's labor in any action in law, in any of the courts of this State. Approved, May 17, 1853.

Ten hours declared a legal day's labor.

## CHAPTER CXXXII.

## AN ACT

For the more effectual Distribution of the Laws, Journals and Public Documents of the State of California.

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

SECTION 1. For the purpose of distributing promptly and surely the Laws and Journals of this State, and all other public documents required by law to be distributed throughout the different counties of this State, the Secretary of State is hereby authorized to apportion the State into four districts, as may be found necessary for the secure and rapid dissemination of the books and documents aforesaid, and appoint an agent in each district, whose duty it shall be to deliver to the County Clerk of each county included within his district, such books and documents as are intended for distribution in the county of which he is Clerk, and take the receipt of the said Clerk for the same, which receipt shall be returned to the Secretary of State.

Secretary of State to apportion the State into districts.

And to appoint an agent to deliver to the County Clerks the public documents of the State.

SEC. 2. Immediately on the receipt of said books or documents, it shall be the duty of the County Clerk to cause the same to be distributed through his county to all officers entitled by law to receive them, and shall take their receipts for the same ; said

County Clerks to distribute to officers entitled to receive the same.

Receipts to be obtained and forwarded to Secretary of State.

receipts specifying that the book or books, so received, are to be turned over to their successors in office, and transmit said receipts to the Secretary of State to be filed in his office. And it is hereby made the duty of the Sheriff of each county to make such distribution under the direction of the Clerk aforesaid.

Agents to be employed at the lowest rates.

SEC. 3. Said agents shall be employed by the Secretary of State, at the lowest rate at which suitable and competent persons can be obtained to perform the work, and shall give bond and security in such sum as the Secretary of State shall direct, conditioned to deliver the said Laws, Journals and Documents to the several County Clerks within their respective districts, within such a length of time from the date of their reception as will be the shortest within which the work can be reasonably accomplished, having regard to the character of the county over which the distribution is to be made—said time to be fixed by the Secretary of State,—said bonds to be approved by the Secretary of State and filed in his office; provided the compensation of such agents shall not exceed, to each person, twelve dollars per day, and the total compensation to any one person shall not exceed five hundred dollars in any one year.

To give bond.

Laws, &c., to be delivered within a reasonable time.

To be fixed by Secretary of State.

Compensation.

To be paid on the certificate of Secretary of State.

SEC. 4. The agents aforesaid shall be paid for their services the amount agreed upon in Comptroller's Warrants, to be issued on the certificate of the Secretary of State, which certificate shall not be given until the said agents have produced receipts from the County Judges (or Clerks or Sheriffs as the case may be) of the different counties included within their respective districts, for all books and documents which may have come into the charge of said agents for distribution, or some other equally satisfactory evidence is produced of their proper distribution.

Agents to produce receipts for all laws, &c., placed in their charge.

Secretary of State authorized to distribute laws, &c., of this State, to public institutions, &c.

SEC. 5. The Secretary of State is hereby authorized to distribute the Public Documents, Laws, and Journals, and Reports of this State, to all Public Libraries, Institutions of Learning, Authors, Publishers, and States, which he may deem important in securing an interchange, and building up and improving the Library of this State.

In exchange.

Approved, May 17, 1853.

## CHAPTER CXXXIII.

## AN ACT

To Fund the Debt of Sutter county, and provide for the payment thereof.

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

SECTION 1. With a view to fund the present debt of the county of Sutter in this State, and provide for the payment thereof, the Treasurer of the county of Sutter shall cause to be prepared bonds, in not less than one hundred dollars nor more than one thousand dollars each, bearing interest at the rate of ten per cent. per annum from the date of their issue ; said bonds shall be payable at the office of said Treasurer on the first day of January, one thousand eight hundred and sixty-two ; the interest accruing on said bonds shall be due and payable on the first day of January, next, after which time, the interest shall be due and payable on the first days of January and July of each year, until said bonds shall be paid and liquidated ; said bonds shall be signed by the County Judge and countersigned by the County Auditor, and shall be endorsed by the Treasurer, and shall have the seal of the county attached thereto.

County Treasurer to have prepared bonds for funding county debt.  
Amounts.  
Interest.  
When payable.

Payment of interest.

Bonds to be signed by County Judge and Auditor, and endorsed by Treasurer.

Treasurer and Auditor to keep separate record.

SEC. 2. 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 amount of said bonds, and to whom the same were issued.

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 coupon shall be signed by the County Treasurer, and shall be receivable for taxes. 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 year's interest then due, and retain said coupon on file in his office.

Coupons.

Receivable for taxes.

Coupons to be detached when interest is paid. And placed on file.

SEC. 4. The County Treasurer shall pay out of any moneys in the treasury not otherwise appropriated, any and all expense that he may incur in having said bonds prepared ; the sum so paid out not to exceed three hundred dollars.

Treasurer to pay expenses for preparing bonds.

SEC. 5. From and after the time the provisions of this Act shall have effect, as provided, all persons having any indebtedness of the said county of Sutter, in the shape of bonds or warrants, drawn by the proper authorities of said county, shall, upon presentation to the said Treasurer, receive in exchange therefor a bond or bonds of the county of Sutter, such as are provided for in

County indebtedness to be exchanged for bonds.

Bonds not to be issued for less than one hundred dollars.

Redeemed warrants.

County Judge and Recorder to examine and cancel redeemed warrants.

Interest tax and Sinking Fund.

Surplus to be paid into Sinking Fund.

Payment of interest and arrangements therefor.

Sinking Fund.

Moneys composing it.

this Act; *Provided*, that the amount so presented shall not be less than one hundred dollars, *And provided*, that the said bonds to be issued shall not be less than one hundred dollars nor more than one thousand dollars each. The County Treasurer shall endorse on the back of each bond or warrant redeemed by him the date on which he redeemed the same and from whom received, and also keep a record of the same, giving the number, date, and amount of the bond or warrant.

SEC. 6. It shall be the duty of the County Judge and Auditor to attend at least once in each month at the County Treasurer's office, to examine all bonds and warrants received by the Treasurer as aforesaid, and cause the same to be registered and cancelled in such manner as to prevent their being re-issued, or put in circulation.

SEC. 7. In addition to the ordinary taxes for general county purposes, there shall this year, and annually thereafter, until the principal and interest of the said bonds to be issued shall be fully provided for by payment or otherwise, as hereinafter provided, be levied and collected in the same manner with the ordinary revenues of the said county, and by the same officers, a special tax, to be called the "Interest Tax," of twenty-five cents on each one hundred dollars of taxable property, which tax shall be collected and paid over into the county in the legal currency of the State of California, or in gold dust, at the market rate in the county. The fund derived from this tax shall be applied only to the payment of the interest to accrue upon bonds herein provided for; *Provided, however*, that should said fund furnish a surplus over and above what may be required for the payment of said interest, such surplus shall be turned over and paid into the "Sinking Fund" herein provided for.

SEC. 8. It shall be the duty of the County Treasurer of said county of Sutter, to make certain arrangements for the payment of the interest on said bonds, when the same falls due, at least sixty days before the time of payment; and in the event the said interest fund is insufficient, the said Treasurer shall draw on the common or general fund of the said county of Sutter for such purpose; and in the event that those funds prove inadequate, the said Treasurer is 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 Sutter.

SEC. 9. It shall be the duty of the said Treasurer to set apart a fund, to be called the "Sinking Fund" of the county of Sutter. Into this fund shall be paid, First: Any and all surplus of the interest fund as aforesaid. Second: Any and all moneys which may be paid into the treasury of said county from the treasury of Placer county at any time before the payment of all the bonds issued in pursuance of this Act. Third: Whatever surplus may remain in the treasury of the said county of Sutter on the first day of June, eighteen hundred and fifty-three, and on the first day of May every year thereafter, after paying the ordinary

yearly expenses of the county; each of such payments to be continued until the said Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds aforesaid; and when the same shall be paid in and liquidated, the payment shall cease, and all surplus remaining in said Sinking Fund shall be paid into the common treasury of the said county. Whenever at any time there shall be in the Sinking Fund a sum of money amounting to one thousand dollars or upwards, the County Treasurer shall advertise in a public newspaper published in said county, or in the event there be no newspaper published in said county, then he shall publish in such newspaper as the County Judge shall designate, for the space of two weeks, for sealed proposals for the redemption of said bonds. After the expiration of the time of publication, the Treasurer shall open the sealed proposals in the presence of the County Auditor, and shall pay and liquidate said bonds presented at the lowest value at which they may be proposed to be liquidated; *Provided*, the same shall not be for more than the par value; *And provided*, that should there be no proposals made for less than par value, then the payment shall be made pro rata on all bonds; *And provided*, whenever there may be sufficient in the Sinking Fund for the extinguishment of the debt of said county, it shall be the duty of the Treasurer to advertise in some newspaper published in the county, or in the event there be no newspaper published in said county, then he shall advertise in such newspaper as the County Judge may designate, for the space of four weeks, for the redemption of the outstanding bonds of said county, as hereinbefore provided, after which time said bonds shall cease to bear any interest.

Appropriation  
of Sinking Fund.

Proposals for  
redemption of  
bonds.

To be  
advertised.

Examination of  
Proposals.

If proposals are  
not less than par  
value, Sinking  
Fund to be  
distributed  
pro rata.

Liquidation of  
entire debt.

SEC. 10. True and particular account and record of Sinking Fund shall be kept by the said Treasurer, and shall at all times be open to the inspection of the County Judge and Auditor of said county, and to any committee appointed by the Grand Jury or the Court of Sessions of said county; and upon demand of the Grand Jury of said county, the Treasurer shall cause a concise statement of the condition and business of said fund, and of the amount of bonds issued, and to whom issued, to be published in one or more newspapers in said county, or in the event there be no newspaper published in said county, then he shall publish in such newspaper or newspapers as the County Judge may designate.

Treasurer shall  
keep record of  
Sinking Fund.

To be open for  
inspection.

Statement of  
Sinking Fund to  
be published.

SEC. 11. The Treasurer shall receive as compensation for duties performed under the provisions of this Act, two per cent. on the amount of debt funded as provided for in this Act.

Compensation to  
Treasurer.

SEC. 12. Immediately after the passage of this Act, the Treasurer shall advertise that after thirty days the funding of said debt will commence; from which time it shall not be lawful for the Treasurer to pay or liquidate any county warrants drawn prior to the first day of March, eighteen hundred and fifty-three, in any other manner than is herein provided, unless otherwise ordered by future enactments.

Treasurer to give  
notice of funding.

And prohibited  
from liquidating  
county  
indebtedness  
except as herein  
provided.

Approved, May 17, 1853.

## CHAPTER CXXXIV.

## AN ACT

To prevent Persons from Obstructing the Channels of Humboldt Bay and Harbor.

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

The discharging of stone, &c., from vessels prohibited.

Without consent of Pilot Commissioners.

Penalty for violating this Act.

Appropriation of fines.

SECTION 1. It shall be unlawful for any person or persons to throw overboard, or discharge from any boat or vessel, any stone, sand, clay, or other ballast, or cause the same to be done in Humboldt bay or harbor, or any of the channels thereof, below low water mark, except under the direction or written consent of one or more of the Pilot Commissioners of said bay and harbor, or by permission of the Court of Sessions.

SEC. 2. Any person or persons violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined for each offence in a sum not exceeding five hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail not exceeding thirty days, or both, at the discretion of the court.

SEC. 3. Of all fines so collected, after deducting the per centage allowed by law to the prosecuting attorney, the informer shall receive one-fourth, the county one-fourth, and the State Marine Hospital one-half thereof.

Approved, May 17, 1853.



## CHAPTER CXXXV.

## AN ACT

## Providing for the Location of the County Seat of Colusi County.

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

SECTION 1. At the next general election of State officers, in the county of Colusi, the legal voters of such county are hereby authorized to vote upon the subject of the permanent location of the County Seat of said county.

Selection of  
County Seat.

SEC. 2. At such election, a separate ballot-box shall be used in which the ballots shall be deposited : on such ballots there shall be written or printed the name of the place proposed as such County Seat, by the voters as aforesaid, and the result of such vote shall be determined in the same manner as is provided in the case of the election of county officers.

Election and  
mode of con-  
ducting the  
same.

SEC. 3. The place receiving a majority of all the legal votes cast at such election, shall, on and after the first Monday of November next succeeding such election, be the County Seat of such county, and thereafter the county offices and business required by law to be located and transacted at the County Seat, shall be so located and transacted at the place receiving the majority of such votes.

Place selected to  
be the County  
Seat from  
November next,  
and County  
Officers to reside  
thereat.

Approved, May 17, 1853.

## CHAPTER CXXXVI.

## AN ACT

To authorize the Raising of a Company of Rangers.

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

H. S. Love to organize a company of Rangers for the purpose of capturing Joaquin and his band.

SECTION 1. Captain Harry S. Love is hereby authorized and empowered to raise a Company of Mounted Rangers not to exceed twenty men, and muster them into the service of the State for the period of three months, unless sooner disbanded by order of the Governor, for the purpose of capturing the party or gang of robbers commanded by the five Joaquins, whose names are Joaquin Muriati, Joaquin Ocomorenia, Joaquin Valenzuela, Joaquin Botelier, and Joaquin Carillo, and their banded associates.

Terms of enlistment and pay of the same.

SEC. 2. Said Rangers shall furnish, at their own expense, the necessary horses, arms, equipments, ammunition, provisions, forage, &c., for the purpose named in the first section, and shall receive from the State of California the sum of one hundred and fifty dollars, each, per month, while in actual service during said three months, which shall be in full payment for all service rendered under the provisions of this Act.

Comptroller to issue warrants for services under this Act.

SEC. 3. The Comptroller of State is hereby directed to audit the accounts of said Rangers for their services upon the certificate of their commander, and shall draw his warrant upon the Treasurer of State, who is directed to pay the same out of any moneys in the treasury not otherwise appropriated.

Delivery of prisoners and property.

SEC. 4. It shall be the duty of the said Rangers upon taking any prisoners, to deliver them safely to the county authorities for trial; and upon making recovery of any stolen cattle, horses or other property, to deliver the same to the authorities of the county within which they may have been taken, and public notice shall be given as required by law.

Approved, May 17, 1853.

## CHAPTER CXXXVII.

## AN ACT

To amend the first section of an Act for the Protection of Game, approved May first, one thousand eight hundred and fifty-two.

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

SECTION 1. The first section of the Act for the Protection of Game, approved May the first, one thousand eight hundred and fifty-two, is hereby amended so as to read as follows : " It shall not be lawful for any person or persons, hereafter, to kill or destroy any of the following Game, within the times hereinafter specified, viz : quail or partridges, mallard duck, and the wood or summer duck, shall not be killed between the twentieth day of March and the first day of September in each year. Female elk, deer, and antelope, with their young, shall not be killed at any time between the first day of March and the first day of July in each year."

Former Act amended.

Killing of certain game prohibited.

At certain seasons.

Approved, May 17, 1853.

## CHAPTER CXXXVIII.

## AN ACT

Declaratory of the effect of the Repeal of Criminal Laws.

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

SECTION 1. That the repeal of any law creating a criminal offence, shall not be held to constitute a bar to the indictment and punishment of a crime already committed in violation of the law so repealed, unless the intention to bar such indictment and punishment is expressly declared in the repealing Act.

Construction of repeals of criminal laws.

Approved, May 17, 1853.

## CHAPTER CXXXIX.

## AN ACT

To provide for Security to be given by County Officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April twenty-ninth, one thousand eight hundred and fifty-one.

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

Appointees to  
vacancy to give  
bond.

SECTION 1. Upon the appointment of any person to fill a vacancy in office, before entering upon the duties of the office, the person so appointed shall give a bond corresponding in substance and form with the bond required of the same officer when originally elected or appointed, to be approved by the court or officer making the appointment.

Former Act  
amended.

SEC. 2. The fifty-fifth section of the Act entitled an Act concerning Sheriffs, passed April twenty-ninth, one thousand eight hundred and fifty-one, is amended so as to read as follows: In case of a vacancy in the office of Sheriff, the powers and duties of Sheriff shall devolve upon the Coroner of the county, and be executed by him until a new Sheriff be appointed or elected and qualified, and has given security to be approved as required by law.

Coroner to  
perform the  
duties of Sheriff  
in case of  
vacancy in that  
office.

Approved, May 17, 1853.

## CHAPTER CXL.

## AN ACT

Supplementary to "An Act to Fund the Indebtedness of the State, which has accrued, or may accrue, from April twenty-ninth, one thousand eight hundred and fifty-one, to December thirty-first, one thousand eight hundred and fifty-two, inclusive, and to provide for the Payment of the Three per cent. Bonds," approved May first, one thousand eight hundred and fifty-two.

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

SECTION 1. With a view to fund so much of the civil debt of the State, as has accrued, and remains unpaid since the thirty-first day of December, A. D. one thousand eight hundred and fifty-two, and so much as may accrue up to the thirtieth day of June, A. D. one thousand eight hundred and fifty-three, inclusive, constituting an indebtedness, drawn payable out of the "General Fund," the Treasurer of State shall cause to be prepared a sufficient number of bonds having the same forms, guarantees and provisions, as the bonds issued under said Act of May first, one thousand eight hundred and fifty-two, payable at the same time, manner, and with the same rate of interest as is provided by "An Act to fund the indebtedness of the State, which has accrued, or may accrue, from April twenty-ninth, one thousand eight hundred and fifty-one, to December thirty-first, one thousand eight hundred and fifty-two, inclusive, and to provide for the payment of the three per cent. bonds," approved May first, one thousand eight hundred and fifty-two.

Warrants issued from January to June, 1853, inclusive, may be funded under provisions of Funding Act of 1852.

Duties of State Treasurer.

SEC. 2. For the purpose of paying the interest, and to provide for the sinking fund of the funded debt, in accordance with the aforesaid Act, approved May first, one thousand eight hundred and fifty-two, there shall be levied and collected this present year, and every year thereafter, until final payment of the bonds issued in accordance with "An Act to fund the indebtedness of the State, which has accrued or may accrue from April twenty-ninth, one thousand eight hundred and fifty-one, to December thirty-first, one thousand eight hundred and fifty-two, inclusive, and to provide for the payment of the three per cent. bonds," approved May first, one thousand eight hundred and fifty two; and in accordance with this Act, an additional interest tax of ten cents on

Provision for the payment of interest and Sinking Fund.

Additional interest tax.

Amount of the  
entire interest  
tax.

each one hundred dollars of real or personal property in this State : but this section shall not be so construed as to allow, with any existing or subsequent Act, the collection of more than twenty cents in all upon each one hundred dollars, for the purpose of paying the interest, and providing for a sinking fund for the funded debt of one thousand eight hundred and fifty-two, and of this Act.

Expenses for  
bonds.

SEC. 3. The expenses incurred by the Treasurer of State in procuring the blank bonds required by this Act shall be paid out of the general fund.

Approved, May 17, 1853.

## CHAPTER CXXI.

### AN ACT

To Limit the Compensation of the Board of Supervisors  
of the County of San Francisco.

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

Per diem of  
members of  
Board of  
Supervisors.

Mileage.

Compensation  
per year.

Former Acts  
repealed.

SECTION 1. Each member of the Board of Supervisors of the county of San Francisco shall be entitled to receive for his services, for each day's necessary attendance on the business of the county, the sum of three dollars and twenty-five cents per mile in going to the county seat from his residence : *Provided*, such per diem allowance and mileage for any one year shall not exceed in the aggregate to any member of such Board, from within the limits of the city of San Francisco, the sum of two hundred dollars ; and to any member from without the limits of said city, the sum of three hundred dollars.

SEC. 2. All Acts, and parts of Acts, so far as they conflict with the above section, are hereby repealed.

Approved, May 17, 1853.

## CHAPTER CXLII.

## AN ACT

To ratify and confirm an Ordinance passed by the city of San Francisco, on the seventh day of March, one thousand eight hundred and fifty-three, authorizing the building of a Plank Road along Folsom street in said city, from First street to Centre street.

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

SECTION 1. That an Ordinance passed on the seventh day of March, one thousand eight hundred and fifty three, by the city of San Francisco, authorizing the building of a Plank Road along Folsom street in said city, from First street to Centre street, be, and the same is hereby, ratified and confirmed in all its provisions. Ordinance confirmed.  
 Approved, May 17, 1853.

## CHAPTER CXLIII.

## AN ACT

For the Relief of Charles E. Pickett.

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

SECTION 1. The Comptroller of State is hereby authorized and required to draw his warrant on the State Treasury in favor of Charles E. Pickett, for the sum of nine thousand five hundred dollars, and the Treasurer is required to pay the same out of any money in the General Fund. Comptroller to issue warrants for \$9,500.  
 Approved, May 17, 1853.

## CHAPTER CXLIV.

## AN ACT

Amendatory and Explanatory of "An Act for the Relief of William Waldo, approved [May thirteenth, one thousand eight hundred and fifty-three]; and also of an Act for the Relief of Charles E. Pickett, approved [May seventeenth, one thousand eight hundred and fifty-three.]

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

William Waldo and C. E. Pickett to execute an assignment of their claims against the United States for moneys received from this State.

SECTION 1. The Comptroller of the State is hereby authorized and required at the time of drawing warrants in favor of William Waldo and Charles E. Pickett, for the amounts specified in the aforesaid Acts, to exact and take from said Waldo and Pickett, each, his receipt for the same, setting forth the amount of relief afforded, and containing a relinquishment or waiver in favor of the State of California, to extent of such mentioned sums, of any moneys that are or may hereafter be appropriated, for such purpose, by the Congress of the United States, and authorizing the Treasurer of State to receive the same.

Bonds of 1851 to be issued for moneys received under provisions of former Acts.

SEC. 2. The Treasurer of the State is hereby authorized and required to fund the amounts specified in said Acts in bonds provided by an Act to Fund the Indebtedness of the State, passed April twenty-ninth, one thousand eight hundred and fifty-one.

Approved, May 17, 1853.

## CHAPTER CXLV.

## AN ACT

For the Relief of John Brown.

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

Comptroller to issue warrant for \$1,100.

SECTION 1. The Comptroller of State is hereby authorized and required to draw his warrant on the State Treasurer for the



sum of one thousand one hundred and fifty dollars, in favor of John Brown, Quartermaster and Commissary to the Second El Dorado Volunteers, and payable out of the "War Loan Fund."  
 Approved, May 17, 1853.

## CHAPTER CXLVI.

### AN ACT

To authorize S. G. Whipple, J. F. Wendell, and others, to build a Wharf at Crescent City in the County of Klamath.

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

SECTION 1. S. G. Whipple, J. F. Wendell, and such others as they may associate with themselves, are hereby authorized to build a Wharf at Crescent City, Klamath County, said Wharf to commence at a point on the southern terminus of B and C streets in said city, and to continue along, on, or alongside of a reef of rocks in a southern direction to what is known as Gull Rock, at the end of said reef, or so far as may be necessary to land freight from vessels on said Wharf, free from the effects of surf; *Provided*, that no such Wharf or buildings shall obstruct navigation in any manner, in any portion of the bay in front of said city; *And provided also*, that the authorities of said city shall give their assent to the construction of said Wharf.

Authorized to build wharf.

Location.

Not to obstruct navigation.

Consent of authorities.

SEC. 2. The owners of said Wharf may charge and collect such wharfage for the discharging and shipment of vessels, goods and merchandise, as may be prescribed by the authorities of said city.

Rates of wharfage.

Approved, May 17, 1853.

## CHAPTER CXLVII.

## AN ACT

To amend the fourteenth section of an Act entitled "An Act concerning the office of County Treasurers," passed March twenty-seventh, one thousand eight hundred and fifty.

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

Former Act amended.

SECTION 1. Section fourteenth of an Act entitled "An Act concerning the office of County Treasurers," passed March twenty-seventh, one thousand eight hundred and fifty, is hereby amended so as to read—No order or warrant drawn on the County Treasurer and payable out of the county revenue shall be received in payment of county tax or dues, except from the person in whose favor it was drawn, but shall be subject to redemption only in the order in which it stands registered or noted in the Treasurer's book.

County orders and warrants to be redeemed in the order of registry on books of Treasurer.

When Act to take effect.

SEC. 2. This Act shall take effect and be in force from and after the first day of June, one thousand eight hundred and fifty-three.

Approved, May 17, 1853.

## CHAPTER CXLVIII.

## AN ACT

Supplementary to "An Act to provide for the Lien of Mechanics, and others," passed April twelfth, one thousand eight hundred and fifty.

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

Former Act extended.

SECTION 1. The Act entitled "An Act to provide for the Lien of Mechanics, and others," passed April twelfth, one thousand

eight hundred and fifty, shall be extended so as to include in its provisions, bridges, ditches, flumes, or aqueducts, constructed to create hydraulic power, or for mining purposes; and all master-builders, mechanics, lumber merchants, contractors, journeymen or laborers, and all other persons performing labor, or furnishing materials for, or employed in the construction or repair of, any bridge, ditch, flume or aqueduct aforesaid, shall have the same lien, subject to the same provisions and regulations as in and by said Act, as is provided for liens upon buildings and wharves.

So as to include bridges, ditches, &c., &c.

Rights of parties under the Act.

Approved, May 17, 1858.

## CHAPTER CXLIX.

### AN ACT

To establish an Asylum for the Insane of the State of California.

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

SECTION 1. There shall be established within and for the State of California an Asylum for the Insane, by the name of the Insane Asylum of California, and all buildings belonging thereto or connected therewith shall be erected upon the grounds donated to the State in or near the city of Stockton, and the Trustees of the Stockton State Hospital and the Insane Hospital, are hereby directed to deliver to the Trustees of the Insane Asylum of California all property of every description belonging to or in anywise appertaining to the Stockton State Hospital, and the Insane Hospital, which has come under their care as provided by law; and upon delivery of said property they shall receive from the Trustees of said Asylum a receipt therefor, and shall deliver said receipt to the Comptroller of State. Accompanying said receipt shall be attached a list of the insane patients transferred to the Trustees of the Insane Asylum of California.

State Insane Asylum established.

Property of the Stockton State and Insane Hospitals to be delivered over to the Trustees created by this Act.

Receipt therefor to be delivered to State Comptroller.

SEC. 2. The administration of said Asylum shall be confined to a Board of Trustees, to be composed of five members to be chosen by the Legislature. Said Trustees shall be divided by the Legislature into two classes; the Trustees of the first class shall go out of office at the expiration of one year, so that two shall be chosen at the end of the first year and three at the end of the second year; three of whom shall be permanent citizens of Stock-

Administration of Hospital to be confined to five Trustees. How appointed.

Who shall be divided into two classes.

Term of office.

<p>Election of President and Vice President.</p> <p>Invested with corporate powers.</p> <p>Powers and duties of Board of Trustees.</p> <p>Draft of buildings.</p> <p>To be submitted to the Governor.</p> <p>Contract to be given to the lowest bidder.</p> <p>Cost of building.</p> <p>Present buildings may be completed.</p> <p>Trustees to make by-laws.</p> <p>Record of proceedings.</p> <p>Annual report to be made to the Legislature.</p> <p>Contents.</p> <p>Monthly meetings.</p> <p>Quorums.</p> <p>Legislature to elect Resident Physician.</p> <p>Term of office.</p> <p>Qualifications.</p> <p>Annual salary.</p> <p>And necessary supplies for</p>	<p>ton, or vicinity, and shall elect by ballot, from their number, a President to preside over their deliberations, and perform such duties as may be required by law and the by-laws of the institution. and a Vice President to act as President in his absence; they shall be known by the name and style of the Trustees of the Insane Asylum of California, and by that name they and their successors shall be known in law, have perpetual succession, may sue and be sued in all the courts of this State, and may receive and hold property, real and personal, for the use and benefit of said Asylum.</p> <p>SEC. 3. The Board of Trustees shall have full power to manage and administer the affairs of said Asylum. They shall cause a draft of such building or buildings to be made as they may deem necessary and proper for the Insane Asylum of California, which draft or plan shall be subject to the inspection of the Governor of the State, and if he approve the same, they may receive sealed proposals for the furnishing of the material and for the erection of the same, and the contract shall be given to the lowest responsible bidder: <i>Provided</i>, that the cost shall not exceed, when completed, the sum of fifty thousand dollars: <i>Provided</i>, that nothing herein contained shall prevent the Trustees, with the consent of the Governor, from entering into a contract with the contractor or contractors of the present Hospital buildings to complete the same in conformity with this section.</p> <p>SEC. 4. The Trustees shall have power to make by-laws for their own government and the government of the Asylum, not repugnant to the laws of the United States or of this State; they shall cause to be kept a record of their proceedings, which shall at all times be open to the inspection of a committee of the Legislature. During the first week of each session, an annual report shall be submitted to the Legislature, showing the annual receipts and expenditures, the condition of the Asylum, the number of patients admitted during the year, the number remaining in the Asylum at the date of the report, and such other matters touching the general affairs of the Asylum as they may deem advisable. They shall make a thorough visitation of the Asylum monthly; at the end of each year a full and detailed statement shall be drawn up by the Trustees and submitted to the Legislature during the first week of the session thereof; they shall have stated meetings at least once a month, and a majority shall constitute a quorum to transact business.</p> <p>SEC. 5. The Legislature shall elect on joint ballot one Resident Physician, who shall be Superintendent of the Asylum; he shall hold his office for two years, and until his successor is appointed and qualified; he shall be a graduate in medicine, and shall have practiced his profession at least five years from the date of his diploma, and he shall receive an annual salary of five thousand dollars, payable quarterly out of any moneys belonging to the Hospital Fund, or set apart by law for the use of said Asylum. Said Resident Physician shall be supplied with provisions, fuel,</p>
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household furniture, and such other necessaries as may be required for the comfort of himself and family, if he has one.

SEC. 6. The Resident Physician, who shall also be the Superintendent, shall be the chief executive officer of the Asylum; he shall have the general superintendence of the buildings, grounds and property, and the direction and control of all persons therein, subject to the laws and regulations established by the Trustees; he shall daily ascertain the condition of the patients and prescribe their treatment; he shall appoint, with the approval of the Trustees, so many assistants and attendants as he may think proper and necessary for the economical and efficient performance of the business of the Asylum, and to prescribe their several duties and places, and to fix, with the Trustees' approval, their compensation, and to discharge any of them, at his sole discretion; but in every case of discharge he shall forthwith record the same, with the reasons, under an appropriate head, in one of the books of the Asylum; he shall have power to suspend, until the next meeting of the Trustees, for good and sufficient cause, a resident officer; but in such case he shall give written notice of the fact, with its causes and circumstances, to one of the Trustees, whose duty, thereupon, shall be to call a special meeting of the Board of Trustees to provide for the exigency; he shall also, from time to time, give such orders and instructions as he may judge best calculated to insure good conduct, fidelity and economy in every department of labor and expense; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions and uniform obedience to all the rules and regulations of the Asylum; he shall cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution, to be kept regularly from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all such accounts and records are fully made up to the end of the year, and that the principal facts and results, with his report thereon, be presented to the Trustees immediately thereafter, that they may submit the same, and a report therewith, to the Legislature. The said Resident Physician shall reside within the Asylum, and shall not be allowed to engage in any private practice, but shall at all times be in attendance at said Asylum, except when he may obtain leave of absence from the Trustees; the Assistant Physician shall perform his duties and be subject to the responsibility of the Superintendent in his sickness or absence; and the said Assistant Physician may call to his aid, for the time being, such medical assistance as he may deem necessary, but the compensation to be allowed shall not exceed that given to the Assistant Physician for like services.

SEC. 7. There shall also be elected, in the same manner, an Assistant Physician, who shall be a regular graduate in medicine, and who shall have practiced his profession at least five years from the date of his diploma; he shall reside within the Asylum, and

himself and family.

Resident Physician shall also be Superintendent of Asylum.

Powers and duties.

To appoint, with the approval of Trustees, attendants, &c., to fix their compensation, and to discharge them when necessary.

May suspend a resident officer.

Written notice to be given.

To maintain order and discipline.

To keep record of the transactions and business of the institution.

Abstract to be presented to the Trustees at the end of the year.

To be submitted to Legislature.

Resident Physician. His duties.

Assistant Physician. His duties.

May obtain assistance, and compensation therefor.

Assistant Physician.

Qualifications and duties.

**Compensation.**

perform such other duties as may be directed by the Superintendent and prescribed by the by-laws. He shall have a salary of three thousand dollars per annum, payable quarterly.

**Comptroller to issue warrants for expenditures when audited by Trustees.**

SEC. 8. All vouchers for expenditures shall first be examined and approved by the Board of Trustees; and when audited, the Comptroller of State is hereby directed to draw his warrant, and the Treasurer of State to pay the same from the Asylum Fund.

**Trustees to qualify within thirty days.**

SEC. 9. Within thirty days after the passage of this Act, the Trustees shall take the oath of office, and shall immediately undertake the organization of said Asylum, in conformity with the provisions of this Act. They shall by ballot elect a Treasurer, who shall hold his office for one year, and until his successor is qualified; and who, before entering upon the duties of his office, shall give bond and security, to be approved by the Board of Trustees, in the sum of twenty thousand dollars, payable to the Trustees of said Asylum, conditioned for the faithful discharge of his duties.

**And organize the Asylum.****To elect a Treasurer.****Who shall give bond for the faithful discharge of his duties.****Treasurer to keep true accounts of expenditures, &c.****And act as Secretary of the Board.****Salary of Treasurer.****Assistant Physician may act as Treasurer and Secretary. Board of Trustees may expel any of its members.****Vacancy in Board.****Physicians may be suspended for certain causes.**

The Treasurer shall keep a correct account of the receipts and expenditures of the Asylum, together with its property, assets and revenue; he shall also act as Secretary to the Board of Trustees and of the Asylum; he shall keep the books and have charge of the accounts, and perform such duties as the Trustees may direct. The salary for the office of Treasurer and Secretary shall not exceed one thousand dollars per annum, to be paid quarterly. The Assistant Physician may be elected Treasurer and Secretary.

SEC. 10. The Board of Trustees may expel any of their members for cause, by a two-third vote of the whole number, and any vacancy in the Board may be supplied by an election by the Trustees.

SEC. 11. Should either the Resident or Assistant Physician neglect or refuse to discharge their duty, as herein prescribed, or absent themselves without the consent of the Trustees, they, or either of them, shall be suspended or removed from office at the discretion of the Trustees: *Provided*, that no such suspension or removal shall be had except by a vote of two-thirds of the whole Board, nor until the party sought to be removed shall be first heard in his own defence.

**By a vote of two-thirds of the Board.****Governor to fill vacancies.**

SEC. 12. If any vacancy shall occur in the office of Resident or Assistant Physician, such vacancy shall be filled for the unexpired term by appointment of the Governor.

**Officers elected under the Act to be citizens of the United States.****Requisites.**

SEC. 13. All officers appointed or elected under this Act shall be citizens of the United States and of this State; and shall, before entering upon their duties, take an oath of office faithfully to perform their respective trusts; and no officer shall be allowed to charge or appropriate any fee or perquisite to his own use.

**County Judge may order lunatics to be conveyed to the Insane Asylum.**

SEC. 14. The County Judge of any county in this State shall, upon application of any person under oath, setting forth that any person, by reason of insanity, is unsafe to be at large, or is suffering under mental derangement, forthwith cause the said person to be brought before him, at such time and place as he may direct; and the said County Judge shall cause to appear, at the same time

and place, two respectable physicians, who shall proceed to examine the person alleged to be insane; and if said physicians, after careful examination, shall certify on oath that the charge of insanity be correct; and if such Judge be satisfied that such person is, by reason of insanity, unsafe to be at large, shall order the lunatic person to be conveyed to and placed in the Insane Asylum of California.

Proof of insanity.

SEC. 15. The courts of this State shall have power to commit to said Asylum any person who may have been charged with an offence punishable by imprisonment or death, who shall have been found to be insane, in manner provided by law, at the time the offence was committed, and who shall continue insane.

Insane criminals may be committed to the Insane Asylum.

SEC. 16. The State shall in all cases be chargeable with the expenses incurred in the conveyance of the indigent insane to and from the Asylum, and for their maintenance during their residence in said Asylum: *Provided*, the amount charged for such expenses shall be allowed by the Trustees of said Asylum, and also in the event of the death of such insane person, the funeral expenses thereof to be paid out of the Asylum Fund.

State to be charged with the expenses of conveying lunatics to the Asylum. To be deducted from effects of deceased lunatics.

SEC. 17. Paying patients, whose friends or whose property can pay their expenses, shall pay according to the terms directed by the Trustees; but the insane poor shall in all respects receive the same medical care and treatment from the institution, and good and wholesome diet, and no record of debt shall be made against them.

Paying patients.

Insane poor, and treatment thereof.

SEC. 18. Two-fifths of all moneys which may be received, in commutation of bonds, in accordance with an Act concerning passengers arriving in the ports of the State of California, approved May third, one thousand eight hundred and fifty-two, is hereby set apart and appropriated as a fund for the Insane Asylum of California.

Certain revenues appropriated for support of the Asylum created by virtue of this Act.

SEC. 19. All laws or portions of laws conflicting or being inconsistent with this Act, are hereby repealed.

Former Acts repealed.

Approved, May 17, 1853.

## CHAPTER CL.

## AN ACT

To abolish the present State Hospitals, and to provide for liquidating the indebtedness of the same.

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

Acts relative to Stockton State Hospitals repealed.

SECTION 1. An Act to create a State Hospital in the city of Stockton, passed April thirtieth, eighteen hundred and fifty-one, is hereby repealed. An Act to authorize the Trustees of the Stockton State Hospital to erect a building for the Insane of the State, and to provide for their support, is hereby repealed. An Act to amend the twenty-second section of an Act to create a State Hospital in the city of Stockton, passed May first, eighteen hundred and fifty-two, is hereby repealed.

Acts relative to Marine Hospital at San Francisco repealed.

SEC. 2. The Acts hereinafter referred to by their titles, are hereby repealed. An Act providing for the creation of a Marine Hospital for the State of California, passed April ninth, one thousand eight hundred and fifty, is hereby repealed. An Act amendatory of section second of an Act creating a Marine Hospital for the State of California, passed April twenty-second, one thousand eight hundred and fifty, is hereby repealed. An Act amendatory of an Act providing for the creation of a Marine Hospital for the State of California, passed February seventh, one thousand eight hundred and fifty-one, is hereby repealed. An Act to amend an Act to provide a revenue for the State Marine Hospital at San Francisco, passed March twentieth, one thousand eight hundred and fifty-one, is hereby repealed. An Act to amend an Act to provide for the establishment of a State Marine Hospital at San Francisco, approved April thirtieth, one thousand eight hundred and fifty-one, is hereby repealed. An Act to create a State Hospital in the city of Sacramento, passed April fifteenth, one thousand eight hundred and fifty-one, is hereby repealed. An Act amendatory of an Act entitled an Act to create a State Hospital in Sacramento, passed April twenty-eighth, one thousand eight hundred and fifty-one, is hereby repealed. An Act amendatory of an Act entitled an Act to create a State Hospital in Sacramento, passed April fifteenth, one thousand eight hundred and fifty-one, is hereby repealed.

Acts relative to State Hospital at Sacramento repealed.

Comptroller, Treasurer of State and Attorney General constituted a Board of

SEC. 3. The Comptroller and Treasurer of State, together with the Attorney General respectively, are hereby constituted a Board of Examiners of the accounts and demands owing by each of their [these] respective State Hospitals, and the accounts and



indebtedness of the Hospitals up to the period when, by the provisions of this Act, the same are abolished, [and so much thereof as found to be just and equitable by such Board of Examiners, or a majority thereof, shall, by the provisions of this Act, the same are abolished,]\* and so much thereof as found to be just and equitable by such Board of Examiners, or a majority thereof, shall by them be certified to the State Comptroller, who shall thereupon draw his warrant on the State Treasurer in favor of the President of each Board of Trustees respectively, to be paid out of the fund provided for the support of State Hospitals, by the several Acts now in force or repealed by this Act; *Provided*, if such fund shall be insufficient to pay and discharge the full amount of such indebtedness so audited, the Treasurer of State shall, and he is hereby authorized to pay to the President of the respective Boards as aforesaid, the amount of such balance out of any moneys in the General Fund not otherwise specifically appropriated by law; *And further provided*, if upon the examination of such accounts, and the payment and discharge of all the debts of each State Hospital respectively, there shall exist any surplus funds belonging to such Hospital, the same shall be paid into the Hospital Fund of this State. *Provided further*, that no power is hereby given to the Trustees of said Hospitals to contract for any thing which is not intended for the temporary support of the sick only.

Examiners of the accounts of the Hospitals abolished by this Act.

Balances due to be paid by State Treasurer from Hospital Fund.

In case of deficiency from General Fund.

Surplus to be paid into the Hospital Fund.

Until Act takes effect, necessary articles only to be purchased.

Conflicting Acts repealed.

Commencement of the Act.

SEC. 4. All laws or portions of laws conflicting or being inconsistent with this Act, are hereby repealed.

SEC. 5. This Act shall take effect from and after the thirtieth day of June next ensuing.

Approved, May 17, 1853.

## CHAPTER CLI.

### AN ACT

To fix the Salary of the County Judge of Placer County.

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

SECTION 1. The salary of the County Judge of Placer County, for the unexpired term of his office, shall be at the rate of four thousand dollars per annum.

Salary of County Judge.

Approved, May 18, 1853.

\* The portion of this Section in brackets is evidently an error of enrollment.

### CHAPTER CLII.

#### AN ACT

To authorize the State Treasurer to Issue a Duplicate Land Warrant to S. C. Hastings.

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

Duplicate Land Warrant to be issued.

SECTION 1. The Treasurer of State is hereby authorized to issue a School Land Warrant to S. C. Hastings, to be numbered eighty-eight, and the word "duplicate" to be marked or written across the same.

To be of same force as the original.

SEC. 2. The said duplicate Land Warrant shall be of the same force and effect, and any location of land under the same shall be of the same validity as the original land warrant and the location thereof could be, provided the same had not been lost or destroyed ; and provided, that if the said original Land Warrant, number eighty-eight, issued to James Burncy under the provisions of the Act of May third, one thousand eight hundred and fifty-two, and by him assigned to S. C. Hastings, in accordance with the aforesaid Act, shall hereafter be found or produced from the hand of any *bona fide* assignee of the same from S. C. Hastings, then the duplicate warrant granted by this Act shall have no force, effect or validity whatever.

Warrant issued under this Act declared void if original be produced.

Approved, May 18, 1853.

### CHAPTER CLIII.

#### AN ACT

Requiring County Treasurers and Public Administrators to Settle their Accounts.

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

County Treasurer to settle monthly with County Auditor.

SECTION 1. County Treasurers, in their respective counties, are hereby required to settle and adjust their accounts relating to

the collection, care and disbursement of public revenue, of whatsoever nature or kind, with the County Auditor, on the first Monday of each month.

SEC. 2. Public Administrators in their respective counties are hereby required to settle and adjust their accounts relating to the collection, care and disbursement of money or property belonging to the estates of deceased persons, with the County Clerk, on the first Monday of each month.

Public Administrators to settle monthly with County Clerk.

SEC. 3. Such County Treasurers and Public Administrators, for the purpose of making such settlement, shall make out a statement under oath of the amount of money or other property received preceding such settlement, and up to the period of such settlement, the sources from whence the same was derived, the amount of payment or disbursements and to whom, with the amount remaining on hand ; such statement shall be verified by the oath of such party to be a true and correct statement of the same.

Statements under oath to be made.

Contents.

SEC. 4. Any officer as aforesaid, failing or refusing to make such statement and settlement as aforesaid, shall for the first offence, upon conviction thereof by a competent court, be deemed guilty of a misdemeanor, and punishable by a fine not less than fifty dollars nor more than five hundred dollars, and for the second offence, on conviction thereof, be liable in addition to such fine to be removed from office by the judgment of the Court of Sessions of such county.

Ponalty for violation of this Act.

Jurisdiction of Courts of Sessions.

Approved, May 18, 1853.

## CHAPTER CLIV.

### AN ACT

For the Relief of C. H. Veeder.

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

SECTION 1. The Comptroller of State is hereby required to draw his warrant on the Treasurer of State in favor of C. H. Veeder, for the sum of one hundred dollars, payable out of the General Fund.

Comptroller to issue warrant for \$100.

Approved, May 18, 1853.

## CHAPTER CLV.

## AN ACT

To Fund the Floating Debt of the County of Sacramento, and to provide for the payment of the same.

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

May fund its debt.

Commissioners.

Organization and election of officers.

Term of office.

Duration of Act.

Commissioners to issue stock.

For an amount equal to county debt.

Not to exceed, however, \$150,000.

Form and style of bonds.

Interest and coupons.

When bonds are to be redeemed.

Statement of amount of bonds issued under this Act to be furnished to County Assessor.

SECTION 1. The county of Sacramento is hereby authorized to fund its floating debt as hereinafter provided, and for this purpose John A. Read, Frank W. Page and R. B. Ellis are hereby constituted and shall be known as the Commissioners for Funding the Floating Debt of the county of Sacramento, with the powers hereinafter enumerated. They shall organize their commission by the appointment of a President and Secretary and Treasurer from their own body, and shall hold office until the first day of July, one thousand eight hundred and fifty-four, when the commission shall cease and terminate.

SEC. 2. The said Commissioners shall have power to issue, on the part of said county, certificates of stock, bearing date as of the first day of July, one thousand eight hundred and fifty-two, for an amount equal to the aggregate amount of the floating debt of the county of Sacramento which shall be due, or the consideration whereof shall have accrued, on or before the first day of May, A. D. one thousand eight hundred and fifty-three, not to exceed, however, the sum of one hundred and fifty thousand dollars; said certificates shall be in such form as the said Commissioners shall prescribe, and shall be signed by each of the said Commissioners, and each and every certificate to purport in substance as follows, namely: That the county of Sacramento owes to the holder thereof a sum to be expressed therein, not less, however, than fifty dollars, bearing an interest of seven per cent. per annum. The said interest to be payable half-yearly upon coupons annexed to such certificates, and the principal sum to be redeemable within ten years after the date of such certificate; the coupons for the payment of such certificate shall be signed by the Secretary of said Commissioners, and annexed to and delivered with each certificate.

SEC. 3. It shall be the duty of said Commissioners to furnish to the County Assessor, within the ten days following the first day of July, one thousand eight hundred and fifty-three, a statement of the amount of bonds issued in virtue of this Act, and of the amount of interest annually accruing on the same; and it shall be the duty of said Assessors, in completing their assessment list, to

include the amount of said interest with other sums now authorized by law to be raised thereon, and also an additional assessment of one-fourth of one per cent., to be set apart and appropriated in a manner as hereinafter provided for, for the gradual extinguishment of the certificates or bonds issued in virtue of this Act.

SEC. 4. Of the moneys received by the County Treasurer, arising out of the taxes annually assessed and collected, there shall be first set apart and exclusively appropriated, an amount sufficient to meet the interest due on the bonds, and no other payment shall be made from the County Treasury until such an amount is secured.

SEC. 5. On the tenth day of January, one thousand eight hundred and fifty-four, and thereafter every six months, it shall be the duty of the County Treasurer to appropriate all moneys in his hands arising out of the one-fourth of one per cent. authorized by this Act to be assessed as a sinking fund to the redemption of the bonds or certificates issued by the Commissioners; and he shall redeem said bonds or certificates by public auction, previously giving ten days' notice thereof in one newspaper published in Sacramento; the advertisement to set forth the amount in his hands for that purpose, and he shall accept such bids as shall secure the cancellation of the greatest amount of stock.

SEC. 6. It shall be the duty of the County Treasurer to cause the interest becoming due on the bonds issued by the Commissioners, to be paid at some respectable banking house in Sacramento; and he shall, prior to said interest becoming due, deposit the money received for that purpose as provided for in section four: *Provided*, no charge is made for such agency.

SEC. 7. Any person holding indebtedness of any character against the county of Sacramento, contracted for prior to the first day of May, one thousand eight hundred and fifty-three, and certified to by the Court of Sessions of said county as having been legally authorized, shall have the privilege of receiving, in lieu thereof, seven per cent. bonds or certificates, as provided for in section two: *Provided*, said parties holding evidence of the county indebtedness, certified to as above, shall present them for funding at the office of the Commissioners, within six months after the passage of this Act.

SEC. 8. On the tenth day of July, one thousand eight hundred and fifty-four, it shall be the duty of the Commissioners appointed by this Act, to turn over to the Court of Sessions of the county all the books and papers belonging to the commission, and all scrip and other evidences of county indebtedness cancelled by them by issue of bonds, and the interest thereon, and the amount of bonds issued.

SEC. 9. Upon completion of the duties imposed on the Commissioners by this Act, the Secretary shall be entitled to the sum of six hundred dollars, which sum shall include all expenses of office rent and clerk hire, and the two other Commissioners shall

Who shall include in his tax list the amount necessary for interest, and one-fourth of one per cent. for gradual liquidation of debt.

Interest to be first set apart.

Amount collected for liquidation of debt to be set apart as a Sinking Fund.

Redemption to be made at public auction, and proceedings thereon.

Payment of interest.

Indebtedness incurred previous to May, 1853, may be funded if presented within a given time.

Commissioners to transfer books, &c., to Court of Sessions.

Secretary to receive on completion of duties, \$500.

No other compensation to be allowed.

Expenses of Board.

Vacancies to be supplied by Court of Sessions.

Commissioners to execute bond.

Commissioner to advertise when finding shall commence.

Interest to cease.

not be entitled to any compensation, and the County Treasurer is hereby directed and required to pay to the said Secretary the amount as aforesaid out of the first moneys in his hands, also all the incidental expenses of the Board: *Provided*, the same does not exceed the sum of one thousand dollars.

SEC. 10. Any vacancies occurring in the Board shall be supplied by others appointed by the Court of Sessions of the county; and the Commissioners, before entering upon the duties of their office, shall give a joint and several bond in the sum of twenty-five thousand dollars, for the faithful performance of the trust imposed on them, and deposit the same with the Court of Sessions of the county. The Board of Commissioners hereinbefore appointed shall, immediately after entering upon the duties of their office, advertise in two or more public newspapers for the surrender and liquidation of the warrants or orders issued as evidences of such county indebtedness, and six months thereafter the same shall cease to bear interest.

Approved, May 18, 1853.

## CHAPTER CLVI.

### AN ACT

To apportion the Senatorial and Assembly Districts of this State.

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

Senatorial District.

First: San Diego, San Bernardino, and Los Angeles counties.

Second: Santa Barbara and San Luis Obispo counties.

Third: Monterey and Santa Cruz counties.

Fourth: Santa Clara and Alameda counties.

SECTION 1. The counties of San Diego, San Bernardino and Los Angeles, shall be the first senatorial district, and shall elect one senator. The county of San Diego, and the county of San Bernardino, shall elect one member of Assembly each; and the county of Los Angeles shall elect two members of Assembly. The counties of Santa Barbara and San Luis Obispo shall be the second senatorial district, and shall elect one senator. The counties of Santa Barbara and San Luis Obispo shall elect one member of Assembly each. The counties of Monterey and Santa Cruz shall be the third senatorial district, and shall elect one senator. The counties of Monterey and Santa Cruz shall elect one member of Assembly each. The counties of Santa Clara and Alameda shall be the fourth senatorial district, and shall elect one senator. The

county of Santa Clara shall elect two members of Assembly, and the county of Alameda shall elect one member of Assembly. The county of San Francisco shall be the fifth senatorial district, and shall elect four senators, and shall also elect nine members of Assembly. The counties of Mariposa and Tulare shall be the sixth senatorial district, and shall elect one senator. The county of Mariposa shall elect two members of Assembly, and the county of Tulare one member of Assembly. The county of Tuolumne shall be the seventh senatorial district, and shall elect two senators; and shall elect five members of Assembly. The counties of San Joaquin and Contra Costa shall be the eighth senatorial district, and shall elect one senator. The county of San Joaquin shall elect two members of Assembly; and the county of Contra Costa shall elect one member of Assembly. The county of Sacramento shall be the ninth senatorial district, and shall elect two senators, and shall also elect four members of Assembly. The counties of Solano, Napa and Yolo, shall be the tenth senatorial district, and shall elect one senator. The counties of Solano, Napa and Yolo, shall each elect one member of Assembly. The counties Sonoma, Marin and Mendocino, shall be the eleventh senatorial district, and shall elect one senator. The counties of Sonoma and Mendocino shall elect two members of Assembly, and the county of Marin shall elect one member of Assembly. The counties of Trinity, Klamath, Humboldt and Siskiyou, shall be the twelfth senatorial district, and shall elect one Senator. The counties of Trinity, Klamath, Humboldt and Siskiyou, shall elect one member of Assembly each. The counties of Colusa and Shasta shall be the thirteenth senatorial district, and shall elect one senator. The counties of Colusa and Shasta shall each elect one member of Assembly. The county of Butte shall be the fourteenth senatorial district, and shall elect one senator. The county of Butte shall elect three members of Assembly. The counties of Yuba and Sutter shall be the fifteenth senatorial district, and shall elect three senators, of whom two shall be elected by Yuba, and one by Yuba and Sutter jointly. The county of Yuba shall elect five members of Assembly, and the county of Sutter shall elect one member of Assembly. The county of Nevada shall be the sixteenth senatorial district, and shall elect two senators, and shall also elect five members of Assembly. The county of Placer shall be the seventeenth senatorial district, and shall elect two senators, and shall also elect four members of Assembly. The county of El Dorado shall be the eighteenth senatorial district, and shall elect four senators, and shall also elect eight members of Assembly. The county of Calaveras shall be the nineteenth senatorial district, and shall elect two senators, and shall also elect five members of Assembly. The county of Sierra shall be the twentieth [senatorial] district, and shall elect one senator and two members of Assembly.

Fifth: San Francisco co.

Sixth: Mariposa and Tulare counties.

Seventh: Tuolumne county.

Eighth: San Joaquin and Contra Costa counties.

Ninth: Sacramento county.

Tenth: Solano, Napa, and Yolo counties.

Eleventh: Sonoma, Marin, and Mendocino counties.

Twelfth: Trinity, Klamath, Humboldt, and Siskiyou counties.

Thirteenth: Colusa and Shasta counties.

Fourteenth: Butte county.

Fifteenth: Yuba and Sutter counties.

Sixteenth: Nevada county.

Seventeenth: Placer county.

Eighteenth: El Dorado county.

Nineteenth: Calaveras county.

Twentieth: Sierra county.

Districts to elect Senators at the next election.

SEC. 2. At the next general election, the first, second, third, seventh, ninth, tenth, twelfth, thirteenth, fourteenth, sixteenth and seventeenth districts, shall elect each one senator; the fifth,

When Senators go out of office.

How terms are to be regulated.

Senators are to be elected in 1854.

First District to have but one Senator.

fifteenth, and nineteenth districts, shall elect each two senators; and the eighteenth district shall elect three senators. Of the senators provided by this section to be elected at the next general election, four shall go out of office on the first Monday of January, one thousand eight hundred and fifty-five, to be determined by lot as follows: The three senators elected in the eighteenth senatorial district, shall determine which one shall go out of office on the first Monday of January, one thousand eight hundred and fifty-five. The senators elected in the fifteenth [senatorial] district, and the senators elected in the nineteenth [senatorial] district, shall in like manner, determine which member of each delegation shall go out of office on the first Monday of January, one thousand eight hundred and [fifty-five], and the senators elected in the first and twentieth [senatorial] districts, shall also determine by lot which one of their number shall go out of office on the first Monday of January, one thousand eight hundred and fifty-five.

SEC. 3. At the general election to be held in one thousand eight hundred and fifty-four, there shall be elected in the respective districts a number of senators corresponding to the number of those senators whose term of office expires on the first Monday in January, one thousand eight hundred and fifty-five: *Provided*, That the first senatorial district shall be entitled to but one senator on and after the first Monday in January, one thousand eight hundred and fifty-five.

Approved, May 18, 1853.

## CHAPTER CLVII.

### AN ACT

In relation to Resistance of Payment of Revenue due the State.

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

Prosecutions for violation of revenue laws may be transferred to any other county than that in which the offence was committed.

SECTION 1. Whenever the Comptroller of State, or the Attorney General of the State, shall be of opinion that any law of this State, in relation to the revenues thereof, has been so far violated as to require prosecution, as against persons charged with criminal offence or in civil action, and that justice will be promoted by the prosecution of any or all offenders in some other and adjoining county, than that in which the offence, or the neglect, or



refusal to pay may have been committed, he may designate some other and adjoining county for that purpose, and direct the proper officers or attorney to institute and prosecute in the county so designated, all violations of the provisions of any law of this State requiring criminal prosecution or civil action which have been committed, or which may be committed in another County. Civil action may be had, or bills of indictment may be found, and trials had in all respects in the county so designated by the Comptroller of State, or by the Attorney General, in the same manner as though the offences had been committed, or payment of revenue neglected, or refused, in the county in which the prosecution or civil action is had. For this purpose, the Comptroller of State or the Attorney General is authorized to call to his aid the District Attorney, or such other counsel as he may designate, and the expenses thereupon, after approval by the Governor, shall be audited and paid out of the General Fund.

Comptroller  
or Attorney  
General to  
direct  
proceedings  
and may  
obtain  
assistance  
in enforcing  
this Act.

Expenses  
to be  
approved by  
Governor.

Approved, May 18, 1853.

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## CHAPTER CLVIII.

### AN ACT

For the Permanent Location of the Seat of Government  
of the State of California.

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

SECTION 1. That the City of Benicia, situated on the Straits of Carquines, shall be, and remain the permanent Seat of Government of the State of California in accordance with the Constitution.

Benicia  
declared the  
permanent  
Seat of  
Government.

Approved, May 18, 1853.

## CHAPTER CLIX.

## AN ACT

To amend "An Act to Provide for the Redemption of Comptroller's Warrants drawn on the General Fund," passed April first, eighteen hundred and fifty-three.

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

Former Act amended.

Certain taxes herein named to be paid in gold and silver.

SECTION 1. Clause first, of section first, of the Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund, passed April first, one thousand eight hundred and fifty-three, is hereby amended so as to read as follows :

First. Excepting the Interest Tax for the Funded Debt of the years eighteen hundred and fifty-one, and eighteen hundred and fifty-two, and the Interest Tax of the State Prison Bonds of eighteen hundred and fifty-three, and the additional sum of ten cents on each one hundred dollars of valuation of taxable property levied for the payment of the interest accruing on the Funded Debt of eighteen hundred and fifty-two, and the seven per cent. bonds belonging to the School Fund, for the fiscal year of eighteen hundred and fifty-three and four, all the above Interest Tax, amounting to thirty-nine cents on each one hundred dollars of valuation of taxable property shall be paid in legal currency of the United States, or in clean gold dust at the rate of seventeen dollars and fifty cents per ounce.

Approved, May 18, 1853.

## CHAPTER CLX.

## AN ACT

To provide for the Sale of the Interest of the State of California in the Property within the water line front of the city of San Francisco, as defined in and by the act entitled "An Act to provide for the disposition of certain property of the State of California," passed March twenty-sixth, one thousand eight hundred and fifty-one.

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

SECTION 1. The Governor of the State shall, by and with the advice and consent of the Senate, appoint five persons as Commissioners, who shall hold their offices for two years, and shall have the charge and disposition of the property, and interests of property of the State of California, in the city of San Francisco, situated within the water line front as mentioned and described in section five of this Act.

Governor to appoint five Commissioners.

Who shall hold their offices for two years and have charge of certain property of the State.

They shall qualify within ten days, and

SEC. 2. Each of the said Commissioners shall, within ten days after his appointment and confirmation by the Senate, take the oath of office, as prescribed by law, before a judge of the supreme court or any district court, and shall further take the following oath or affirmation: "I, A. B., solemnly swear (or affirm) 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 of San Francisco, nor in any property sold, or to be sold under or by virtue of the act under which I am appointed, nor in any property or advantages (except my official salary as fixed by law) to result from the administration of my office, or the office of my associate Commissioners, and that I will not be so interested during my term of office." Said oath shall be endorsed in writing upon a copy of the commission of each Commissioner, and such copy and oath shall be filed in the office of the Secretary of State. A violation of the above oath in any of its parts, or any other violation of duty in office, shall be a felony, for which the person offending shall be punished by fine, not less than five thousand dollars nor more than fifty thousand dollars, and by imprisonment in the State Prison not less than six months nor more than three years. Upon probable cause

Take the oath herein contained.

Oath to be endorsed on the Commission and a copy deposited in office of Secretary of State. Penalty for violation of oath.

Governor  
may remove  
Commissioners.

Organization  
of Board.

Duties of  
President.

Duties of  
Secretary.

Record of  
proceedings  
of Board.

To be open  
for inspection.

Proceedings  
to be  
published.

Meetings  
of Board.

Commissioners  
may rent  
an office.

Commissioners  
to take  
possession  
of certain  
interests of  
the State and  
exercise the  
power  
necessary to  
carry out the  
provisions  
of this Act.

Every Act and  
conveyance of  
the Board of  
Commissioners  
to have the vote  
and signatures of  
at least three of  
the Commissioners.

Commissioners  
to ascertain the  
extent, &c., of  
property  
described in  
section five of  
this Act, and  
proceed to sell at  
public auction  
the interests of  
the State therein.

the Governor may remove any Commissioner and fill the vacancy, as in other cases according to law.

SEC. 3. The said Commissioners shall, within five days after having been sworn in, organize as a Board, by choosing a President from among their own number, and a Secretary. The duties of the President, besides those herein imposed, shall be such as may be prescribed for him by the Board, not inconsistent with this Act. The Secretary shall keep distinct and proper minutes of the proceedings of the Board, and shall record the names of every commissioner present at each meeting, and voting on each resolution, act or proceeding, and 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 provided by this Act, and as may be prescribed for him by the Board in accordance therewith. His minutes and record shall be open to public inspection during business hours, and the proceedings of said Board at each meeting shall be published in one of the city papers.

SEC. 4. The meetings of the Board shall be public, and shall be held in the city of San Francisco, and at least as often as once a month. The Board shall have power to rent an office, at an expense not to exceed one hundred dollars per month.

SEC. 5. The said Commissioners, after their appointment and confirmation, shall as speedily as possible, and they are hereby empowered to enter upon and take possession of all the property and interests of property of whatever description, of the State of California, within the line fixed by an act entitled "An Act to provide for the disposition of certain property of the State of California," passed March twenty-sixth, one thousand eight hundred and fifty-one, and defining the present water front of the city of San Francisco, and to dispose of the same, in the manner and for the purposes in this Act provided, and they are hereby authorized in and by the name of the people of the State of California, to bring and maintain all suits and proceedings at law in any Court of this State or of the United States, and to do any other act, or exercise any other power necessary to carry out the provisions of this Act.

SEC. 6. Every act of the Board of Commissioners for the disposition of the property, or interests of property of the State as herein provided, or directing the manner of its disposition, shall require the vote of at least three of the Commissioners; and every conveyance or agreement for a conveyance, executed by the Board, shall have the signatures and seals of three of the Commissioners, including the President.

SEC. 7. The Commissioners shall first ascertain the extent, nature and character, of all the property and interests of property of the State of California, situated within the line in section five of this Act referred to; and as soon as possible thereafter, they shall proceed to sell at public auction, in the city of San Francisco, all the right, title and interest of the State of California, of, in

and to, all the said property or interests of property. Such sale shall be made by lots, as the same are now laid out on the official map of said city, and where none such are so laid out, then in such lots as may be laid out by the Board in conformity with the said official map. But no open slip authorized by law to be kept open as a slip shall be sold, but the same shall remain open for the purposes of commerce until otherwise ordered by law. The terms of such sale shall be as follows: Cash, or the civil bonds of the State of California, or the civil warrants of the Comptroller of State on the Treasury. Ten per cent. to be paid on the day of sale, twenty-five per cent. in ten days thereafter, and the remaining sixty-five per cent. in three months; in default whereof, the property shall be resold at the expense and on the account of the purchaser. The acts of sale at the purchaser's expense. At least thirty days' notice of all sales shall be given in three daily newspapers in the city of San Francisco, of which the newspaper known as the "Times and Transcript" shall be one; in the newspaper known as the "Democratic State Journal," in the city of Sacramento, and in the newspaper known as the "San Joaquin Republican," in the city of Stockton. Such notices shall specify the property to be sold, by its numbers, and locality as to streets on the city map, and by such other description as shall be sufficient to fully inform purchasers, and also the time, place and conditions of sale. In closing each bid the auctioneer shall allow a sufficient time to give notice after having declared the same, and then if an advance of twenty-five dollars or more shall be bid, the bidding shall be renewed until finally closed. The compensation of the auctioneer shall not exceed one-half of one per cent. on the gross sales, to be paid by the purchaser: *Provided*. That nothing in this Act contained shall affect any lands legally appropriated for the use of wharves in the said city, prior to the passage of this Act, where the contracts under which said wharves were built have been heretofore ratified or confirmed by a statute of the State. *And, provided also*, That nothing in this Act contained shall authorize or empower the Commissioners, or any officer under this Act, to take charge of or sell any property legally sold by the authorities of the city of San Francisco, under or confirmed, or granted by the provisions of the act entitled "An Act to provide for the disposition of certain property of the State of California," passed March twenty-sixth, one thousand eight hundred and fifty-one, excepting it be the remaining interest of the State in said property, after the expiration of the estate or term granted or mentioned in said last mentioned act, and excepting also it be the property known as the Government Reserves, which remaining interest and reserves may be sold, and are not intended to be exempted from sale by this proviso.

SEC. 8. Upon a sale, the Commissioners shall make to the purchaser, as soon as such purchaser complies with the terms of sale, a conveyance, by deed of bargain and sale; such deed shall convey all the right, title and interest of the State in the premises,

Sale to be made by lots.

Open slips not to be sold.

Terms of sale.

Acts of sale.

Thirty days notice of sales to be published in.

Times and Transcript, State Journal, And Republican.

Contents of notices.

Manner of conducting sales.

Compensation of auctioneer.

Land appropriated for wharves.

Property legally sold by virtue of the provisions of former Act exempted from this Act.

Sale of property known as the Government Reserves.

Upon a compliance with the terms of sale a deed to be executed conveying the interests of the

State in the premises. To be evidence of proceedings. Right of possession.

and shall be *prima facie* evidence of the regularity of all the preliminary proceedings and sale on the part 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 and possession of real property, or for injuries thereto, may be maintained and defended in all the courts of this State having jurisdiction thereof.

Sale may be postponed.

SEC. 9. A sale regularly called and advertised, may be adjourned by public proclamation from day to day, or may be postponed in the discretion of the Commissioners, in which last case it shall be re-advertised, but it shall not be lawful for the Commissioners in any one sale, to sell and dispose of more of the property and interest of property of the State, as herein provided, than shall exceed more than the amount of three hundred and fifty thousand dollars, nor to ordain and call sales at intervals of time of less than two months, one sale from and after another: *Provided*, That the Commissioners may at any time during a public sale, pass and discontinue the sale of any property, when they deem such action to be best for the interest of the State.

To be re-advertised. Each sale not to exceed \$350,000.

And not to be made oftener than at intervals of two months. Interest of the State to be protected.

SEC. 10. The cash proceeds of all sales shall forever be and remain—

Appropriation of revenue.

First: A Sinking Fund for the payment of the three per cent. and of the seven per cent. Bonds.

First. A sinking fund, for the payment and redemption of the principal and interest of the three per cent. bonds of the State, and of the seven per cent. civil bonds, to be applied to such purposes as hereinafter provided, and in accordance with existing law: and,

Second: Balance to be paid into General Fund.

Second. After such payment and redemption, the balance if any, shall be paid into the treasury to the credit of the general fund.

Treasurer of State to attend the sales and receive the proceeds thereof.

SEC. 11. The proceeds of sales, whether bonds, warrants or money, shall be paid to the Treasurer of the State, whose duty it shall be to attend all sales under this Act, and receive all such proceeds.

Salary of Commissioners. Of the President. Of the Secretary. To be paid monthly.

SEC. 12. The salary of each of the said Commissioners shall be three thousand dollars per annum, except of the President, whose salary shall be thirty-five hundred dollars. The salary of the Secretary shall be thirty-five hundred dollars per annum. Said salaries shall be payable monthly, out of the proceeds of any sales under this Act, upon the certificate of the President and of two Commissioners.

Commissioners to file with Comptroller of State a certified statement under oath of the accounts of each sale, and other information connected therewith. They shall also report to the Legislature.

SEC. 13. The said Commissioners shall file with the Comptroller of State at the close of each sale, accounts of such sale, with the number and description of the property sold, the purchaser's name, and other needful information, of their receipts and disbursements, with all necessary vouchers, which accounts shall be sworn to and certified by the President and Secretary of the Board. They shall also make to the Legislature, the first week of the session, a full report of their transactions during the preceding year, with such suggestions as may be proper.

Attorney General to advise with Commissioners.

SEC. 14. It shall be the duty of the Attorney General of this State to aid and advise with said Commissioners, when required

by them, in carrying out the provisions of this Act, and in the prosecution and defending all suits under the same.

SEC. 15. It shall not be lawful for any judge or court of this State, to restrain or prohibit any sale of the Commissioners authorized under this Act, by any order or injunction, and if any such order or injunction shall be issued for that purpose, all officers acting under this Act may proceed with such sale, notwithstanding such injunction shall have been served on such officer.

The issuance of orders restraining Commissioners prohibited. To be disregarded if issued.

SEC. 16. So much of the property known as the Government Reserves, situate on the block bounded by Sansome, Battery, Washington and Jackson streets, as may have been selected by or on behalf of the General Government for the erection of a Custom-House, are reserved and excepted from the provisions of this Act.

Certain portion of the Government Reserves excepted from provisions of this Act.

Approved, May 18, 1853.

## CHAPTER CLXI.

### AN ACT

#### Concerning Sureties on Official Bonds.

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

SECTION 1. Whenever it shall be shown by affidavit of a credible witness, duly filed; or presented to any court, judge, board, officer, or person whose duty it is to approve the official bond of any officer, that the sureties thereon, or any of them, have, since such bond was approved, died, removed from the State, become insolvent, or from any other cause have become incompetent or insufficient sureties on such official bond, it shall be the duty of such court, judge, board, officer, or person, to issue a citation to such officer, requiring such officer, on a day therein named, not less than three nor more than ten days after date, to appear and show cause why such office shall not be vacated, which citation shall be served, and return thereof made, as in other cases. If said officer shall fail to appear and show good cause why such office should not be vacated, on the day named, or shall fail to give ample additional surety, it shall be the duty of such court, judge, board, officer, or person, to make an order vacating such

Citations may be issued on officers whose bonds are insufficient.

Additional surety to be given or the office declared vacant.

office, and the same shall be filled by election or appointment, as provided for by law.

Sureties on official Bonds may be relieved.

SEC. 2. Any surety on the official bond of a city, county, or State officer, may be relieved from liabilities thereon afterwards accruing, by complying with the following provisions of this Act.

By filing a statement setting forth certain facts.

SEC. 3. Such surety shall file with the court, judge, board, officer, person or persons authorized by law to approve such official bond, a statement in writing, setting forth the desire of the said surety to be relieved from all liabilities thereon afterwards arising, and the reasons therefor, which statement shall be subscribed and verified by the affidavit of the party filing the same.

Copy to be served on officer.

SEC. 4. A copy of the statement shall be served on the officer named in such official bond, and due return or affidavit of service made thereof, as in other cases.

Judge to issue order declaring office vacant unless a new bond be given.

SEC. 5. In ten days after the service of such notice, the court, judge, board, officer, person or persons with whom the same may be filed, shall make an order declaring such office vacant, and releasing such surety from all liability thereafter, to arise on such official bond, and such office shall thereafter be held in law as vacant, and be immediately filled by election or appointment as provided for by law, as in other cases of vacancy of such office, unless such officer shall have, before that time, given good and ample surety for the discharge of all his official duties as required originally.

Sureties to be responsible for official acts, and until order be made.

SEC. 6. This Act shall not be so construed as to release any surety from damages, or liabilities for acts, omissions, or causes existing, or which arose before the making of such order as aforesaid, but such legal proceedings may be had therefor in all respects as though no order had been made under the provisions of this Act.

County officers under the Act.

SEC. 7. Executors, administrators and guardians shall be held as county officers, within the provisions of this Act.

Approved, May 18, 1853.



## CHAPTER CLXII.

## AN ACT

Authorizing the Treasurer of the State of California to issue bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald, in the County of San Diego.

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

SECTION 1. A sum not exceeding twenty-three thousand dollars is hereby appropriated and set apart as an additional War Fund, payable at the same time and in the same manner as provided for the payment of bonds authorized by an Act entitled "an Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity, and Monterey Expeditions against the Indians," approved May third, one thousand eight hundred and fifty-two, out of any moneys which may be appropriated by Congress to the State of California, and interest thereon at the rate of seven per cent. per annum, in the suppression of Indian hostilities, or out of the proceeds of the sale of any public lands which may be donated or set apart by Congress for that purpose; and should no such appropriation or donation be made, or if any amount sufficient should not be appropriated or donated at the same time and in the same manner as provided for the payment of bonds authorized by an Act entitled "an Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity, and Monterey Expeditions against the Indians," approved May third, one thousand eight hundred and fifty-two, then bonds authorized to be issued by this Act shall be good and valid claims against the State, and shall be paid out of any money in the Treasury not otherwise appropriated, to pay the expenses and services of the first and second division of said company mentioned in this Act.

Fund set apart for the purposes of this Act.

Subject to the provisions of War Fund of 1862.

SEC. 2. Such services as may have been performed, and expenses incurred by the first and second division of said Company of Fitzgerald Volunteers, first division, commanded by Major Fitzgerald, and afterwards by Col. Cave J. Coats, and second division or detachment serving under D. B. Kurtz, in suppressing Indian Hostilities in San Diego County, shall be funded and paid in bonds bearing seven per cent. interest per annum from the date of issuing the same.

Services and expenses of the Fitzgerald volunteers to be paid in seven per cent. Bonds.

Accounts for supplies to be audited by Board of Examiners, and Bonds issued therefor.

SEC. 3. All accounts of claims for supplies must be certified to by Lewis A. Franklin, Quarter-master and Commissary of said expedition, and certificates of membership of either division shall be certified to by the officer in command of such division or detachment in the foregoing expedition, which may be examined and allowed by either branch of the present Legislature, shall again be examined by the Board of Examiners of Military War Claims, and if allowed by said Board, it is hereby made the duty of the Comptroller to issue his warrants on the Treasurer in favor of the person holding the claim, certified to by either of the herein named as allowed, payable out of the War Bonds, and the Treasurer shall on presentation of such warrants, therefor exchange the bonds provided to be created by a preceding section of this Act.

Examination of accounts and payments for the same.

SEC. 4. In the examination herein required to be made by the said Board of Examiners, they are hereby fully empowered, whenever any mistake may be detected by them against the State in the allowance which may have been made by either branch of the Legislature to claimants to correct the same by a proper reduction thereof, and in the allowance to be made of claims, they shall have power and are hereby required to pay to officers and privates the same as is allowed by the Act of March seventeenth, eighteen hundred and fifty-one, providing for the defence of the eastern frontier against the Indians, and shall limit their payment for supplies to the prices of like articles at the time of such purchase in the neighborhood where made.

Treasurer to have Bonds prepared.

SEC. 5. The State Treasurer is hereby authorized and required to cause suitable bonds to be provided for said payments in sums of one hundred, two hundred and fifty dollars, or as the case may be, and shall deliver the bonds to claimants whenever demanded in person or by legal agent.

Amounts.

To be delivered to claimants under the Act.

To be signed by Governor, Treasurer and Comptroller.

SEC. 6. All such bonds shall be signed by the Treasurer in his official character, made payable to and endorsed by the Governor in his official character, who shall affix the seal of State thereto, and countersigned by the Comptroller, which bonds, executed as aforesaid, shall be transferable by assignment on the bonds by the owner thereof, or by his attorney in fact, and bind the State for the faithful payment thereof.

And may be transferred by assignment.

Comptroller and Treasurer to keep record of Bonds.

SEC. 7. After the bonds shall have been countersigned by the Comptroller, it shall be his duty to make a register of the same in a book to be kept for that purpose, with the number and amount thereof, and deliver them to the Treasurer, charging him with the same. The Treasurer also shall keep a register of such bonds.

Coupons.

SEC. 8. Coupons for the interest shall be attached to each bond, so that they may be removed without injury or mutilation to the bond.

Claims against the U. S. Government pledged for payment of Bonds issued under the Act.

SEC. 9. Any claim which the State has now or may hereafter have upon the General Government, for moneys expended for the purposes aforesaid, shall be, and the same is hereby, set apart and pledged for the payment of the principal and interest arising upon said bonds.

Approved, May 18, 1853.

## CHAPTER CLXIII.

## AN ACT

To legalize certain Records of Deeds and other instruments in the county of Sacramento.

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

SECTION 1. The books of records used by Henry A. Schoolcraft, for the record of deeds and other instruments, in writing, and deposited in the Recorder's office in said county, shall on and after the first day of June, one thousand eighteen hundred and fifty three, be deemed legal records, and all instruments therein recorded shall have the same force and effect in law as if duly recorded in the appropriate books of record of such county at twelve o'clock, M., of the said first day of June, and all copies thereof duly certified or proved, shall thereafter have the same force and effect as other copies of record of said office.

Certain books and records, used by H. A. Schoolcraft legalized.

SEC. 2. The record of all deeds and other instruments required by law to be recorded, and which are recorded in any of said books, shall after twelve o'clock M., of said first day of June, as in other cases provided by law, be constructive notice to all persons of the contents thereof.

Certain records of deeds made evidence of the contents thereof.

Approved, May 18, 1853.

## CHAPTER CLXIV.

## AN ACT

To abolish the Board of Supervisors in the county of El Dorado.

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

SECTION 1. That "An Act to create a Board of Supervisors for the counties of this State and to define their duties and powers," Approved May third, eighteen hundred and fifty-two,

Supervisor Act of 1853, so far as it applies to El Dorado county repealed.

be and the same is hereby repealed so far as the provisions of said Act extend to the county of El Dorado.

Duties, powers,  
&c. transferred  
to Court of  
Sessions.

SEC. 2. The duties and powers devolving upon the Board of Supervisors, by the provisions of said Act are hereby transferred to the Court of Sessions of said county of El Dorado.

Approved, May 18, 1853.

## CHAPTER CLXV.

### AN ACT

To fix the times for holding the Terms of the District Court throughout this State.

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

Terms of  
District Court.

SECTION 1. The several terms of the Judicial Districts in this State during each year, shall commence as follows :

First District  
County of  
San Diego,  
Los Angeles  
County,  
San Bernardino  
County.

First. In the First Judicial District: In the county of San Diego, on the third Monday of April, August, and December; in the county of Los Angeles, on the third Monday of March, July, and November; in the county of San Bernardino, on the third Monday of February, May, and October.

Second District,  
Santa Barbara  
County.

Second. In the Second Judicial District: In the county of Santa Barbara on the first Monday of May, August, and November; in the county of San Luis Obispo on the first Monday of March, June, and September.

San Luis  
Obispo Co.

Third District  
Santa Clara Co.

Third. In the Third Judicial District: In the county of Santa Clara on the third Monday of January, April, July, and October; in the county of Alameda, on the third Monday of February, May, August, and November; in the county of Monterey, on the second Monday of March, June, September, and December; and in the county of Santa Cruz on the first Monday of April, July, and October.

Alameda Co.

Monterey Co.

Santa Cruz Co.

Fourth District.

Fourth. In the Fourth Judicial District, on the first Monday of February, April, June, August, October, and December.

Fifth District  
San Joaquin Co.

Fifth. In the Fifth Judicial District: In the county of San Joaquin on the third Monday of January, April, and July, and on the second Monday of October; in Calaveras county, on the first Monday of February, June, and October; in Tuolumne county,

Calaveras Co.

Tuolumne Co.

on the third Monday of February, June, and October; in Mari-  
 posa county, on the first Monday of March, July, and November.

Sixth. In the Sixth Judicial District, on the first Monday of  
 February, April, June, August, October, and December.

Seventh. In the Seventh Judicial District: In the county of  
 Solano, on the third Monday of January, April, and October; in  
 the county of Contra Costa, on the first Monday of January,  
 April, and October; in the county of Napa, on the first Monday  
 of February, May, and November; in the county of Sonoma,  
 on the third Monday of February, May, and November; in the county  
 of Marin, on the first Monday of March, June, and December.

Eighth. In the Eighth Judicial District, in Humboldt county,  
 on the first Monday of April, July, and October; in the county of  
 Klamath, on the second Monday of April, first Monday in June,  
 and second Monday in October; in Siskiyou, on the first Monday  
 in May, August, and November.

Ninth. In the Ninth Judicial District: In the county of Butte,  
 on the second Mondays of March and June, on the fourth Monday  
 of August, and on the third Monday of December; in the county  
 of Shasta, on the fourth Monday of March and June, on the sec-  
 ond Mondays of September, and fourth Monday of November; in  
 the county of Trinity, on the second Monday of April and July;  
 on the fourth Monday of September, and on the second Monday of  
 November; in the county of Colusa, on the first Monday of May  
 and August, and on the third Monday of October.

Tenth. In the Tenth Judicial District: In the county of Sut-  
 ter, on the second Monday of February, May, and October; in  
 the county of Yuba, on the third Monday of February, May, Au-  
 gust, and first Monday in December; in the county of Nevada, on  
 the third Monday of March and June, and on the second Monday  
 of September and November; in the county of Sierra, on the  
 fourth Monday of April, July, and October.

Eleventh. In the Eleventh Judicial District: In the county of  
 El Dorado, on the fourth Monday of January, on the second Mon-  
 day of May, and on the third Monday of August and November;  
 in the county of Placer, on the second Monday of January, and  
 the third Mondays of April, July, and October; in the county of  
 Yolo, on the third Monday of March, August, and December.

SEC. 2. All laws, and parts of laws, conflicting with any of  
 the provisions of this Act, are hereby repealed.

Approved, May 18, 1853.

## CHAPTER CLXVI.

## AN ACT

To be entitled an Act amendatory of and supplementary to an Act entitled "An Act to establish a system of Common Schools," approved May third, eighteen hundred and fifty-two.

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

Former Act amended.

Duties of Board of Education.

Shall report to Legislature.

School moneys and distribution thereof.

Warrants received for School Lands to draw interest.

Treasurer to keep separate record of the School Fund.

Common School Fund to remain inviolate except as provided by law.

SECTION 1. Article first, of an Act to establish a system of Common Schools, is hereby amended by adding, after section four, the following additional sections: Section five: The said Board of Education shall have a common seal, an impression and description whereof shall be deposited by the Secretary of the Board in the office of the Secretary of State, and in the State Treasurer's office, and in January of each year shall report its doings to the Legislature. Section six: All school moneys due each county in the State shall be paid over by the State Treasurer on the first day of January of each year, by order of the State Board of Education, upon the warrants of the Superintendent of Public Instruction, under the common seal of the said Board of Education, to the County Treasurers; and such warrants, duly endorsed by the County Treasurers, shall be the only valid vouchers in the hands of the State Treasurer for the disbursement of the said common school moneys. Section seven: Comptroller's warrants, drawn upon the general fund and paid into the State Treasury for school lands, shall draw the same rate of interest and be entitled to all the preferences of civil bonds; and the State Treasurer, on receiving any such warrants, shall endorse upon the same, "Common School Fund," with the date of their reception, and subscribe thereto his official signature, and no portion of said securities shall be sold or exchanged for other securities except by special Act of the Legislature. Section eight: The State Treasurer shall keep a separate and distinct account of the Common School Fund and of the interest and income thereof, together with such moneys as shall be raised by State tax or special appropriation for the support of Common Schools; and no portion of the Common School Fund, nor of the interest or income thereof, nor of the moneys raised by State tax or specially appropriated for the support of Common Schools, shall be diverted to any other

object or purpose. Section nine : The State Treasurer shall, on or before the first day of December of each year, report to the Board of Education, who shall embody the same in their annual report to the Legislature, a statement of the State securities belonging to the Common School Fund, together with a particular statement of the moneys in the treasury accruing from the interest or income of the Common School Fund, or from State taxes, or appropriations for the support of Common Schools. Section ten : The County Assessor of each and every county in the State shall be, and he is hereby, constituted the Superintendent of Common Schools within and for his county. Section eleven : In all cases of failure on the part of the people to elect Commissioners, as hereinbefore provided, the County Superintendent shall have authority to appoint the same. Section twelve : The County Treasurers, Superintendents, Marshals, and Commissioners of Common Schools, within the several counties, shall respectively receive for their official services under this Act, such compensation as shall be allowed by the Court of Sessions or Board of Supervisors, which shall be audited and paid in the same manner as other county salaries and expenses are audited and paid.

State Treasurer to report to Board of Education the condition and amount of School Fund.

County Assessor to be Superintendent of Common Schools.

In case of failure to elect School Commissioners the County Superintendent to appoint. County officers under this Act to receive such compensation as Court of Sessions shall direct.

SEC. 2. Division three of Section two of Article three of said Act, is hereby amended so as to read as follows : Division three, to receive the Common School money from the County Treasurer, and disburse the same for the support of Common Schools in accordance with the principles and provisions of this Act.

County Commissioners to receive and disburse School moneys.

SEC. 3. Division eleven of Section second of Article three is hereby amended so as to read as follows : Division eleven, to report to the Superintendent of Public Instruction, and to the County Superintendent of Common Schools, of their respective counties, on or before the fifteenth day of November, annually, the amount of all expenditures on account of schools in their respective precincts during the previous school year, ending on the last of October, and the manner in which the same shall have been expended, specifying what portion and amount thereof has been expended for the services of legally qualified teachers. The amounts which during that time shall have been raised in the several Common School Districts, by subscription or otherwise, and allowed to such qualified teachers, as salary or compensation, the names of the teachers employed, the time of service, and the salaries paid to each ; the number of pupils taught, and the average attendance and progress of the pupils in each school, organized and taught under the provisions of this Act, and such other statistics as shall be required by the Superintendent of Public Instruction.

To report to Superintendent of Public Instruction a statement of the condition of their District.

SEC. 4. Article four of said Act is hereby amended by adding, after division seven of said section, the following additional division : Eighth. He shall examine and recommend a uniform series of school books to be used in the different schools in the State, and the School Commissioners and teachers are hereby required, so far as is practicable, to see that the books

Duties of Superintendent of Public Instruction.

His expenses to be paid out of the General Fund.

Duties and powers of Common Councils.

Jurisdiction of offices under the Act within the limits of cities.

Powers and duties of County Superintendents.

Schools not organized in accordance with this Act shall not receive any benefits from its provisions.

Each county authorized to raise an annual tax for School purposes.

Towns may exercise the same power as incorporated cities.

directed by him are introduced and used in the schools; and all reasonable expenditures of money incurred by him in the discharge of his official duties, shall be paid out of any funds in the treasury not otherwise appropriated.

SEC. 5. Division one of section one of Article five of said Act is hereby amended so as to read as follows: Division one. To raise annually, by tax upon the real estate and personal property within the city, as estimated by the City Assessors, whatever amount of money shall be requisite for the support of a competent number of free schools therein, and providing and furnishing suitable houses therefor.

SEC. 6. Section two of Article five of said Act is hereby amended so as to read as follows: No Board of Commissioners nor Marshals elected or appointed under the foregoing provisions of this Act shall have any jurisdiction or control within the chartered limits of any city which shall have provided for the support, regulation and management of Common Schools therein, under the provisions of this chapter, except in the cases hereinafter provided.

SEC. 7. Article five of said Act is hereby amended by adding, after section two, the following additional section: Section three. The County Superintendent may, and he is hereby empowered, in incorporated cities, to appoint three School Commissioners for any Common School or District, upon petition of the inhabitants thereof requesting the same. Section four. Such Schools shall be and are hereby entitled to all the rights and privileges of any other city or Common School in the *pro rata* division of school money raised by taxation, and shall receive its proportion of money from the State School Fund in the annual distribution: *Provided*, they are conducted in accordance with the requirement of this Act.

SEC. 8. Section one of Article six of said Act is hereby amended so as to read as follows: Section one. No Common School shall receive any benefits or immunities under the provisions of this Act, unless such school shall be instructed by a teacher or teachers duly examined, approved, and employed by competent and legal authority as hereinbefore provided.

SEC. 9. Section one of Article seven of said Act is hereby amended so as to read as follows: Section one. Each and every county in this State is hereby empowered and authorized to raise annually, by special tax (in the same manner that other county taxes shall be levied) upon the real estate and personal property within the county, an amount of money not exceeding five cents on each one hundred dollars of valuation for the support of Common Schools therein, and for providing suitable houses and purchasing libraries and apparatus for such Common Schools.

SEC. 10. Add: All the powers, rights and privileges conferred upon incorporated cities by the provisions of this Act and of an Act to establish a system of Common Schools, shall be enjoyed and may be exercised in like manner by incorporated towns.



Sec. 11. The third section of the sixth article of an Act to establish a system of Common Schools, passed May third, eighteen hundred and fifty-two, is hereby repealed.

Section of former Act repealed.

Approved, May 18, 1853.

## CHAPTER CLXVII.

### AN ACT

To provide Revenue for the support of the Government of this State.

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

#### ARTICLE I.

SECTION 1. An annual ad valorem tax of sixty cents upon each one hundred dollars, shall be levied upon the assessed value of the real and personal property in this State, subject to taxation, as are hereinafter in this section named, to be paid as herein provided: fifteen cents on each one hundred dollars, for the payment of the interest on the funded debt of one thousand eight hundred and fifty-one; twenty cents on each one hundred dollars for the payment of the funded debt of one thousand eight hundred and fifty-two, together with the interest on the bonds belonging to the school fund, as provided for in an act to provide for the disposition of the school lands, passed May third, one thousand eight hundred and fifty-two; and four cents on each one hundred dollars, for the payment of the interest on the State Prison bonds, and to create a fund for their ultimate redemption. All the above interest tax shall be paid in legal coin of the United States, or in clean gold dust at seventeen dollars twenty-five cents per ounce; the remaining twenty-one cents on each one hundred dollars shall be collected as other State taxes are by law required to be collected, and shall be paid into the general fund; and such additional tax, not exceeding fifty cents on each one hundred dollars, as the supervisors of each county, or the Court of Sessions, when no supervisors have been elected and qualified, may direct to be levied; and such special tax as may be by law authorized to be collected by any county in this State, shall be levied for county

Amount of State tax, viz:

Interest tax of 1851.

Interest tax of 1852, and School Fund tax.

Interest tax on State Prison Bonds.

To be paid in legal coin or gold dust.

Tax for expenses of Government.

County tax.

Special tax.

purposes upon the objects of taxation hereinafter in this section named.

*Property subject to Taxation.*

Property liable to taxation. Lands, lots, &c.

Houses and improvements. Machinery, &c.

Canals, races. Stock.

Vehicles.

Steamboats (whether owned in this State or not.)

Agents or attorneys of steamboats deemed the owners under this Act.

Water craft.

Moneys loaned, or capital employed.

Capital stock and property of banks, corporations, &c.

And all other property except such as is not exempted under this Act. Property not subject to taxation.

State property.

County property. United States property.

First. All lands and lots of ground lying within this State, owned or claimed by any person or corporation, whether patented or not, including in the assessment thereof, the value of all houses, fixtures and improvements of every kind, or value thereon, or affixed thereto, all machinery, machinery for mining purposes, canals, water races, oxen, horses, mules, cows, beef-cattle, sheep, goats, calves, hogs, jacks, jennies, wagons, carriages, buggies, carts or other vehicles, whether for pleasure or hire.

Second. Shares of stock or interests in all steamboats, plying from one place in this State to another place in this State, or engaged as regular packets between any port in this State, and any port out of this State, where they are not registered, whether the owner or owners thereof, of said stock or interest, be resident of this State or not, except when such boat can be assessed and taxed specially, in which case, such boat shall be assessed and taxed as personal property in the county from which such boat may sail. That for the purposes of taxation, the person or persons acting as agent or attorney in fact, for any person or persons, corporation or joint stock association, residing without this State, owning any vessel or vessels, used in navigating the waters of this State, shall be deemed the owner or owners thereof.

Third. Shares of stock, or interest in ships, brigs, schooners, sloops, and all other water craft, whether at home or abroad.

Fourth. All moneys loaned on interest; all capital vested or employed each year in traffic, trade, merchandise, or in any kind of commerce or navigation.

Fifth. The capital stock of all banks, and of all corporations doing business in this State; the property of whatever kind, of all corporations over and above their capital stock, and all money or funds, held by any such corporation in trust or on deposit, or by persons in trust, or on deposit for persons, or corporations, other than citizens or corporations of this State, and used in commerce or trade, for the benefit of such persons or corporations.

Sixth. All other property, real and personal, within this State, except such as is exempted from taxation, as provided in the next section.

SEC. 2. The following property shall not be listed for taxation.

First. All lands and lots of ground, with their buildings, improvements, and structures thereon, belonging to the State, or to any county of this State; all unoccupied lands, buildings and other improvements, occupied and owned, belonging to the United States, and all lands by the United States Government, for the coining of money or for military, naval, or other purposes.

Second. Town halls, council chambers, market houses, and other public structures and edifices, and all public squares and lots kept open for health, use or ornament, belonging to any city, town, or village, in this State.

City property.

Third. Colleges, school houses, and other buildings for the purposes of education, with their furniture, library and all other equipments, and the lots thereto appurtenant and used therewith so long as the same shall be used for that purpose.

Property of Colleges, and Institutions of learning.

Fourth. Public hospitals, asylums, poor-houses and other charitable or benevolent institutions for the relief of the indigent and afflicted, and the lots thereto appurtenant, with all their furniture and equipments, so long as the same shall be used for that purpose only, and without a view to pecuniary gain.

Property of Hospitals, charitable institutions, &c.

Fifth. Churches, chapels, and other public buildings for religious worship, with their furniture and equipments, and the lots of ground appurtenant thereto and used therewith, so long as the same shall be used for that purpose only.

Churches and other buildings for religious worship.

Sixth. Cemeteries and grave-yards, set apart and used for the purpose of interring the dead; and the property of widows and minor orphans, to the amount of one thousand dollars.

Cemeteries and Grave Yards. Property of widows and minor orphans. Owners of stock in corporations not individually liable for tax thereon.

Seventh. The owner or holder of stock in any company liable to taxation on its capital, shall not be taxed as an individual, for such stock, nor shall any individual or company, be required to pay tax upon the capital invested and the improvements made by the use of such capital.

## ARTICLE II.

### *Persons, Trades, Professions and Occupations, subject to Taxation by License.*

SECTION 1. There shall be levied and collected a quarter yearly license tax as follows:

Amount of License tax. Persons and trades subject thereto. Restaurants. Coffee or eating house. Temperance drinking shops.

First. From each and every keeper of a restaurant, twenty dollars per quarter; of a coffee house, or eating house, each twenty dollars per quarter; of a place where refreshing beverages, other than spirituous, are drunk, ten dollars per quarter; all of which license tax are to be paid to the County Treasurer for the use of the State.

Billiard Tables.

Second. From each proprietor or keeper of a billiard table not kept for the exclusive use of the owner and his family, for each table, thirty dollars per quarter, payable to the Treasurer for State purposes. For a nine or ten pin or bowling alley, fifteen dollars per quarter, for each alley; license to be granted for a term not less than three months—the license tax to be paid to the County Treasurer for the benefit of the State.

Temple Alleys.

Third. From the manager or lessee of every theater, for each theatrical performance, ten dollars per day, if granted for a less term than one month; the license tax paid shall be paid into the County Treasury for the benefit of the county; but if

Theatrical exhibitions.

granted for one month, one hundred and fifty dollars shall be paid; if granted for three months, three hundred dollars; if granted for one year, one thousand dollars. In either of the three last named periods of time, the license tax paid, shall be paid to the County Treasurer for the benefit and use of the State; and from each exhibition by "screamers," or opera or concert singers, the same pay for license as are required from theatrical performances, and payable to the County Treasurer for county or State purposes, as the term of the license granted may require.

Concerts.

Caravans and Exhibitions.

Fourth. For each caravan, menagerie, the exhibition for pay, of bull, and bear, or any collection of animals for public amusement, twenty dollars for each exhibition; and for each show of any figures, and for each circus, rope or wire dancing, or sleight of hand exhibition, for reward, ten dollars per day, payable into the county treasury for county purposes.

Insurance Companies under the Laws of this State.

Fifth. From each and every insurance company, incorporated by the laws of this State and transacting an insurance business therein, two hundred and fifty dollars per quarter year, payable to the County Treasurer for State purposes.

Insurance companies under charters of other States doing business in this State.

Sixth. From each and every insurer or insurance company, foreign or otherwise, not chartered by this State, and transacting an insurance business herein, or the agent or agents thereof, five hundred dollars per quarter, payable to the County Treasurer for State purposes.

Traveling merchants.

Seventh. Each traveling merchant, hawker or peddler, shall pay the sum of twenty dollars per quarter year, payable into the county treasury for county purposes.

Agricultural and mechanical productions of this State exempt. Toll Bridges and Ferries. (How, when, and where obtained, and proceedings thereon.)

Eighth. Nothing in this Act shall be construed to require a license to sell the agricultural or mechanical productions of this State, nor shall any license be required for such purpose.

SEC. 2. Each and every toll-bridge or ferry keeper, owner or occupant, shall, on the first Monday of June next, and quarterly thereafter, appear before the County Treasurer of the county where tolls or ferriage is collected, by him or them, and make an exhibit under oath, by his or their books of the amount of money received for tolls or ferriage, for the three months immediately preceding such exhibit, and pay over to the County Treasurer, ten per cent of all moneys collected as shown by said exhibit; and it shall be the duty of the County Treasurer to receipt for the moneys received, and the County Auditor shall, on presentation of said receipt, issue a license to and in the name of the owner, keeper or occupant, to keep such ferry or toll-bridge, for three months from the date of said receipt. When any toll bridge or ferry, is situated on a stream dividing counties, the owner or owners, occupant or occupants, shall make the exhibit herein required, to the County Treasurer of the county in which such bridge or ferry is licensed, and it shall be the duty of such County Treasurer to pay over on demand, to the County Treasurer of the adjoining county, so reported as aforesaid, one half portion or moiety of the money or moneys so received, for the payment of which he shall be

License tax on Bridges and Ferries to be divided between the counties in which they are located. County Treasurer responsible therefor.

held individually liable. Upon his neglect or refusal to pay over said moneys on demand, suit may be brought against said Treasurer and the sureties on his official bond, in the name of the county to which said money is due, for the amount so due, and judgment shall be recovered for double the amount so found to be due. Any owner, owners, occupant or occupants, refusing or neglecting to comply with the provisions of this section, shall be held liable to pay double the amount of license tax herein provided to be paid, with costs of suit. All moneys collected under this section, shall be paid into the county treasury for county purposes.

Penalty for violating this section.

Appropriation of moneys collected under this section.

ARTICLE III.

*Of Bankers, Dealers in Exchange, Stocks, Gold Dust, and other similar occupations.*

SECTION 1. First: Licenses shall be obtained by the person or persons, private association or corporation, doing business in this State, engaged in one or all of the following occupations, to wit: In buying or selling foreign or inland bills of exchange, or in loaning money at interest, or in buying or selling notes, bonds, or other evidences of indebtedness of private persons, or State, county, or city stocks, or stocks of incorporated companies, or in buying or selling gold dust, gold or silver bullion, gold or silver coin, keepers of savings banks, or engaged as common carriers in transmitting or conveying gold dust, gold or silver coin or bullion from any place in this State to any place without this State, or from one to another place within this State, for profit, or engaged in receiving general or specific special deposits of gold dust, gold or silver coin or bullion for profit; *Provided*, That checks used in the transaction of business between parties within this State, shall not be included as being liable to the provisions of this Act.

License tax of bankers, &c. Banking, exchange, &c.

Carriers of gold dust, coin, &c.

Receivers of deposits.

(Checks for remittances throughout the State excepted.)

Second. Licenses required by this section shall be obtained from the County Auditor upon payment of ten cents upon each one hundred dollars of business estimated to be transacted by the person or persons, corporation or partnership, doing business; said amount to be paid to the County Treasurer or Collector of Taxes of the county in which the party applying therefor desires to or does transact any one or all of the occupations specified in this section, and a separate license shall be obtained for each branch establishment or separate house of such business located in the same county, and the license tax to be paid to the County Treasurer for State purposes.

Licenses under this section to be obtained from County Auditor. Amount of.

Separate licenses shall be obtained for branch establishments.

Third. On the party paying the County Treasurer or the Collector of Taxes an amount of money for license in proportion to the estimated amount of business specified in this section, and designating the town, city, or particular locality of the business establishment, or branch thereof, for which the license is desired,

County Treasurer to issue receipt for license tax.

Form.

the Treasurer shall thereupon execute and deliver to such party a receipt therefor, in which he shall specify the amount of money paid, by whom paid, and the town, city, or particular locality.

County Auditor  
to issue license.

Form.

Fourth. Upon the presentation of said receipt, the County Auditor shall issue and deliver a license to the party under the seal of his office, in which license shall be stated the kind of business authorized to be transacted, and the town, city, or particular locality of such business establishment or branch. The Auditor shall thereupon charge the County Treasurer with the amount of money specified in said receipt in a book kept for that purpose, and shall file said receipt as a voucher in his office.

Privileges and  
rights of parties  
licensed under  
this Act.

Fifth. The license thus obtained shall authorize the party to transact any or all the kinds of business or occupation therein specified, at or within the town, city, or particular locality specified in the same within the limits of the county where obtained, during the term of three months from the date thereof, and no longer, but may be renewed at the expiration of the term of three months, subject to change by the Auditor's estimate, or by the affidavit of the party desiring removal, if no new estimate be made by the Auditor.

Carriers of  
papers, letters,  
&c., exempt from  
license.

Sixth. Persons engaged in conveying letters, papers, or documents, from one part of this State to another, shall not be liable to obtain license for that purpose.

Licenses may be  
procured by  
agents or  
attorneys  
complying with  
the provisions  
herein contained.

Seventh. Licenses may be procured by the party in person, by agent or attorney, or by any one partner in the name of all the copartners, and in cases of corporations, by application by the President, Secretary, or Attorney of such corporation; and the party in every instance making the application shall make and subscribe an affidavit or affirmation that he verily believes that the amount of business to be done by the business establishment or branch thereof within the next succeeding three months, will not exceed the estimate under which he applies for license, and in all cases where an under-estimate has been made, the party having made such under-estimate, shall be required to pay the amount necessary to make up the deficit, before a new license shall issue.

Affidavit to be  
made of the  
amount of  
business.

When licenses  
are to be  
obtained.

Licenses shall be procured immediately before the commencement of any business or occupation liable to license under this article, and shall be renewed quarterly thereafter.

Failure to  
procure license  
tax.

Eighth. If any person or persons, corporation or corporations, or their agents, or the agent or agents of any banker, or other person or persons, pursuing or commencing any of the occupations required by this article first to be licensed, neglect to take out or procure his or their license or licenses, in manner provided by this article, within ten days from the time of commencing the business required by this article, first to be licensed, one hundred per cent shall be added to the amount which such person or persons, or corporations, would have been liable to pay, and it shall be the duty of the Sheriff of the county to proceed immediately to the seizure and sale of the goods, wares, rights and chattels of any person or persons, corporation or corporations, so neglecting

Within ten days  
shall subject the  
party liable to a  
penalty of one  
hundred per  
cent, in addition.

to pay the amount of their licenses in manner provided by this article, in order to pay the amount of the license (with the addition of one hundred per cent. thereto,) together with the costs of the seizure and sale; and in all such cases of neglect, it is hereby made the duty of the Auditor to furnish the Sheriff with an estimate of the amount due from the party so neglecting to procure license, but the Sheriff shall proceed upon any other information, and upon any willful neglect on the part of the Sheriff, it shall be the duty of the District Attorney to proceed against him upon his bond, and he shall be liable to pay double the amount of the license so neglected to be collected. Of all the moneys collected under the provisions of this article, after the fees to the Auditor and percentage to the Treasurer shall have been deducted, one-third shall be paid into the State Treasury, and the remainder shall be paid into the county treasury for county purposes.

And the costs of the Sheriff in enforcing the same.  
Neglect on the part of the Sheriff.

Subjects him to a penalty of double the amount on his official bond.

Appropriation of moneys collected under this Article.

#### ARTICLE IV.

##### *Of Merchants and Dealers in Liquors, and Tavern Keepers.*

SECTION 1. Every person who may deal in goods, wares, and merchandisc, wines, or distilled liquors, except the agricultural productions of this State, when vended by the producers thereof, and except such as are sold by auctioneers or commission merchants under license, or permission according to law, shall quarterly pay an amount of money for license as required by the class in which such person is placed by the Auditor of the county, under the provisions of the succeeding section; *Provided, always*, that nothing herein shall be construed to extend to physicians, apothecaries, surveyors, [surgeons,] or chemists, as to any wines or spirituous liquors which they may use in the preparation or compounding of medicines for sick persons.

License tax of liquor dealers and tavern keepers to be regulated by classification of County Auditor.  
Auctioneers, commission merchants, and sellers of produce exempt from this Article.

Physicians, apothecaries, &c. exempted from the provisions herein contained.

SEC. 2. Every person who shall sell or vend any goods, wares or merchandize, or butcher's meats, wines and distilled liquors, drugs or medicines, all jewellers, and persons who keep horses or carriages for rent or hire, shall obtain from the County Auditor, in which such business may be transacted, for any or all the branches of business herein enumerated, a license for the transaction of such business at the following rates, to wit: all persons dealing as aforesaid shall be classed according to the amount of the average monthly sales or rents effected, in the following manner: that is to say, those who are estimated to make average monthly sales to the amount of one hundred thousand dollars, or more, shall constitute the first class; of fifty thousand and not exceeding one hundred thousand dollars shall constitute the second class; of twenty-five thousand and not over fifty thousand dollars shall constitute the third class; of ten thousand and not over twenty-five thousand dollars shall constitute the fourth class; and all sales or rents amounting to a less monthly average than the fourth class shall

Venders of goods and merchandisc herein specified.

Shall obtain a license from the County Auditor.

According to the amount of their average monthly sales.

Classification thereof.  
First class, \$100,000.  
Second class, \$50,000.  
Third class, \$25,000.  
Fourth class, \$10,000.

Fifth class, under \$10,000. Amount of license tax for the classes above enumerated.

Liquors licensed to be sold under this section.

Appropriation of moneys collected under this Article.

Licenses for retailing spirituous liquors shall be obtained before commencing sales thereof, and be regulated according to the classification herein set forth.

Amount of license tax.

Traveling Merchants, Pedlars, &c., shall pay a monthly license tax of \$10 per month, and all who use a wagon or train, \$30 per month.

Productions of this State exempted.

Licenses under this Article shall be granted for three months, and parties liable failing to procure the same, shall be subject to a penalty of double the amount and costs in enforcing the same. Duty of District Attorney.

Appropriation of revenue under this Act.

constitute the fifth class. The license for the first class shall be given upon the payment of fifty dollars per month; for the second class, thirty dollars per month; for the third class, eighteen dollars per month; for the fourth class, ten dollars per month; and for the fifth class, five dollars per month: *Provided*, that the sale of liquors or wines by persons licensed under this section shall not be in less quantity than one quart measure. The moneys collected for licenses, provided to be granted by sections one and two of this article shall be paid to the County Treasurer for State purposes, except classes fourth and fifth, which shall be paid into the County Treasury for county purposes.

SEC. 3. All tavern or innkeepers, and all persons who may sell or dispose of any spirituous or malt liquors, or wines in less quantities than one quart, shall before the transaction of any such business take out a license or licenses from the County Auditor as prescribed in this Act, and make therefor the following payment, to wit: those making sales to the extent of ten thousand dollars, or more, as a monthly average, shall constitute the first class; sales to the extent of five thousand dollars and not exceeding ten thousand dollars as a monthly average, shall constitute the second class; and all sales less than five thousand dollars shall constitute the third class. The license to be paid by the vendors of the first class, shall be forty dollars per month; of the second class shall be twenty dollars per month; of the third class shall be five dollars per month.

SEC. 4. Each traveling merchant, hawker or pedler who shall carry a pack and vend wares, goods or merchandize of any kind, shall pay for each license ten dollars per month; and every such traveling merchant, hawker or pedler who shall use a wagon, or drive, or cause to be driven, a train for the purpose of vending any wares or merchandize of any kind, or wines or spirituous liquors, shall pay for each license or licenses thirty dollars per month; *Provided*, that nothing herein contained shall be so construed as to apply to the productions of this State, when such productions are vended or sold by the producer thereof.

SEC. 5. The licenses provided to be granted by this article shall be granted for three months. Every person who shall transact or carry on any business specified in this article, without first procuring the license required, for each and every offence shall be liable to an action in the name of the county or of the State, as the case may be, in any court of competent jurisdiction, for double the amount of the required license with costs of prosecution; and it is hereby made the duty of the District Attorney to prosecute the suits provided for in the articles two, three, and four of this Act; and in case judgment shall be obtained against the party prosecuted, the court shall tax as costs, against the defendant, the sum of twenty-five dollars as District Attorney's fees, and include the same in the judgment; and the moneys, less attorney's fees, when received shall be paid to the County Treasurer, for State or county purposes, as the case may be, one-third to the State Treas-



sure, and the remainder to the County Treasury. The County Auditor shall, at least once in every three months, forward to the Comptroller of State a full abstract of all licenses granted, to whom granted, and the amount of money paid on account of the same; the Comptroller shall thereupon charge the County Treasurer with the amount thereof.

County Auditor shall transmit quarterly returns to State Comptroller, who shall charge the amount thereof to County Treasurer.

## ARTICLE V.

### Of Successions.

SECTION 1. Each and every person not being a *bona fide* resident of this State, and not being a citizen of the United States, who shall be entitled, whether as heir, legatee or donee, to the whole or any part of the succession of a person deceased, whether such person shall have died in this State or otherwise, shall pay a tax of ten per centum; and all other persons entitled as heir, legatee, or donee to succession property, two and one-half per centum on all sums, or the value of all property, which he may actually receive from said succession, or so much thereof as is situated in this State, after deducting debts due by said succession: when the said inheritance, donation or legacy, consists of specific property and the same has not been sold, the appraisalment thereof in the inventory shall be considered as the value of the property. The amount shall be paid to the Treasurer of the county in which such heir, legatee or donee, may reside at the time of receipt of the inheritance, donation or legacy, within thirty days from the receipt thereof, for State purposes; and any person receiving such inheritance, donation or legacy, and neglecting to pay the percentage herein provided within the said thirty days, shall be liable to pay double the amount of said per centage, with costs of suit.

Aliens and non-residents of the State who are parties to successions in this State, shall pay a tax of ten per cent.

And all other persons two and a half per cent, on the amount of property received by them.

Specific property and appraisalment thereof.

Succession tax, provided in this Section, shall be paid within thirty days after the receipt of inheritance, or the party receiving the same shall be liable to a penalty for double the amount due thereon.

Executors and administrators shall retain an amount sufficient for the tax provided by this Article, or they shall be liable for the amount thereof.

SEC. 2. Every executor or administrator having the charge or administration of succession property, shall be bound to retain in his hands and to pay over to the County Treasurer, the amount of the tax imposed by law, and the receipt from the County Treasurer for such payment shall be a voucher, to be allowed by the court in the settlement of such executor or administrator; in default of such payment every such executor or administrator, and his securities, shall be liable for the amount thereof.

SEC. 3. It shall be the especial duty of the Clerks of the Probate Courts, to see that the tax by this article imposed by law, be collected and paid over, and each Clerk shall be bound to furnish to the Auditor of the county, and a duplicate forwarded to the Comptroller of State, on or before the fifteenth day of June of every year, a statement of the successions opened in his county whereof persons who are not *bona fide* residents of this State or citizens of the United States, and all or any other person or persons who are heirs, legatees or donees, in whole or in part, and of the amount accruing to such persons; and any Clerk failing to

Clerk of Probate Court to see that the tax herein provided be collected and paid over, and to furnish a yearly statement of the successions in his county to the County Auditor and State Comptroller.

Penalty for failure to perform the duties provided in this section.

furnish such statement shall, upon the complaint of the District Attorney or County Auditor, be subject to a fine, to be imposed by any court of competent jurisdiction, not exceeding one thousand dollars, and shall be responsible to the State for the amount of all taxes thus neglected to be reported, to be recovered on his bond before any court of competent jurisdiction.

## ARTICLE VI.

### *Of Auctioneers.*

Any citizen may become an auctioneer by executing bond and the payment of a tax herein provided.

SECTION 1. Any citizen of this State may become an auctioneer for the county in which he resides, and be authorized to sell any real or personal property at public auction or vendue, on giving bonds in accordance with law for the faithful performance of his duty, and the payment of the license tax herein provided.

Bond, and conditions thereof.

SEC. 2. The bonds shall be conditioned to be paid to the people of the State of California, with one or more sureties who shall in any city numbering over ten thousand inhabitants, be freeholders, and justify to the satisfaction of the court, and in such and all other cases, the security and bonds shall be approved by the Court of Sessions of the county, and be deposited with the County Treasurer. The bonds to be given by auctioneers shall be ten thousand dollars, if the business be conducted in any city containing more than ten thousand inhabitants, as reported by the census of eighteen hundred and fifty-two; and if conducted in any other place within the State, five thousand dollars.

To be approved by Court of Sessions, and deposited with County Treasurers. Amount and regulations thereof.

SEC. 3. An auctioneer may sell at any public or private sale, any real or personal property.

Property may be sold at public or private sale. Auctioneers' tax and amounts thereof.

SEC. 4. The auctioneers doing business (in a city where the number of inhabitants exceed ten thousand) shall, before making any public or private sale, pay into the hands of the County Treasurer, as a license tax, after depositing the bond required by this article, at the rate of two hundred and fifty dollars per quarter year, and shall continue such quarterly payments, and renew the bonds in manner provided by this Act, on the first Monday of April in each year. Each and every auctioneer other than those doing business in a city numbering ten thousand inhabitants, shall in like manner pay a quarter license tax of one hundred dollars.

License to issue upon payment of the amount provided in this Article.

SEC. 5. Upon payment of the amount required to be paid to the County Treasurer for license tax, a receipt therefor shall be given by the Treasurer, and a license be issued by the Auditor with approval of the Court of Sessions, and the Auditor shall charge the Treasurer with the amount so paid.

Goods and merchandise sold by auctioneer at public or private sale shall be subject to a State duty of one per cent.

SEC. 6. Upon all goods, wares and merchandise, and every other species of personal property which shall at any time be exposed to sale at public auction, or be sold by auctioneers at private sale, within this State, the auctioneer shall be subject, each and every time they shall be struck off, to the payment of a duty

to the State of one per centum upon the amount thereof, whether actually sold or not; and upon the sale of any real estate by an auctioneer at public or private sale, the auctioneer shall be subject to the payment of a duty of one-half of one per centum upon the amount of the sale: *Provided*, That no duties shall be payable upon the sale at auction of any goods or chattels belonging to this State, or to the United States, or if sold under or for account of any forfeiture or penalty, or upon execution.

And upon sales of real estate, a duty of one-half one per cent.

Sales of certain property exempted from tax herein provided.

SEC. 7. The amount of duties required to be paid by this Act shall be audited as follows: every auctioneer shall make out a quarterly account on the first Monday of April, July, October and January, and shall therein state minutely and particularly,

Accounts of sales to be made quarterly.

First. The amount of sales, and the amount of goods bid in by public outcry, also an aggregate of the amount sold at public or private sale on each day from the date of the last payment or account rendered by him specifying the days on which sales were made.

Statement and contents thereof.

Second. The amount of duties chargeable on all sales, public or private, mentioned in the account, and the aggregate of the duties.

Statement of duties.

SEC. 8. Every such account shall be, within ten days after the end of the quarter, above named, presented to the Auditor of the county, who shall immediately proceed to administer to the auctioneer presenting the same an oath in the following form:

Accounts to be made to the County Auditor within ten days from the expiration of quarter.

"I do solemnly swear (or affirm) that the above account exhibited, and to which I have subscribed my name, contains a just and true account of all sales made by me, or by any other person for me, in or at my established auction store, or at any other place under my knowledge for my account, or under my direction; and further, that I have during the time therein mentioned conformed in all things to the interest and meaning of the law regulating sales by auctioneers, according to the best of my knowledge and belief."

Who shall administer the oath described herein.

SEC. 9. Such oath shall be in writing, be endorsed upon the account, and be subscribed by the auctioneer taking it, and he shall accompany the account with a receipt from the Treasurer of the county for the payment of the duties in accordance with the account, whereupon the Auditor shall charge the amount to the County Treasurer.

Oath to be endorsed on the account. And be accompanied with a receipt for the duties.

SEC. 10. No person shall act as an auctioneer, or be entitled to receive a license to authorize him to act as auctioneer, who has neglected or refused to pay the license and percentage due under the provisions of "An Act to provide for levying, assessing and collecting public revenue," passed April twenty-third, one thousand eight hundred and fifty-two, or under this Act, due and unpaid, or to any municipal corporation for any tax as an auctioneer license, or commission, which he has neglected or refused to pay.

Persons who have failed to comply with certain statutes herein stated, are prohibited from acting as auctioneers.

SEC. 11. No other person than an auctioneer licensed in ac-

Who shall act as auctioneers,

cordance with this Act, or a civil officer acting under the authority of any court of the United States, or of this State, shall exercise the trade or business of an auctioneer, (except as hereinafter provided) by selling or offering for sale at auction, any goods, merchandize, property or estate, real or personal, within this State, under the penalty of five hundred dollars for every offence, to be recovered before any court of competent jurisdiction, or imprisonment, at the discretion of the court, not to exceed three calendar months; and it shall be the duty of the District Attorney to prosecute for the recovery of the same, upon the information of any person, and the amount of the penalty to be paid into the county treasury, the one half to the use of the informer and the remaining half to the use of the State, and a fee of one hundred dollars in each case shall also be taxed as costs for the use of the District Attorney.

Penalty for violating this section.

District Attorney to prosecute the same.

Sheriffs may act where there are no auctioneers established by law.

State duties to be paid within ten days, and Penalty for neglect of same.

Sheriff liable on official bond.

SEC. 12. In any city or town where there is no auctioneer, the Sheriff or Constable shall be ex-officio auctioneer, and shall be allowed to sell any property, real or personal, at public auction, and shall pay two per centum upon the amount of all sales within ten days after the day of such sales, into the County Treasury for State purposes, in manner and form as provided in section nine of this Act. The Sheriff or Constable making such sale, neglecting or refusing to pay into the County Treasury within the time specified, the per centum tax thus due, shall be liable upon his official bond in double the amount of tax thus due.

## ARTICLE VII.

### *Concerning Consigned Goods.*

SECTION 1. All goods, wares, merchandise, provisions, or any other property whatsoever, brought or received within this State from any other State, or from any foreign country, to be sold in this State, owned by any person or persons not domiciled in this State, are hereby declared to be consigned goods, within the intent and meaning of this Act.

SEC. 2. The word "domicil," in this Act, shall be construed to mean the place where a person has established his business.

SEC. 3. All and every person or persons selling any consigned goods within this State, shall be subject to a tax, for the use of the State, at the rate of sixty cents on each one hundred dollars of the amount of all and every sale or sales, which tax shall be paid by the person making the sale; and each and all such person or persons shall have a lien on the owner or owners of such consigned goods for the amount of the tax paid, and may deduct the same from the proceeds of such sales.

SEC. 4. The amount of the property and interest in any consigned goods which shall be owned by any person or per-

What are "consigned goods" under this Act.

Word "domicil" defined.

Sales of consigned goods shall be subject to a tax. Amount of.

To be paid by parties making the sale, and to be a lien on the owners thereof. And may be deducted from proceeds of sales.

Consigned goods owned by parties

sons domiciled in this State, shall not be subject to tax, under Article seven of this Act. resident in this State exempted.

SEC. 5. When any goods, wares, merchandise, or other commercial property, shall be sold in one county for or on account of any person or persons, in another county in this State, the same shall be deemed and held to be consigned goods, within the meaning of this Act, unless it be proved by the written statement of the consignor, or otherwise to the satisfaction of the Deputy Collector, or of the Sheriff, when there shall be no such Deputy, that such property is owned by a citizen or other person domiciled in this State. Goods sold in one county consigned by parties residing in another, shall be liable under this Article, unless otherwise shown to the satisfaction of the Sheriff.

SEC. 6. The Sheriff of each county in which the Board of Equalization shall so direct, and the Sheriffs of the counties of San Francisco, San Joaquin, Sacramento and Yuba, without such direction, shall each appoint, in addition to their other deputies, a special deputy, who shall be denominated a Deputy Collector, and shall take from such deputy a bond with two or more sufficient sureties, to be approved by the County Judge, conditioned for the faithful performance of the duties required of him by this Act, and for the prompt payment, in the manner prescribed by law, of all moneys which he shall receive by virtue of his office. But each Sheriff and his sureties shall be liable for the official acts of such deputy. The penal sum of such bonds shall be twenty thousand dollars in the county of San Francisco; eight thousand dollars in the counties of Sacramento, Yuba and San Joaquin; and five thousand dollars in all other counties, unless the Board of Equalization of such counties shall otherwise direct. Sheriffs of certain counties to appoint deputy collectors. Who shall execute bond to be approved by County Judge. Conditions thereof. Sheriff liable for acts of deputy. Amount of deputy's bond.

SEC. 7. All special deputy collectors appointed under article seven of this Act, shall have power to administer oaths and affirmations, and shall not be directly, or indirectly interested in any business as an auctioneer, nor in the sale of consigned goods. It shall be the duty of such deputy collectors, and each of them, and they are hereby authorized and required to arrest any person or persons who shall violate the provisions of this article, and to assist the District Attorney in their conviction, and to prevent the sale of any consigned goods in violation of this Act; to prevent all sales by unlicensed auctioneers, and by any auctioneer having a license and refusing to pay the duties imposed by law, in the manner and with the examination herein required; to ascertain the amount of sales of consigned goods in the manner required in this article, and to report the same quarterly to the County Auditor; to collect all taxes imposed upon persons selling consigned goods in the manner and to the extent provided in this article; and to have such general supervision over the public revenue to be derived from these sources, as the interest of the State may require. Powers and duties of deputy collectors. To administer oaths. Not to be interested as an auctioneer. May arrest parties violating this Article. May prevent the sale of any consigned goods in violation of this Act. To ascertain by examination the amount of sales. To make quarterly reports. And have such other general supervision as will protect the interests of the State.

SEC. 8. Whenever a deputy collector shall be appointed for any county, as provided in this article, the County Treasurer of such county shall immediately ascertain the names of all that sell County Treasurer shall ascertain the names of dealers in consigned goods

in his county, and cause blank receipts therefor,

With blank statements to be made out, which shall be delivered to deputy. Statement to be filled up and sworn to by parties selling goods liable under this Act.

Deputy to report the names of parties violating this Act.

Penalty therefor.

District Attorney to enforce the same.

Settlement of Deputy Collector to be made monthly, and duties of County Treasurer in making the same.

Statements to be delivered to County Auditor.

Penalty for failure to make settlement by the Deputy Collector.

County Auditors to forward monthly abstracts of sales under this Article to Comptroller of State.

consigned goods in his county, and shall cause a blank receipt, endorsed by him and also by the County Auditor, charging the same to the deputy, to be filled out for each person or firm respectively, and shall also fill up in like manner, an equal number of blank statements, having a proper blank affidavit attached thereto, which receipts and statements shall be given to the deputy collector taking his receipt therefor, to be used by him in collecting the duties imposed by this article. The blank statements, so issued, shall be filled up with the true amount of sales as rendered by the person or firm named therein, who shall thereupon subscribe and swear (or affirm) to the affidavit attached thereto.

SEC. 9. The said deputy collector is hereby required to report to the County Treasurer and to the District Attorney, the names of all persons selling consigned goods in his county, who shall neglect or refuse to render a statement of sales as required by this article. All persons selling consigned goods, who shall neglect or refuse to pay the duties herein imposed, shall forfeit double the amount thereof, and the District Attorney is hereby authorized to proceed by attachment against any ship, vessel, steamer, or other property whatsoever owned, or under the management of any person or persons violating this article of this Act.

SEC. 10. Between the first and fifth of each month, the County Auditor shall attend with the deputy collector at the office of the County Treasurer, and the said deputy collector shall then and there deliver up to the County Treasurer all the statements, and pay over the funds received by him up to such period. The County Treasurer shall, thereupon, cause the amount of sales, returned on each such statement, to be entered in the proper account, charging the deputy collector with the amount of duties on each amount of sales as specified in the said returned statements, and crediting the said deputy collector with all funds paid over, and thereupon, the said Treasurer shall deliver all the said statements returned to the County Auditor.

SEC. 11. Whenever the Deputy Collector shall fail between the first and fifth of each month to render a full and true account of all receipts and statements received by him, he shall be deemed *prima facie* to have been guilty of a fraud, and shall be at once suspended from office by the Sheriff, whereupon another shall be appointed in like manner, and upon being qualified shall act in his stead. If the said Deputy Collector so removed from office shall be convicted, he shall be punished by imprisonment in the State Prison not less than one nor more than three years, and be fined in any sum not exceeding five thousand dollars, to be paid for the use of the county in which such Deputy Collector shall have been convicted.

SEC. 12. It shall be the duty of the County Auditor to forward monthly to the Comptroller of State, an abstract of the whole amount of sales in his county by persons selling consigned goods, appearing by the statements on file in his office for each month of the year.

SEC. 13. The fees allowed for collecting, keeping and paying over, the duties or taxes herein imposed upon persons selling consigned goods, shall be as follows: To each Deputy Collector five per cent.; to each of the Sheriffs of San Francisco, Sacramento, Yuba and San Joaquin, who shall appoint a Deputy Collector in the manner provided, two per cent.; and to the County Treasurer, in consideration of his extra labor and expenses herein required, two and one-half per cent. on all sums collected; and to the Auditor three per cent. on amount collected and paid in.

Fees to officers under this Article.

To Deputy Collectors. To Sheriffs who appoint Deputy Collectors.

To County Treasurers.

SEC. 14. The Sheriff of each county in which no such deputy is required to be appointed, and the Sheriff of each of the counties of San Francisco, Sacramento, Yuba and San Joaquin, during the absence or necessary suspension of his said deputy, shall perform all the duties required in this Act to be performed by such deputy, and shall receive therefor the same per centage allowed to his said deputy and no more; and where so acting, the Sheriff shall be deemed and held in all respects, to be the same as his said deputy.

Fees to Sheriffs in counties where no deputy is appointed.

Or when Sheriff is performing the duties of deputy.

Sheriff to be responsible.

SEC. 15. All the revenue derived from the taxes or duties specified in this article, less the expenses for collecting the same, shall be certified to the Comptroller of State by the County Auditor, and paid to the State Treasurer by the County Treasurer at the time, and in the manner provided for certifying and paying over other State taxes. The whole amount of taxes collected under the provisions of this article shall be for the use of the general fund.

Revenue collected under this Article to be for the use of the General Fund.

### ARTICLE VIII.

#### Concerning Poll Tax.

SECTION 1. Each male inhabitant of this State over twenty-one years of age, and under sixty years of age, and not by law exempt from poll tax, shall pay a poll tax for the use of the State and county of three dollars, forty per cent. of the nett proceeds of which shall be paid into the County Treasury for county purposes; the remaining sixty per cent. of the nett proceeds to be paid into the County Treasury for the use of the State: *Provided*, He shall pay the same to the Assessor between the first Monday of March and the first Monday of September in each year, and in default of paying the same to the Assessor within the time specified, each such inhabitant shall pay a poll tax of five dollars for the use of the State and county, the collection of which shall be enforced by the Assessor, whether the name of such inhabitant be listed or not; and the Assessor shall receive one dollar for each five dollars of poll tax by him lawfully collected, at any time from the first Monday of September to the first Monday of March in each year: *Provided*, That no person shall be required to pay more than three dollars unless

Who are liable to "Poll tax."

Appropriation thereof.

If not paid within a certain time, the amount shall be increased to five dollars.

Assessors to enforce payment of the same.

Compensation for collection.

No person to pay more than three dollars, unless

previously demanded within the time specified by law.

Proof of payment of poll tax.

Comptroller to prepare blank receipts.

To forward a sufficient number to the County Treasurer, who shall sign, number, and record them. And transfer them to Clerk of Board of Equalization.

Clerk to issue receipts to County Assessor.

Fondly for using false poll tax receipts.

Delivery of receipts to Poll Tax Collector, and duties of Clerk.

Those delivered after September first shall be filled out with the sum of five dollars.

Settlement of officers under this Act.

poll tax shall have been demanded of him, or unless he shall have secreted himself for the purpose of avoiding the payment of such tax.

SEC. 2. No person shall be deemed or held to have paid his poll tax, unless he be able to exhibit a receipt therefor, issued from the office of the Comptroller of State, or otherwise prove the payment of the same.

SEC. 3. The Comptroller of State shall immediately after the passage of this Act, for the present year, (and thereafter before the first day of March in each year,) cause proper blank receipts for poll taxes to be printed by the State Printer, of a uniform appearance, (changing the style thereof each year,) and shall cause a number thereof, equal to the probable number of inhabitants in each county liable to poll tax, to be immediately forwarded to the County Treasurer of each county, who shall sign and number them, or so many of them as may be required, and make an entry thereof in a book to be kept for that purpose, and thereon deliver them to the Clerk of the Board of Equalization, who shall in turn likewise sign them, and make an entry there- of in a book to be by him kept for that purpose.

SEC. 4. The Clerk of the Board of Equalization shall issue to the Assessor so many of such executed receipts for poll tax as may be needed.

SEC. 5. No receipt for poll tax other than those mentioned in the third section of this article, shall be used or given for the payment of any such tax, and any assessor who shall receive any poll tax without delivering the proper receipt required by law, shall be deemed guilty of a misdemeanor for each unlawful receipt so delivered and on conviction thereof, shall be punished, by imprisonment in a county jail not less than three months nor more than one year, and by fine not less than one hundred nor more than one thousand dollars for each offence.

SEC. 6. Upon receiving such executed receipts from the Clerk of the Board of Equalization, the officer authorized to collect the poll tax for the time being, shall give a receipt to said clerk for the same, and the said clerk shall immediately charge the same to the officer so receiving them. All such receipts delivered shall be filled out with the sum of three dollars, and three dollars shall be charged to him for each one so delivered; and all such receipts delivered to the Assessor after the first Monday of September in each year, shall be filled out with the sum of five dollars, and five dollars shall be charged to him for each one so delivered.

SEC. 7. On the first Wednesday after the first Monday of September in each year, the Treasurer, the Assessor, and the Clerk of the Board of Equalization of each county shall attend at the office of the Auditor, and make a settlement with the Assessor for all said receipts received by him; and the Assessor shall thereupon pay over to the County Treasurer all moneys received by him for poll tax, deducting therefrom ten cents for each one dollar so collected; and the Assessor shall deliver the



receipt of the Treasurer, or a duplicate thereof to the County Auditor, and the Clerk of the Board of Equalization shall also render to the Auditor a statement of the amount of poll tax receipts charged against the Assessor. The Assessor and his bondsmen shall be held responsible for the payment of the amount received by him and not returned on such settlement to the said clerk, less ten per cent. for the collection thereof; and in default of any payments required of the Assessor, the District Attorney shall cause suit to be instituted against him and his sureties in the like manner and with the same penalties as provided in this Act for suits against the Sheriff and his sureties.

Assessor responsible for all receipts not returned.

Penalty for non-payment thereof.

SEC. 8. The Board of Equalization of each county shall exact an additional bond from the Assessor with additional sureties in such penal sums as the said Board shall deem necessary to insure the faithful and prompt payment to the County Treasurer of all moneys received by such Assessor for poll tax.

Assessor to give additional bond.

SEC. 9. The County Clerk shall be ex-officio the Clerk of the Board of Equalization, except when a clerk shall be especially elected by such Board according to law.

County Clerk to be ex-officio Clerk of Board of Equalization.

SEC. 10. After the second Monday in September in each year, the Assessor shall proceed to enforce the collection of all poll tax remaining unpaid in his county, receiving the proper receipts from the Clerk of the Board of Equalization, and an account of the same shall be given by the Clerk to the Auditor, and the Assessor shall be charged therewith.

Payment of poll tax to be enforced after second Monday in September.

SEC. 11. To enforce the collection of poll-taxes, the Assessor may seize so much of every and any species of property, right, claim or possession whatever, claimed or in the possession of any person liable to and refusing to pay his poll-tax, or in the possession of any other person and belonging to such person so refusing to pay such poll-tax, as will be sufficient to pay such poll-tax and costs of seizure and sale, 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 poll-tax, who shall neglect or refuse to pay the same, may pay the same for such other, and deduct the amount thereof from such indebtedness.

Powers of Collectors in enforcing the payment thereof. Any property may be seized.

The Assessor after having deducted the poll-tax for which such property was sold, and the necessary fees and costs of the sale, shall return the surplus of the proceeds to the owner of the property. A delivery of the possession of the property by the Assessor to any purchaser at any such sale shall be a sufficient title in the purchaser, without the execution of a deed therefor by the Assessor. Before paying a witness or juryman his fees of attendance, the Clerk of the County, or Justice of the Peace, as the case may be, in which such witness or juryman may reside, shall require the witness or juryman demanding his fees, to produce satisfactory evidence that he has paid his poll-tax; and failing to produce such evidence, the Clerk or Justice shall deduct the amount of his poll-tax from the amount due the witness or juryman and pay him the residue, if there be any, and shall within ten

And sold at one hour's notice for amount of poll tax and costs, or may be collected from moneys due him.

Proceeds after deducting tax and costs, may be returned to the owner.

Title of property sold.

Delinquent poll tax may be deducted from juryman's fees.

And paid to  
County Treasurer  
within ten days.

Penalty for  
neglect to comply  
with this  
provision.

Settlements of  
officers under  
the Act.  
Of the Assessor.

Yearly  
settlements.

Clerk responsible  
for all receipts  
not returned.

County Auditor  
to transmit the  
returned receipts  
with this annual  
report to State  
Comptroller.

Penalty for false  
poll tax receipts.

County Auditor  
to forward a  
statement of the  
settlement with  
Assessor.  
To the  
Comptroller of  
State.

And duplicate to  
the County  
Treasurer.

A statement of  
final settlement  
to be forwarded  
to the State  
Comptroller.

days thereafter, pay over to the County Treasurer the amount of tax so collected, and deliver the Treasurer's receipt for the same to the Auditor of the county, who shall thereupon give a poll-tax receipt to such witness or jurymen, and any Clerk or Justice failing so to pay, shall be held liable to the penalties prescribed in section five of this article.

SEC. 12. The Assessor shall, on the first Monday of December, in each year, settle for all poll-taxes collected by him, and shall pay over to the Treasurer the amount of all poll-tax receipts which he shall have received from the Clerk of the Board of Equalization, (after deducting fees for collection) which he shall not then exhibit as still remaining uncollected, and on the first Monday in March of each year, the Assessor, the Treasurer, and the Clerk of the Board of Equalization shall attend at the office of the County Auditor, and the County Auditor shall then and there settle with the Clerk of the Board of Equalization and with the Assessor for all poll tax receipts signed by the Treasurer and delivered to said Clerk, and the said Clerk and his sureties shall be responsible for all such poll tax receipts delivered to him, which he shall not then return or be able to account for with receipts or vouchers from the Assessor, and the Assessor shall then pay over the amount of all poll tax receipts by him received and not then and there returned, and all the poll tax receipts returned by the Assessor and Clerk of the Board of Equalization, and shall be transmitted by the County Auditor with his annual statement to the Comptroller of State, and no poll tax receipt shall be valid for the coming year, after the first of March in each year.

SEC. 13. Any person or persons who shall pass, sell or transfer, or attempt to pass, sell or transfer, or who shall forge or fraudulently issue any receipt or receipts for poll tax, contrary to the spirit and intention of this Act, shall be deemed guilty of fraud, and on conviction thereof shall be punished by imprisonment in the State Prison for not less than one year nor more than two years.

SEC. 14. At the settlement with the Assessor, required on the first Monday in December in each year, it shall be the duty of the County Auditor, and he is hereby required to forthwith transmit to the Comptroller of State a certified statement of the amount of all poll taxes paid over to the County Treasurer of his county up to that time, and he shall deliver a duplicate of such statement to the County Treasurer; and on the final settlement on the first Monday of March in each year, the County Auditor shall immediately, upon the conclusion thereof, transmit a certified statement to the Comptroller of State, stating therein the number of all receipts for poll tax issued by the County Treasurer to the clerk of the Board of Equalization, and also the number of such receipts issued by the said clerk to the Assessor, and also the number of such receipts returned by the Assessor, and also the number of such receipts returned by the clerk of the Board of Equalization, and also the number of such receipts then transmitted to the Comptroller of State.

SEC. 15. Of the names [moncoys] collected under this Article, one and one half per cent. shall be paid to the clerk of the Board of Equalization, one and one half [per cent.] shall be paid to the Auditor, and after all the expenses of collection are paid, then forty per cent. shall be paid into the County Treasury for county purposes, and the remaining sixty per cent. shall be paid in for State purposes.

Appropriation of revenue under this Article.

## ARTICLE IX.

### *Concerning Private and Incorporated Companies and Associations.*

SECTION 1. All moneyed or stock corporations, or private associations, and all companies and associations for mining purposes, whether the same be or be not incorporated, and whether the capital stock of such corporation, private association or mining company, be located in or without the limits of this State, shall be liable to taxation in the manner hereinafter prescribed.

Associations and corporations liable.

SEC. 2. The president, cashier, secretary, treasurer, agent, or other proper officer, or manager of every incorporated company, and of each mining company or association that is now or shall hereafter be under, and by virtue of any law of this State authorizing the same, or that may exist by virtue of the laws of any other State, or by virtue of any private or individual agreement, who derive any income or profit on their capital in this State, or who have capital invested in their machinery, dam or dams, canal or canals, or other works for mining purposes; and the principal persons having charge of the affairs of every private association engaged in selling foreign bills of exchange, drafts, or certificates of deposit on capital within this State, shall, on or before the second Monday of May, annually, make and deliver, on application of the Assessor of the county in which the company or private association is liable to be taxed, and in the same manner as is required by this Act, of all private citizens or inhabitants within this State, a written statement, specifying, *First*—The real estate, if any, owned by any such company or private association, the county or counties in which it is situated, and the sums of money actually paid therefor, or the actual value thereof. *Second*—And the present value of all machinery and of all works and improvements. *Third*—The city, town, or place in which the depot of the property of such company or private association is situated; or if there be no such office, the place where its operations are carried on; and such statements shall be certified, under the oath of such president or other officer or person, to be in all respects just and true.

Officers to make and deliver, on application of the Assessor, a written statement, under the oath of the President, of the property owned by them liable to taxation.

Form thereof.

SEC. 3. If the statement required in the first preceding section shall not be furnished within twenty days after the time therein specified, each company or private association neglecting or refusing to furnish such statement, shall be listed and assessed by the Assessor for double the reputed value of the stock and pro-

If statement be not furnished, the Assessor may proceed to assess the property liable to double the amount.

And the Sheriff may proceed to enforce the same as herein provided.

Property of associations and corporations to be entered on the rolls of the Assessor.

Property owned by corporations, &c.

Upon failure to collect, the Sheriff shall make return to the County Auditor, who shall certify the same to State Comptroller.

erty of such company or private association, according to his best judgment, and the Sheriff shall have and is hereby given the same power and authority to enforce the collection of taxes imposed upon any such company or private association who shall neglect or refuse to pay the same, as are conferred on the Assessor by this Act, to enforce the collection of poll tax.

SEC. 4. The Assessors of the several counties shall enter all companies and private associations from which such statements have been received, and the property of such company or private association on their assessment rolls, in the same manner, as near as may be, as is required in other cases, showing the names of such company or private association, the amount of capital stock paid in, the value of all their personal property and improvements within the county, and the amount of such capital out of this State, on the faith and credit of which they are transacting business in this State, the value of all real estate then belonging to said company or private association: *Provided*, That said associations shall be taxed only upon the amount of property owned by them, whether in money or improvements made by moneys paid in.

SEC. 5. If the Sheriff shall be unable to collect the taxes from any such company or private association, he shall return the same to the County Auditor as in other cases of delinquent taxes, noting the reason why he could not collect the same; and the County Auditor shall thereupon certify the same to the Comptroller of State.

## ARTICLE X.

### *General Provisions.*

Term "real estate" defined.

Personal property under this Act.

SECTION 1. The term real estate, as used in this Act, shall be construed to include all lands within this State.

SEC. 2. For the purposes of revenue, the term personal property, as used in this Act, shall be construed to include in the property enumerated, in Section one of Article one of this Act, all household furniture, goods, chattels, horses, cattle, money, gold dust, and money at interest, and solvent debts, exceeding indebtedness, and all ships, steamers, vessels, and water craft of any and every description whatever, navigating the waters of this State, all moneyed stock and interest in any company or association, incorporated or private, not vested in real estate, and all stock and interest invested or owned in any company or association owning or having the management of any mines or any turnpike, plank road, bridge, ferry, or other thing, and shall be ascertained by the oath of the owner, and also for the purpose of revenue only, all houses, buildings, or other things erected upon real estate, whether private property or public land of the United States, shall be deemed and held to be personal property.

If any person who has settled upon and improved public lands of the United States shall neglect to pay the tax assessed upon the improvements thereon, within the time prescribed by law for the payment of taxes, he shall not avail himself of the provisions of the "Act prescribing the mode of maintaining and defending possessory actions on lands belonging to the United States."

Failure to pay tax on land, party in possession thereof shall not avail himself of the provisions of "Possessory Act."

SEC. 3. Lands sold or leased for a term of years by the State, though not granted or conveyed, shall be assessed in the same manner as if actually conveyed.

Lands under lease liable under this Act.

SEC. 4. The owner or holder of stock in any incorporated company liable to taxation on its capital, shall not be taxed as an individual, for such stock, and the property of every private or incorporated company, shall be taxed in the county where it is situated, or where the general depot of the property of the company is situated or established.

Stock in incorporations. How assessed.

SEC. 5. Every person shall be listed in the county where he resides for all personal estate owned by him in such county, including all real and personal estate in his possession, or under his control as trustee, guardian, executor or administrator.

Real and personal property. How listed.

SEC. 6. Lands occupied by any person not the owner thereof, shall be listed in the name of the owner, if known, otherwise, in the name of the occupant, who shall pay the taxes on the same, and for the taxes paid by such occupant, he shall have his action against the owner.

Lands shall be listed in the name of the owner, if known; otherwise in the name of the occupants.

SEC. 7. Unoccupied lands shall be listed in the name of the owner, if known, otherwise, as lands of persons unknown; lots or real property within the limits of any incorporated city, shall be listed separately, in accordance with the survey or plan.

Unoccupied lands. How assessed.

SEC. 8. The real and personal estate of all incorporated companies liable to taxation, shall be listed in the county in which the same shall be situated or the depot held, in the same manner as the real estate of individuals.

Property of incorporations to be listed in the county where it is located.

SEC. 9. When personal property is under mortgage, or in any manner pledged, it shall for the purpose of taxation, be deemed the property of the party having possession thereof. In the case of a mortgage of real estate, the mortgagor shall pay the taxes on the value of the property.

Mortgaged property. How assessed.

SEC. 10. The undivided real estate of deceased persons, may be listed to the heirs, guardians, executors or administrators, as the case may be, and a payment of taxes made by either, as the case may be, shall bind all the parties in interest for their equal proportions.

Estate of deceased persons. How assessed.

SEC. 11. Partners in the mercantile business may be jointly listed in their partnership name, in the county where the business is carried on, for their personal property employed in such business, and in case of being so jointly listed, each partner shall be liable for the whole tax.

Partnership property. How assessed.

SEC. 12. The County Assessor of each county, may appoint one or more Deputy Assessors, not exceeding one for each township in the county, to assist him in the performance of his duties,

Assessors may appoint one or more deputies.

and he may require of each person so appointed, a bond with sureties, for the faithful performance of his duties; but the County Assessor shall be responsible for the official acts of every deputy so appointed; before entering upon their respective duties, each deputy in like manner as the County Assessor, shall take the oath of office, which shall be endorsed on their respective appointments.

To be responsible for their official acts.

When assessment shall be made, and mode of making the same.

Subsequent assessments.

Assessor shall obtain from each resident a list, under oath, of the taxable property held by him, and assess the value thereon. Or in case of refusal, to prepare it himself.

To ascertain the taxable property, the Assessor shall prepare a tax list.

Contents thereof.

SEC. 13. Between the first Monday of March and August of each year, the County Assessor shall ascertain by diligent inquiry and examination through all the inhabited portions of his county, the names of all taxable inhabitants, and the full amount of all real and personal property, within the county which is not exempt from taxation by this Act; he shall also make subsequent assessment, whenever he has reason to believe that property or persons liable to taxation, have not been previously assessed.

SEC. 14. The Assessor shall, between the time specified in this Act, call upon every person resident in his county for a list of his taxable property, and such property as may be under the control or management of such person, and demand a list under oath, of such taxable property, of whatever character, and if the party decline to make affidavit, he shall proceed to assess the value of the same. When any property is overlooked by an assessment in any one year, it shall be added to the next annual assessment.

SEC. 15. To ascertain the taxable inhabitants and property in each county, the Assessor shall prepare a tax list or assessment roll in a well bound book, alphabetically arranged, in which shall be set down, in separate columns, and according to the best information he can obtain, guided by the list required of each taxable inhabitant in the next section of this Act.

First. The names of all taxable inhabitants.

Second. All real estate taxable to each, giving the quantity of acres in each tract, as near as possible, except in cases of city or town lots, which may be described by reference to numbers and streets.

Third. The actual cash value of the same.

Fourth. The actual cash value of all personal property, taxable to each, except improvements on real estate.

Fifth. The actual cash value of all improvements on real estate.

SEC. 16. The Assessor of every county shall require each and every taxable inhabitant of the county to make and deliver to the Assessor, (who is hereby empowered for that purpose to administer the oath,) under oath or affirmation a statement of all his individual property and wealth, whether of money, mortgages, lands, gold dust, houses, ships, vessels, notes, bonds, scrip, or any other species of property, or any species of property held by him in trust for another, the value of which shall be determined by the Assessor.

Each taxable inhabitant required to deliver a list under oath of property held by him.

Also property held in trust.

Or in case of refusal, Assessor to prepare said statement.

SEC. 17. Upon failure to make to the Assessor a satisfactory statement of the wealth of the person so being listed, the Assessor

shall make his own estimate, and place the same in his tax list or assessment roll.

SEC. 18. In the same manner, every person shall deliver up to the Assessor a just and true list of all property taxable by law, (except merchandise,) which he owns, or of which he has the charge or management, being in any other county in the State, and which has not, to his knowledge, been listed and given in for taxation for that year; which list shall particularly describe each tract of land, and each city or town lot contained therein, so that the same may be found and known by such description; all vessels, steamers, or other water craft; and shall also specify each and all deposits, if any, or persons with whom such deposit or deposits are made, and the place or places in which the same may be found, unless he shall have included all such money and gold dust in the list of property in his county which it shall be lawful to do.

Every person shall deliver a list under oath of all property taxable by law owned by him.

And where the same may be found.

SEC. 19. Every Assessor, as soon as he shall have completed his assessments, shall make out from such lists delivered to him under the previous section of this Act, a distinct list for each county in which any such taxable property may be, and transmit the same by mail, or otherwise, to the Assessor of the proper county, who shall assess the same as other taxable property therein, if not before assessed for the same year. If such lists shall be transmitted by mail, the postage thereon shall be paid by the Assessor who receives the same, and the amount thereof shall be allowed and paid to him at the time and in the manner of paying other expenses of assessment.

A list of property located in other counties in the State to be forwarded to the Assessor of the county wherein the same is located.

SEC. 20. When the lists, transmitted from one Assessor to another, as required in the previous section of this Act, shall not be received by the proper Assessor before he has made return of his tax book to the court, he shall without delay assess the property in such lists obtained, and make return thereof to the court in a supplement tax book, which shall be proceeded on as nearly as may be, as the original.

If list be received after the delivery of tax list, another list shall be made, and the property assessed.

SEC. 21. The books and accounts of all receiving, disbursing or auditing officers named in this Act, shall at any and all times be open to public inspection and examination, free of any charge whatever.

Books, &c., of auditing official to be open for inspection.

SEC. 22. If any taxable inhabitant in any county in this State, upon being applied to by the Assessor, or any Deputy Assessor, by him duly authorized, shall neglect or refuse to make to the Assessor, and to subscribe, under oath, to a statement or list of his or her wealth, as required in the sixteenth Section of this Article, he shall be deemed guilty of attempting to secrete property from taxation, and on conviction thereof shall be punished for a misdemeanor; and moreover, upon the discovery, by any officer or other inhabitant, of any species of taxable property which shall have belonged to, or which shall have been in the possession or under the exclusive management and control of any such person refusing to give such list or statement, as required in this Act, and which

In case of refusal to furnish the tax list provided in this Article, and penalty therefor.

And the property  
held liable for  
the same.

Appropriation  
of fines.

Property omitted  
in assessment  
roll may be  
subsequently  
listed.

If the omission  
was caused by  
owner, property  
to be assessed  
double.

Penalty for false  
lists.

Property of  
unknown owners  
and mode of  
assessing the  
same.

Assessment roll  
to be delivered  
to County  
Auditor on the  
first of August.

property shall not have been previously listed or assessed, and shall be of the value of one hundred dollars or over, every such person shall be subject to indictment for the fraud, and on conviction thereof, shall be fined in any sum not less than fifty dollars nor more than two thousand dollars; and all and every species of property claimed and owned in any portion of this State by any person convicted of such fraud, shall be liable at any time for the payment of such fine; and of all the fines so collected, the Sheriff, and any other person or persons who may have informed the Sheriff, and aided in any conviction for such fraud, shall receive one-fourth thereof, and the balance shall be paid to the Treasurer of the county, as other State and county taxes.

SEC. 23. All taxable property in any county in this State which shall not be listed in the Assessor's books, or a list thereof tendered or offered to be made to the Assessor upon demand, and which shall have existed in any county between the first Monday of March and August of each year, and shall be found to have remained unlisted in any list required by this Act, shall be at any time during the year especially and separately assessed, and reported to the Sheriff of the county, and shall be taxed double, unless it shall be established to the satisfaction of the Board of Equalization that such property was not listed, by reason of the gross negligence of the Assessor, in which event the Assessor shall be liable to pay the whole amount of such tax.

SEC. 24. If any person shall be guilty of giving or making a false list of any property, under the oath required by this Act, as to leave no question or doubt of an attempt to conceal any property or thing, such person shall be liable to indictment for perjury, and on conviction thereof, shall be punished as in other cases of perjury, and all his or her property shall be liable to pay three times the usual tax.

SEC. 25. If the owner or owners of any property liable to taxation shall be unknown, or a non-resident or absent, or refuse when called upon by the Assessor or his authorized deputy, to give a list of his property real or personal, subject to taxation, it shall be the duty of the Assessor or his authorized deputy, in either or all the above enumerated cases, to make a list thereof, from the best information he can obtain and attach thereto such valuation as he may deem just, and enter the same on his roll; and the assessment thus made, shall have the same force and effect as though it had been made by the owner or owners of all property thus listed, and unless altered by the Board of Equalization in the manner set forth in this Act, and the assessment of all property of persons refusing to give a list, as provided by law, may be doubled, by the Board of Equalization.

SEC. 26. The Assessor of each county shall deliver a full and complete original list or assessment roll to the County Auditor, on or before the first Monday in August in each year. But nothing in this section shall be so construed as to prevent a subsequent assess-



ment and return of any property, not returned in the original assessment roll.

SEC. 27. The Board of Supervisors, if any exist, otherwise the Court of Sessions of each county, shall constitute the Board of Equalization, and shall meet on the first Monday of August in each year, and also upon the Monday succeeding the final return of any supplementary assessment roll, notice of which shall be given by the Assessor for one week, and continue in session from day to day until all the business of Equalization presented to them is disposed of, and hear and determine all complaints respecting the valuation of property both real and personal, made subsequent to the preceding first Monday in March, and correct any list or valuation, if they shall be convinced that the same be false, and shall have power to equalize the valuation made by the Assessor, either by adding thereto or deducting therefrom, such sums as to them or a majority of them shall appear just and equitable. During the time the Board of Equalization is in session the Assessor, or one of his assistants, shall be in attendance, and be allowed to make any statement to the Court touching the question of Equalization before the Board.

Board of Supervisors to compose the Board of Equalization. To meet in August of each year, and after return of tax roll.

To hear and determine all complaints relative to assessments, and equalize the same.

Assessor to attend meetings of the Board.

SEC. 28. The Auditor of each county shall annually, immediately after the first Monday of August in each year, make out a duplicate of taxes assessed in his county in the following manner: He shall place in alphabetical order, the names of all persons, corporations, and companies liable to pay a tax in the county, he shall place in separate columns and opposite the names of the property tax payers, (designating by the word "paid," such as have paid to the Collector of Taxes,)

Auditor shall annually prepare a duplicate tax list in manner herein set forth, and deliver the same to the Sheriff.

- First. Real estate other than city or town lots.
- Second. The number of acres of such real estate.
- Third. The value of such real estate.
- Fourth. The value of improvements thereon.
- Fifth. City and town lots.
- Sixth. Value thereof.
- Seventh. Value of improvements thereon.
- Eighth. Value of personal property (except improvements on real estate.)
- Ninth. Total value of property.
- Tenth. State tax thereon.
- Eleventh. County tax thereon.
- Twelfth. Poll tax.
- Thirteenth. Delinquent tax of previous year.
- Fourteenth. Total tax.

If the names of persons liable to pay a tax on any property in the county be not known to the Auditor, he shall place such property in the duplicate opposite the words "unknown owners," and he shall add up and set down on each page of such duplicate, the several columns containing the valuation of real and personal property, the taxes charged, and the number of acres, carrying the same forward, from page to page, to the close of the duplicate,

Also a duplicate of delinquent portion of the same, and a list of taxes already paid.

Provided the delinquent list is not amended by the Board.

Auditor shall transmit abstract of poll and tax list to Comptroller of State.

Auditor and Assessor shall correct errors in tax list, and issue certificates therefor.

Sheriff to be collector of property tax, and shall, after receipt of duplicate, collect the taxes contained therein.

To accompany the Assessor. And may, in their discretion, demand certain taxes.

Enforcement of personal property tax.

Assessments made in accordance with the provisions of this Article, to remain as a judgment and execution on the property. Powers of the Sheriff in enforcing the same.

and at the end of the duplicate he shall add up and set down the aggregate of the items for the whole county; and he shall cause a copy of the delinquent proportion of such duplicate to be delivered to the Sheriff of his county on or before the third Monday of August of each year, as also a list of taxes already paid to the Collector of Taxes, with the names in alphabetical order: *Provided*, that the Court of Sessions, or the Board of Supervisors, as the case may be, may, when in their judgment it becomes necessary, order as much of the delinquent tax list stricken from the assessment roll as they shall deem unnecessary longer to continue.

SEC. 29. He shall make out and cause to be transmitted, by mail or otherwise, to the Comptroller of State, on or before the first day of November of each year, a complete abstract of the property listed in his county, the valuation thereof, the number of polls, the amount of each kind of tax, and the aggregate thereof in the county, and certify the same, as also the rate of each kind of tax assessed.

SEC. 30. The Auditor, in presence of the Assessor, shall, from time to time, correct all errors which he may discover in his duplicate, either in the name of the person charged with taxes, the description of the property, or amount of taxes charged; and when such correction is made, after the duplicate is delivered to the Sheriff for collection, the Auditor shall give to the person to be affected thereby, a certificate of such correction to be presented to the Sheriff, who shall make the like correction on his duplicate, and keep such certificate as his voucher on settlement with the Auditor.

SEC. 31. The Sheriff, who shall be the collector of all taxes except poll taxes, shall receive from the Assessor, immediately after the entry upon the roll, a duplicate of each entry of taxes at the time the Assessor makes the assessment, (a copy of such duplicate being also returned to the Auditor by the Assessor,) and proceed to collect the taxes being charged by the County Auditor, with the full amount thus charged upon such duplicate; and the Collector, accompanying the Assessor in his travels over the county, shall have power in his discretion to demand any and all taxes upon personal property due the State or county from any person liable to taxation, who shall not be the owner of any real estate in such county, so soon as the Assessor shall list such tax payer, and shall have the same powers to enforce the payment of such tax on personal property as is given the Assessor for the enforcement of the payment of the poll tax.

SEC. 32. Every assessment made in conformity with the spirit and intention of the provisions of this Act, shall remain as judgment and lien, and have the force and effect of an execution against the party and property liable for the taxes thereon; and the Sheriff is hereby authorized and required to seize and sell, in like manner and with the same fees allowed on other executions, any property, the taxes on which shall not have been paid on or before the third Monday of September in each year, by giving ten

days' written or printed notice thereof, a copy of which notice shall be given in the Spanish language in all the counties south of the county of Contra Costa, including said county, designating the time and place of sale, and the name of the owners of such property, when known, and when not known, stating such fact, as also the description of the property so seized, and where situated, as also any and all improvements that are thereon or appertaining thereto, which said notice shall be posted on the door of the county court-house, and in three conspicuous places in the election precincts where such property is situated. If said property be real estate, it shall be sold at the county court-house, between the hours of ten o'clock, A. M., and four o'clock, P. M.; and if personal property, it shall be sold in the election precinct where the property is situated. The purchaser or purchasers of all or any property sold for the payment of any taxes levied by this Act, shall at any time freely enjoy the right to enter and take possession thereof, on whose land soever the same may be found: *Provided*, that if such assessment shall be due on personal property, real estate of the party owning such personal property, or any other personal property belonging to him, may be sold under the provisions of this section for the payment of said assessment.

Sales of delinquent property, and mode of making the same. Notices of sales to be published in certain counties in the Spanish language.

Where sales shall take place.

Rights of purchasers.

Real and personal property may be sold for personal tax.

SEC. 33. The Sheriff, in selling said real estate, shall, at the time of said public sale, announce and designate the part to be sold, (if the owner thereof be present, and shall decline to do so himself,) defining the same by some definite starting point, so that the land can be easily identified by some metes and bounds, as also to make the piece or parcel of land (so sold for the taxes and costs thereon) in as near a compact form as practicable, and at all such sales of real estate for taxes and costs, the person or persons who will take the smallest amount or quantity thereof for the taxes and costs due thereon at the time of said sale, together with the accruing costs and charges, shall be entitled to become the purchaser, and the Sheriff shall, so soon as practicable thereafter, and on payment of such taxes and costs, execute a certificate of conveyance of sale to him or them, setting forth therein the amount of assessment and their nature, the name of the party owning the same, when known, as also when not known, to be so stated; failure to pay said taxes and costs at the time of sale, the date of the seizure of said real estate, the date of the notice of said seizure, and of all other notices required by this Act, with the date and place of sale, together with the amount or amounts paid for the taxes and costs of said real estate, the description of the same as sold, together with a full description of the metes and bounds thereof, as also of any and all improvements thereon, and shall deliver a certified copy of said certificate to the purchaser or purchasers thereof, and the County Recorder shall, on being paid his legal fees, record said certificate; and if, at the expiration of six calendar months from the day of said sale, the party owning said real estate (and improvements, when any exist) fail to redeem the same from the purchaser thereof, with fifty per centum

Sales of delinquent real estate, and manner of conducting the same.

Certificates of sale, and contents thereof.

County Recorder to record the same, and to execute deed for property described therein if not redeemed by delinquent

within six months, by the payment of fifty per cent. advance.

Deed to be evidence and rights under the same.

Property sold for city taxes to be disposed in accordance with the provisions herein contained.

Property of minor heirs sold for taxes may be redeemed within one year after such minors shall have attained the age of majority on payment of the costs, &c., as herein set forth.

Deeds under city tax sales to be executed by officer making the same.

Funds receivable for taxes under this Article.

To be paid over by Sheriffs to County Treasurer and receipts therefor. Sheriff responsible for the funds collected for State Taxes.

advance (and double the expense of recording the certificate aforesaid) on the amount set forth in said certificate of sale, the Sheriff of the county shall then execute a deed of conveyance in fee simple to the purchaser or purchasers, or assigns thereof, for said real estate and improvements, if any there be, acknowledging said deed before some person authorized by law to take acknowledgments of deeds, and the sale shall become absolute, and said deed shall be prima facie evidence, in all courts of this State, of the conveyance of all right, title and interest in and to said property owned by the delinquent or delinquents at the time of said sale; and all property, real and personal, seized and sold by any Marshal or Tax Collector of any incorporated city or town in this State, under the authority of any assessment for tax purposes, and for their use, and made by and under the authority of the Councils or Trustees thereof, shall be sold as nearly in conformity as can be, as are proscribed in this Act, except in such cases as are specially provided for by law: *Provided*, that any real estate so sold for taxes, either State, county, or municipal, which is, at the time of such sale, the property of a minor heir or heirs, or in which such may be interested, the same shall be subject to redemption at any time within one year after such minor heir or heirs shall have attained the age of majority, by such minor heir or heirs, or their legal representatives, on the payment of the amount of the taxes, costs and charges thereon, together with fifty per centum per annum for the first year, and thereafter at the rate of ten per cent. per annum on such amount of taxes, costs and charges, and be as binding and of the same force and effect as other sales made by virtue thereof; and nothing in this Act shall be so construed as to prevent any county, incorporated city or town from levying a license tax for county or municipal purposes.

**SEC. 34.** All certificates of sale, as well as deeds of conveyance of real estate, or improvements, sold by virtue of any assessment for taxes in any incorporated city or town, shall be made by the Marshal or Tax Collector thereof.

**SEC. 35.** All taxes collected under the provisions of this Act for State purposes, shall be collected in the legal currency of the United States, or in foreign coin at the value fixed by the laws of the General Government, or in clean and pure gold dust, at the rate of seventeen dollars and twenty-five cents per ounce troy weight, or in bonds of the State, with the interest due thereon, which bonds are known as the three per cent. bonds, or in warrants drawn by the Comptroller of State upon the General Fund, and registered by the Treasurer, or any other evidence of civil indebtedness of the State, and the same shall be paid to the County Treasurer, and the Sheriff shall take duplicate receipts therefor, as provided for in the next section of this Act. The Sheriff and his bondsmen shall be held responsible for the payment of all taxes collected by him, in such funds as are specified in this section, for State purposes, except said three

per cent. bonds: *Provided, however,* that the provisions of this Act shall not be construed so as to conflict with the execution of any laws that have been or may be enacted, authorizing any county and city in this State to fund the debt of the same, and prescribing the manner of assessing and collecting taxes for county and city purposes: *And provided further,* that the interest tax of thirty-nine cents on the hundred dollars, provided in section one of article one of this Act, shall be paid in gold or silver coin, and any taxes assessed for municipal purposes may be paid in such funds, or in such manner as may be prescribed by such corporate authority, or in clean and pure gold dust, at the rate fixed in this section.

SEC. 36. The Sheriff shall, on the first Monday in October and on the third Monday in December in each year, attend at the office of the County Treasurer, and then and there present under oath to the County Treasurer and the County Auditor, a correct account of all his transactions as collector of the assessed taxes, and shall, at the same time, account for and pay over to the County Treasurer, any and all funds in his hands not previously paid over, which account shall be in writing, signed by the Sheriff and countersigned by the Auditor and Treasurer, and shall be filed in the office of the County Auditor.

SEC. 37. It shall be the duty of the County Treasurer, in all settlements with the Sheriff, to administer an oath to said Sheriff, requiring him to state whether the monies, or gold dust, or Comptroller's warrants paid by him to the Treasurer are the same which he collected, and that the bonds received by him were received at par value, with the interest due thereon. No officer shall be allowed any interest on the State bonds received for taxes after the time said bonds were received, which time shall be noted on the bonds, with the amount of interest allowed thereon, and also the name of the party from whom received. Nothing contained in this Act shall be construed to abridge the powers for taxation of any incorporated city or town; nor as prohibiting the levy and collection of any tax or assessment authorized by law for special purposes.

SEC. 38. The Sheriff shall, on the first Monday in November, make a return in duplicate to the County Treasurer and County Auditor, of all unpaid taxes for the year, with the name of all delinquent tax payers, if known; and shall proceed to collect and enforce the payment of all unpaid taxes, in manner and form as provided for the collection of taxes in this Act; said duplicate return shall be placed on file in the office of the Treasurer and in the office of the Auditor. The County Treasurer and County Auditor shall then make a return, under oath, to the Comptroller of State, of all State taxes remaining unpaid in their county, and subsequently, also, in conformity with each return made to them by the Sheriff.

SEC. 39. On the first Monday of March in each year, the Sheriff, the County Treasurer and the County Auditor shall attend

Provisions of this Article not to conflict with any existing laws relating to city or county taxes.

Interest tax to be paid in gold or silver coin.

Municipal taxes in such funds as may be prescribed by corporation making the same.

Sheriff shall present to the County Treasurer at the times herein set forth, a statement under oath of his collections, and account for the same.

Treasurer to administer oath to Sheriff, requiring him to pay over the exact funds received in payment for taxes.

Date of receipt of bonds to be endorsed on the same.

Provisions of this Act not to affect municipal taxes.

Delinquent list, duplicate thereof, and enforcement of the same.

Auditor and Treasurer to make a duplicate return to Comptroller of State.

Settlement of officers under the Act, the time and

manner of making the same.

at the office of the County Auditor, and the Sheriff shall then and there make a final settlement for the year with said Auditor and Treasurer, for the amount of all taxes with which said Sheriff stands charged, in the manner following :

First. The Auditor shall take from the duplicate in the hands of the Sheriff, for collection, a list of all such taxes therein, describing the property on which such delinquent taxes are charged, as the same is described in such duplicate, and shall note therein, in a marginal column, the reason assigned by the Sheriff, and subscribe, under oath administered by the Auditor, why such taxes could not be collected.

Second. The Auditor shall forthwith record such list of delinquencies in his office, and thereupon forward the same to the Comptroller of State.

Third. After deducting the amount returned delinquent, and the fees for the collection allowed to the Sheriff, from the several charges taxed on the duplicate, in a just and rateable proportion, the Sheriff shall be held liable for the balance, and shall thereupon pay such balance to the Treasurer. The Auditor shall thereupon balance the Sheriff's account by crediting the Sheriff with the amount of delinquent taxes and with all moneys paid to the Treasurer, together with his commissions for collecting: no further taxes shall be collectable on such duplicate, but whatever taxes may remain uncollected on the delinquent list on the final settlement on the first day of March, shall be placed in the tax list of the succeeding year, and the Sheriff shall immediately proceed to collect the same, and on the first Monday of June and September pay over so much as he has collected thereon into the County Treasury, and continue collections of the remainder and payments thereof at the periods assigned by law for the payment of other portions of the tax list.

Final delinquent list to be placed in list of succeeding year, and Sheriff authorized to collect the same immediately

Settlements of Sheriff, and penalty for not making the same

SEC. 40. If the Sheriff shall refuse or neglect to make the returns and settlements with the Treasurer and Auditor of his county as in this Act specified, he and his sureties shall be held liable to pay the full amount of taxes charged upon the duplicate; and the District Attorney, on being instructed so to do by the Comptroller of State, or by the County Court of the county, or Board of Supervisors if there be any, shall cause suit to be instituted against such Sheriff and his sureties, and no stay of execution or exemption of any property shall be allowed on a judgment rendered or execution issued in such suit.

Collecting officers under the Act to be ready when called on to pay over revenue held by them.

SEC. 41. Every Sheriff and each County Treasurer shall, after the receipt of any revenue belonging to the State, hold himself ready to pay to the Treasurer of State, on the warrant or order of said Treasurer, endorsed by the Comptroller, all State revenue collected to the date of said warrant or order, less his lawful fees; and the Sheriff shall retain such warrant or order as a voucher, and the amount thereof shall be allowed to him on his settlement with the County Treasurer, and the voucher of the Treasurer of State be received for as cash, and the

County Treasurer shall return such warrant or order as a voucher, and the amount thereof shall be allowed to him on his settlement with the Comptroller of State.

SEC. 42. The lien of the State for all taxes for State and county purposes, shall attach on all real and personal estate on the first day of March annually, and such lien, to the absolute exclusion of other liens, shall continue till all taxes thereon shall be paid, including in the lien on real estate the assessed value and taxes on all personal property owned by holders of real estate.

Lien for State taxes, and force thereof.

SEC. 43. Whenever any tax is paid to the Sheriff, he shall note the same on his duplicate, and shall give to the person paying the same a receipt, specifying the amount paid, what paid for, the property on which the same was assessed according to its description, and the owner's name on the duplicate.

Record of tax payments, and receipts therefor.

SEC. 44. The County Treasurers of Calaveras, El Dorado, Placer, San Francisco, Sacramento, San Joaquin, Yuba, and Tuolumne counties, shall settle and pay over to the State Treasurer, on the third Monday of December, the third Monday of April, the third Monday of July, and the third Monday of October of every year, any and all funds which shall come into their hands as County Treasurers, for the use and benefit of the State. The Treasurers of all other counties shall settle and pay over to the State Treasurer, all funds which shall come into their hands as County Treasurers, for the use and benefit of the State, on the third Monday of December, and on the third Monday of July in each year.

Treasurers of counties herein named shall settle and pay over State funds quarterly.

And the remaining counties of the State semi-annually

SEC. 45. Neither the Sheriff nor the County Treasurer shall use, employ, loan, or in any manner, directly or indirectly, place out of his or their possession any of the funds which may come into his or their hands under the provisions of this Act. Any officer violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction, be fined in any sum not exceeding five thousand dollars, or imprisonment in the county jail for a term not exceeding six months, or be punished by both such fine and imprisonment, and shall at once be removed from office.

Penalty for using in any manner funds belonging to the State.

SEC. 46. The Board of Equalization for each county shall, on or before the first Monday of March, or as soon as practicable thereafter, 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 such purposes, and shall add thereto the amount levied by law on each one hundred dollars of taxable property, real or personal, and poll tax for State and county purposes, which shall be entered of record; said Court or Board, and the Clerk thereof, shall forthwith make out certificates of the same, one of which he shall deliver to the County Auditor, and the other to the County Treasurer.

Board of Equalization shall assess the amounts to be levied for county taxes, and time of making the same.

Certificates thereof to be delivered to Auditor and Treasurer.

SEC. 47. Delinquent taxes may, at any time before the land is sold therefor, with the penalty, interest, and damages thereon, be paid into the county treasury at any time after the delinquent

Delinquent tax may be paid after return of list.

list is returned as herein provided; and the person so paying taxes shall file the Treasurer's receipt therefor with the County Auditor, and take his receipt therefor.

Each officer shall separately perform the duties required of him by this Act, shall not neglect the same, nor conceal information relative thereto.

SEC. 48. The Treasurer, the Sheriff, the Assessor, the Auditor, the Clerk of the Board of Equalization, and each member of such Board shall, each, separately perform the duties required of him in his office, and shall not perform the duties of any two such officers except as provided by law, and such officer who shall at the same time perform the duties of any two such officers in any manner connected with the public revenue, except in the manner expressly authorized by law, or should any collecting or disbursing officer neglect the performance of the duties required by this Act, so as to conceal from others, after inquiry, any proper information in relation thereto, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail, not less than six months nor more than one year, or by a fine not less than two hundred nor more than one thousand dollars, or by both such fine and imprisonment.

Penalty for violating these provisions.

Board of Equalization shall remove Assessors violating the provisions of this Act.

SEC. 49. It shall be the duty of the Board of Equalization, and they are hereby required, to immediately remove any Assessor from office who shall neglect or refuse to discharge the duties herein required of him, or who shall violate any of the provisions of this Act, and to appoint and qualify another in his place. Such Assessor shall have the privilege of making an appeal to the County Court from the decision of the Board of Equalization, but such appeal shall not permit any delay in the collections or assessments.

May appeal to County Court.

Roll, collections, and delinquent list to be compared annually.

SEC. 50. The Board of Equalization shall compare, at least once in each year, the assessment roll with the collections and delinquent return, and if they deem necessary, publish the delinquents.

Blanks for licenses. Who shall furnish the same.

SEC. 51. Blanks for State licenses shall be furnished by the Comptroller of State, but if not received by the Auditor when necessary to be used, may, as well as those for county licenses, be procured by the Auditor at the expense of the county; but the cost of the State blanks shall be allowed to the county on final settlement with the Comptroller.

Auditor to make a quarterly report to Comptroller of State, and mode of preparing the same.

SEC. 52. The County Auditor shall make a quarterly report to the Comptroller of State, of the amount of moneys in the county treasury belonging to the State; for this purpose he is empowered to examine the books of the Treasurer, and administer the oath as to their correctness; and the Treasurer shall also, at the time of such examination, make and subscribe an affidavit, that all the moneys received by him have been properly entered in the books submitted for examination.

Collections to be paid over within thirty days after making the same, and penalty for neglect.

SEC. 53. Any sheriff or other officer who may neglect to pay into the county treasury any moneys by him collected for the space of thirty days after such collection, and within ten days after payment to the County Treasurer, to present the Treasurer's receipt to the Auditor, in order that the amount may be



charged to the Treasurer by the Auditor, shall forfeit and pay double the amount so collected, and be prosecuted upon his bond for such delinquency.

SEC. 54. The Sheriff shall be allowed for collecting all taxes except license taxes, foreign miners' taxes and poll taxes, the following rates, on all sums collected and paid over, viz: eight per cent. on the first five thousand dollars, ten per cent. on all sums between five thousand and ten thousand dollars, and fifteen per cent. on all sums above ten thousand dollars. The Assessor and his deputies shall be allowed not less than twelve dollars per diem for his services, whilst actually engaged in the performance of his official duties, in the counties of Tulare, Mariposa, Tuolumne, Calaveras, El Dorado, Placer, Nevada, Yuba, Butte, Sierra, Shasta, Siskiyou, Trinity and Klamath. In the other counties of this State the compensation of such Assessors shall not be less than eight dollars per diem, nor more than sixteen dollars per diem, whilst actually engaged in his official duties. And in all cases the amount of such compensation shall be affixed as herein provided by the Courts of Sessions of their respective counties. The compensation of the County Auditors shall be forty cents per folio for all services performed in the discharge of such duties. *Provided*, that in the counties of San Francisco and Sacramento, the amount of compensation allowed to the Sheriff for the collection of all taxes except license tax, poll tax and foreign miners' tax, shall be five per cent. on the whole amount collected and paid over. The County Treasurer in each county in this State shall receive on all sums collected and disbursed, three per cent. Nothing in this Act shall be construed as to allow a per centage on both collection and disbursement.

Fees of Sheriffs.

Fees of Assessors.

In counties herein named.

To be regulated by Court of Sessions.

Fees of County Auditors.

Fees of Sheriffs in certain counties.

Fees of County Treasurers.

Term "per centage" defined.

SEC. 55. The County Treasurer shall receive twenty cents per mile for travelling fees in going to and returning from the seat of Government at the periods prescribed by law, to be computed by the Comptroller, according to the distance on the route most usually travelled.

Mileage of County Treasurer.

SEC. 56. The amount allowed and paid to the Sheriffs, Assessor and Auditor, shall be apportioned by the County Auditor in proportion to the amount received into the County Treasury for State purposes, and charged to the State or county, rateably in said proportion; and the Auditor shall forward to the Comptroller of State, a certified statement of the amount so apportioned against the State, and the Comptroller shall credit the Treasurer therewith.

Fees for collecting taxes to be apportioned by County Auditor, and a copy transmitted to State Comptroller.

SEC. 57. The amount of moneys collected by the Sheriff shall, at least once in every month during the year, be paid into the County Treasury, designating, in the separate receipts therefor, whether the amount was received for license taxes or for property tax; whether for State or county purposes. The receipt from the County Treasurer, delivered within ten days thereafter to the Auditor, shall be a voucher for the Sheriff against the amount charged him by the Auditor, and the amount received by the

Settlements to be made, and collections to be paid over to Treasurer monthly.

Receipts of Treasurer and

blank licenses returned to test the accuracy of license account.

Treasurer to the Sheriff on license account, with the blank licenses returned to the Auditor, will test the accuracy of the returns of the Collector of Taxes for license account; these settlements shall be made monthly.

Accuracy of the return of Sheriff for property tax.

SEC. 58. In the Sheriff's return and settlement with the County Auditor on the first Monday of August, the Treasurer's receipts for property tax and the amount of the delinquent list then returned shall test the accuracy of the return of the Sheriff for property tax.

Sheriff may command assistance in enforcing the payment of taxes.

SEC. 59. The Sheriff of any county may command the same assistance for enforcing the collection of taxes as is by law allowed to him in the execution of process; and any Sheriff who shall wilfully or intentionally neglect or refuse to enforce the collection of taxes in his county, shall, on proof of such neglect or refusal, be subject to removal from office, as provided by law for the removal of civil officers otherwise than by impeachment.

Penalty for neglect of Sheriff.

County Auditor to forward quarterly an abstract to the Comptroller of State. Contents thereof.

SEC. 60. The County Auditor shall, at least once in every three months, forward to the Comptroller of State a full abstract of all licenses granted under the provisions of Articles two, and three, and four of this Act, payable to the County Treasurers for State purposes, naming to whom granted, and the amount of money paid on account of the same for State purposes; and the Comptroller shall thereupon charge the County Treasurer with the amount thereof. The payment of moneys for the purpose of obtaining licenses, under this Act, shall not be construed to grant in any manner a license until the license be actually obtained from the Auditor.

Licenses to be obtained from County Auditor.

Fees of Sheriffs for Certificates and Deeds.

SEC. 61. The Sheriff shall be entitled to receive the following fees for certificates and deeds authorized by this Act: For each certificate of the sale of personal property, one dollar; for each certificate of the sale of real estate, two dollars; for each deed of conveyance of real estate, including the certificate and acknowledgment thereof, five dollars. The description of the entire amount of property purchased by each purchaser shall, unless otherwise directed by such purchaser, be included in one deed or certificate. The cost of such certificate or deed shall be included in the amount of the charges herein provided.

Redemptions may be made by depositing with County Treasurer the amount due under this Act.

SEC. 62. The redemption of property sold for taxes, as provided in this Act, may be made by paying to the purchaser the amount of the taxes and legal costs, charges and per centage thereon, or depositing the same with the County Treasurer to the credit of such purchaser.

Appropriation of revenue under this Act.

SEC. 63. All moneys collected as revenue in this State, the disposition of which is not otherwise provided by law, shall be paid into the general fund. So much of section eleven of an "Act concerning Toll Bridges," passed May 1st, 1851, as conflicts with this Act is hereby repealed.

License Act of 1852 repealed.

SEC. 64. "An Act concerning Licenses," approved May 4th, 1852, is hereby repealed.

Revenue Act of 1852 repealed.

SEC. 65. "An Act to provide for levying, assessing and col-

lecting public revenue," approved April 23d, 1852, is hereby repealed: *Provided*, nothing in this Act shall affect the completion of collection of taxes, or licenses, or other moneys, due under the provisions of said Act prior to the passage of this Act. Proviso.

SEC. 66. Section twenty-three of an act amendatory of an act entitled "An Act to create a State Hospital in the City of Sacramento," passed April 28, 1851, is hereby repealed. Former Act repealed.

SEC. 67. Sections twenty and twenty one of "An Act to create a State Hospital in the City of Stockton," passed April 30, 1851, is hereby repealed. Former Act repealed.

SEC. 68. Section four of "An Act to provide a revenue for the State Marine Hospital at San Francisco," passed March 26, 1851, is hereby repealed. Former Act repealed.

SEC. 69. So much of "An Act prescribing the mode of appointing Auctioneers, and defining their duties," passed April 22d, 1850, as conflicts with the provisions of this Act, is hereby repealed. Auctioneer Act of 1850 repealed.

Approved, May 18, 1853.

## CHAPTER CLXVIII.

### AN ACT

To define the fees to be charged by clerks of Courts for the naturalization of foreigners.

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

SECTION 1. That 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, three dollars, and for the certificate of citizenship and making a record thereof, three dollars. The sum of three dollars 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 for naturalization papers shall not exceed three dollars.

To whom issued.

Approved, May 18, 1853.

## CHAPTER CLXIX.

## AN ACT

Additional to an Act to provide for the compensation of County Judges, and of Associate Justices of the Court of Sessions, and to repeal a like Act, passed April twenty-second, eighteen hundred and fifty, approved May sixteenth, eighteen hundred and fifty-three.

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

Salary of District Judges.

Of Solano county.

Of Sierra county.

SECTION 1. The County Judges of the following counties shall receive annually as compensation of their services the following compensation: First. The County judge of Solano county three thousand dollars. Second. The County Judge of Sierra county two thousand dollars.

Approved May 18, 1853.

## CHAPTER CLXX.

## AN ACT

For the Relief of John W. Jackson.

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

Comptroller to issue a duplicate warrant.

State to be indemnified.

SECTION 1. The Comptroller of State is hereby authorized and required to issue to John W. Jackson, a duplicate War Loan Warrant for the sum of eighty-eight dollars; *Provided*, that a good and sufficient bond shall be first executed, on the part of the said John W. Jackson, in the penalty of one hundred and seventy-six dollars to be approved by the Comptroller, conditioned to indemnify the State from the payment of a War Loan Warrant, dated

on the twenty-third day of July, eighteen hundred and fifty-one, number seventy-four, for the sum of eighty-eight dollars alleged to have been lost by said John W. Jackson ; *And provided further*, that the said John W. Jackson shall furnish satisfactory evidence to the Comptroller, by affidavit or otherwise, of the loss of such warrant.

Approved, May 18, 1853.

## CHAPTER CLXXI.

### AN ACT

Supplemental to "An Act to regulate Elections," passed March twenty-third, one thousand eight hundred and fifty.

*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 County Clerk of each county of this State, within ten days after the receipt of the returns of any election for Governor and Lieutenant-Governor, held in obedience to law to make out a true statement of said returns, showing the vote at each precinct in his county, certify the correctness of said statement under his hand and the seal of his Court, and transmit the same, endorsed "Election Returns for Governor and Lieutenant-Governor," to the Secretary of State to be filed and preserved among the State Archives.

County Clerk to transmit returns of election for State officers to Secretary of State.

SEC. 2. Said Clerk shall in like manner make out, certify and transmit to the Secretary of State for the same purpose, a statement of any and all returns of election for members of the Senate and Assembly of the State Legislature, County Judge, County Clerk, Sheriff, Assessor, Collector, Attorney, Supervisor and Coroner, which may be received at his office.

Also returns for members of Legislature.

SEC. 3. On the reception of the statement aforesaid by the Secretary of State ; it shall be the duty of the Governor to issue commissions, under the same rules and conditions as other officers are commissioned, to the persons receiving the highest number of votes for County Judge and County Clerk.

Governor to issue commissions to County Judges and County Clerks.

Approved, May 18, 1853.

## CHAPTER CLXXII.

## AN ACT

To protect the Archives of State and prevent their removal from Benicia.

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

Writs or orders for removal of Archives, &c., from Benicia, to be disregarded by State officers.

SECTION 1. It shall not be lawful for any Court of Justice in this State, or any Judge, to grant a writ of mandamus, or any other writ or order against the officers of State, or either of them, for the purpose of compelling the removal of the Archives of the State, or any of the State offices from the City of Benicia to any point or place in this State, and any writ so issued shall be disregarded by each and every officer of State, whose duty it is to keep an office at the seat of government, without rendering him or them liable for a contempt of court.

Approved, May 18, 1853.

## CHAPTER CLXXIII.

## AN ACT

Prescribing the manner of applying for Pardons.

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

Applications for pardon shall be made in accordance with provisions of this Act.

SECTION 1. That all pardons hereafter applied for, to the Governor of this State, by or on behalf of any person or persons convicted in any of the courts of this State, of any crime punishable by imprisonment in the Penitentiary, and sentenced to such imprisonment, shall be made and conducted according to the provisions of this Act.

Notice of the intended application shall

SEC. 2. Notice shall be given to the Judge of the court in which the indictment was found or the conviction had, and also to

the District Attorney who prosecuted the indictment under which the prisoner was convicted, of the intention to make application to the Governor for pardon, by the party intending to make the application, at least thirty days before the application shall be considered by the Governor, and a copy of the notice, acknowledged by the Judge, shall be forwarded to the Governor by the County Clerk. The notice shall set forth the name or names of the person or person in whose behalf application is intended to be made, the crime of which he, she or they have been convicted, the time such conviction was had and the term of sentence.

to be made to Judge of the Court in which the conviction was had.

Copy to be forwarded to Governor.

SEC. 3. The Clerk of the county in which the conviction was had, shall cause a copy of the notice to be published in some newspaper published in the county, for at least twenty days before the application shall be considered by the Governor, or if no newspaper be published in the county, then a copy of the notice shall be posted by the Clerk upon the door of the court house twenty days prior to the consideration of the application by the Governor; and the Clerk shall immediately upon inserting or posting the notice as herein provided, notify the Governor thereof, which notification to the Governor shall be considered evidence *prima facie* that the law in this particular has been complied with.

Notice to be published by the County Clerk, and the Governor notified thereof.

SEC. 4. That in any and every case in which there is imminent danger of the death of any person or persons so committed or imprisoned, and which fact shall appear by the certificate of the Physician of the Penitentiary and the Warden thereof, the foregoing provisions of this Act shall not be considered to apply.

Provisions of Act not to apply in cases where death is apprehended.

SEC. 5. Nothing in this Act contained shall be so construed as to prevent the Governor of this State from pardoning a convict within from one to ten days prior to the expiration of his or her term of imprisonment, without the applicant or applicants being compelled to comply with the provisions of this Act, nor shall this Act be so construed as to authorize the Governor to grant a pardon to any individual, unless, in his opinion, the person or persons making application are proper subjects for the exercise of Executive clemency.

Governor may pardon convicts whose term of imprisonment is within ten days of having expired.

SEC. 6. The expenses of publications provided for by this Act, shall be paid by the party making the application; and it is hereby expressly provided that the Judge or Clerk shall charge no fee on account of any service required of them under this Act: *And provided further*, that any Judge or Clerk refusing or neglecting to comply with the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be removed from office.

Expenses of publication to be paid by the applicant. No fees to be charged by Judge or Clerk. Penalty for non-compliance with this Act.

Approved, May 18, 1853.

## CHAPTER CLXXIV.

## AN ACT

Amendatory of an act entitled "An Act to provide for the Inspection of Flour," passed May third, one thousand eight hundred and fifty-two.

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

Former Act amended.

Governor to appoint for the term of two years eight Inspectors of Flour. Two for San Francisco; one each for Sacramento, Marysville, Stockton, Benicia, Monterey, and San Diego. To possess like powers.

Inspectors to inspect flour when called upon, and mark the same with the brands herein set forth.

False weights and brands.

Flour not inspected shall be marked by vender in manner as provided in this section.

Penalty for violating this provision.

SECTION 1. The act entitled "An Act to provide for the Inspection of Flour," passed May third, one thousand eight hundred and fifty-two, is hereby amended so as to read as follows: The Governor of the State, by and with the advice and consent of the Senate, is hereby authorized to appoint for the term of two years, eight competent persons as Inspectors of Flour of the State of California, two to reside in the city of San Francisco, one to reside in the city of Sacramento, one to reside in the city of Marysville, one to reside in the city of Stockton, one to reside in the city of Benicia, one to reside in the city of Monterey, and one to reside in the city of San Diego, and the said inspectors shall possess like powers and perform the duties prescribed by this Act, within the ports for which they shall severally be appointed.

SEC. 2. The Inspectors appointed in accordance with the provisions of this Act, shall when called upon, inspect any flour that may arrive at the ports of entry in this State for which they shall severally be appointed, and shall mark in a distinct and legible manner each barrel or package as follows, according to the quality thereof—"Superfine," "Fine," "Middling," "Bad or condemned." There shall also be branded on each barrel or package, the year, and month of the year said flour was so inspected, together with the name of the Inspector. Each Inspector shall correct any brand or mark which would give a false weight to any barrel or package of flour.

SEC. 3. Every barrel or package containing flour not marked by the Inspector as provided in this Act, shall have marked thereon in a fair and legible manner the name of the vender of the same, and they shall also be marked "Superfine," "Fine," "Middling," "Bad or condemned," according to their contents, and the number of pounds contained therein, which shall be deemed a "warranty," by such vender that the barrel or package so marked is of the quality, and contains the quantity so represented. Any person or firm who shall sell or offer for sale any flour not marked as aforesaid, shall be liable to a penalty of twenty cents for every barrel or package so sold or offered for sale, to be re-



covered with costs before any court of competent jurisdiction, by said Inspectors for their use.

SEC. 4. The Inspectors appointed in accordance with the provisions of this Act shall, at their discretion, or whenever there is apparent fraud in the weight or quality of any barrel or package of flour marked with a private mark as provided in the foregoing section, inspect the same, and if it is found to be deficient in weight, or to contain flour of a bad quality or such as has been pulverized or re-ground, the person who sold the same shall be deemed guilty of a misdemeanor, and shall be punished for every such offence by fine not exceeding five hundred dollars, to be recovered by said Inspector, with costs, before any court of competent jurisdiction; and all moneys so recovered by them as such fine, shall be paid by said Inspectors quarterly to the State Treasurer, and shall be by him applied to the fund for the support of the State Marine Hospital at San Francisco.

May inspect flour when fraud is supposed to exist.

False weights. Damaged and re-ground flour.

Penalty for vending the same.

Appropriation of fines.

SEC. 5. Said Inspectors shall each be entitled to receive at the rate of five cents for every one hundred pounds of flour by them inspected or marked.

Compensation of inspectors.

SEC. 6. The Inspectors appointed in accordance with the provisions of this Act, shall severally give to the State of California, a bond in the sum of five thousand dollars, conditioned for the faithful performance of their duties, to be approved by the Governor; and any Inspector who shall falsely mark any flour, shall be liable to the person injured thereby in double the amount of the damage incurred.

Inspectors to execute bond.

Penalty for falsely branding flour.

SEC. 7. Any person or persons who shall alter or counterfeit any mark used in conformity with the provisions of this Act, or who shall sell or offer for sale, flour put up in any barrel or package previously used, and marked as provided in this Act, without erasing or destroying said mark, shall forfeit the sum of five hundred dollars for each and every offence, to be sued for before any court of competent jurisdiction in this State, one-half of which shall go to the informer and the residue to the State Hospital fund.

Penalty for counterfeiting brands and marks.

Appropriation of fines.

SEC. 8. The Inspectors hereinbefore provided for shall be responsible for their acts, and if they or any persons acting by their authority, shall mark any flour either in barrels or packages erroneously, knowing the same to be croneous, the Inspector so offending shall, on conviction thereof, be fined for each offence in a sum not to exceed five hundred dollars: *Provided, always,* that no vender of flour shall be required to have any flour inspected under this Act, unless at his own request.

Responsibility of inspectors, and penalty for false branding.

Inspection to be voluntary.

Approved, May 18, 1853.

## CHAPTER CLXXV.

## AN ACT

## To Amend an Act relating to Corporations.

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

Ten or more persons may assume corporate powers for certain purposes.

SECTION 1. Any ten or more persons, citizens of this State, may assume corporate powers for the purpose of erecting Odd-Fellows' halls, or buildings for the purposes of the meetings of said societies, by filing a copy of their intention so to do with the County Recorder of any county wherein said societies exist, and may assume such corporate name as they may elect, and in that name may sue and be sued, and shall have all the rights of corporations in this State. Said Corporations may make such constitutions, by-laws, rules and regulations as they may deem best. *Provided* : That they are not contrary to the Constitution and Laws of this State.

May hold real and personal property.

SEC. 2. The said corporations may acquire and hold real and personal property not exceeding in value the sum of two hundred thousand dollars each, and as long as said property shall be held for the charitable purposes of the said societies. The same shall be free from taxation.

Other powers herein set forth.

SEC. 3. That it shall be lawful for the said corporations to have a common seal for their use, and the same may be changed at their will, and shall in general have and exercise all such rights, privileges and immunities, as by law are incident or necessary to corporations, and what may be necessary to the corporations herein constituted.

Approved May 18, 1853.

## CHAPTER CLXXVI.

## AN ACT

Explanatory of the thirty-ninth Section of an Act entitled "An Act concerning Sheriffs," passed April twenty-ninth, one thousand eight hundred and fifty one.

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

SECTION 1. The thirty-ninth section of An Act entitled "An Act concerning Sheriffs," passed April twenty-ninth, eighteen hundred and fifty-one, shall be so construed as to include in its meaning the collection of all taxes put into the hands of the Sheriff for collection previous to the expiration of his term of office. Former Act explained.

Approved May 18, 1853.

## CHAPTER CLXXVII.

## AN ACT

For the Relief of John C. Cremony.

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

SECTION 1. The Comptroller of State is hereby required to issue his warrant to John C. Cremony for the sum of fifty dollars, and the Treasurer required to pay the same out of any money in the Treasury not otherwise appropriated belonging to the General Fund. Comptroller to issue warrant for \$50.

Approved, May 18, 1853.

## CHAPTER CLXXVIII.

## AN ACT

Amendatory of and supplementary to the Act entitled  
 "An Act to regulate proceedings in civil cases in  
 the Courts of Justice of this State."

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

Former Act  
 amended.

SECTION 1. The Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, is hereby amended as specified in this Act.

Former section  
 amended.  
 Pleadings and  
 proceedings may  
 be amended.

SEC. 2. Section sixty-eight is amended so as to read as follows: Section sixty-eight. The Court may, in furtherance of justice and on such terms as may be proper, amend any pleading or proceedings by adding or striking out the name of any party, or by correcting a mistake in the name of a party or a mistake in any other respect, and may upon like terms enlarge the time for an answer or demurrer, or demurrer to an answer filed. The Court may likewise, upon affidavit showing good cause therefor, after notice to the adverse party, allow upon such terms as may be just, an amendment to any pleading or proceeding in other particulars, and may upon like terms allow an answer to be made after the time limited by this Act; and may upon such terms as may be just, and upon payment of costs, relieve a party or his legal representatives from a judgment order or other proceeding taken against him through his mistake, inadvertance, surprise or excusable neglect, when from any cause the summons and a copy of the complaint in an action have not been personally served on the defendant the Court may allow on such terms as may be just, such defendant or his legal representatives, at any time within six months after the rendition of any judgment in such action, to answer to the merits of the original action.

Time for answer  
 may be enlarged.

Pleadings may  
 also be amended  
 upon affidavit, by  
 giving notice to  
 adverse party.

Answer.  
 Court may grant  
 relief in certain  
 cases.

Attachments  
 may issue in  
 certain cases.

SEC. 3. Section one hundred and twenty of said Act is amended so as to read as follows: Section one hundred and twenty. The plaintiff at the time of issuing the summons or at any time afterwards may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless the defendant give security to pay such judgment, as hereinafter provided in the following cases:

First. In an action upon a contract express or implied, for the direct payment of money, which contract is made or is pay-

able in this State, and is not secured by a mortgage upon real or personal property.

Second. In an action upon a contract, express or implied, against a defendant not residing in this State.

SEC. 4. Section one hundred and twenty-one is amended so as to read as follows: Section one hundred and twenty-one. The Clerk of the Court shall issue the writ of attachment upon receiving an affidavit by or on behalf of the plaintiff, which shall be filed, showing—

*Affidavit and contents thereof.*

First. That the defendant is indebted to the plaintiff, (specifying the amount of such indebtedness, over and above all legal set-offs or counter claims,) upon a contract express or implied, for the direct payment of money, and that such contract was made or is payable in this State, and that the payment of the same has not been secured by any mortgage on real or personal property. Or—

Second. That the defendant is indebted to the plaintiff, (specifying the amount of such indebtedness as near as may be, over and above all legal set-offs or counter claims,) and that the defendant is a non-resident of the State.

SEC. 5. Section three hundred and fifty-nine of said Act is hereby amended so as to read as follows: An appeal may be taken to the District Courts from the County Courts of the county or counties comprising any judicial district, in the following cases:

*Appeals from County to District Courts may be taken in certain cases.*

First. From a final judgment rendered in an action, or special proceeding commenced therein.

Second. From a judgment rendered on appeal.

Third. From an order granting or refusing a new trial, or which affects a substantial right in an action or special proceeding.

SEC. 6. Section three hundred and sixty-two of said Act is amended so as to read as follows: The appellant shall furnish the papers to the Appellate Court in the same manner as upon an appeal to the Supreme Court. Causes on appeal shall be tried anew in the Appellate Court.

*Appellant to furnish papers.*

SEC. 7. Section three hundred and sixty-six of said Act is amended so as to read as follows: There may be tried anew in the County Court, judgments in all civil cases rendered by Justices', Recorders' and Mayors' Courts.

*Appeals from Justices', Recorders', and Mayors' Courts.*

SEC. 8. Section four hundred and ninety-four is amended so as to read as follows: The measure and mode of compensation of attorneys and counsellors shall be left to the agreement, express or implied, of the parties. But there shall be allowed to the prevailing party in any action in the Supreme Court, District Courts or Superior Court of the city of San Francisco, and in all actions originally instituted in the County Courts, certain sums by way of indemnity for his expenses in the action, or special proceedings in the nature of an action, which allowances are in this Act termed costs.

*Compensation of Attorneys, &c.*

*Costs to prevailing party.*

SEC. 9. Section four hundred and ninety-five shall be so amend-

Costs to be allowed to the plaintiff, on a judgment in his favor in certain cases.

ed as to read follows: Section four hundred and ninety-five. Costs shall be allowed of course to the plaintiff upon a judgment in his favor in the following cases.

First. In an action for the recovery of real property.

Second. In an action to recover the possession of personal property when the value of the property amounts to two hundred dollars or over. Such value shall be determined by the jury, court or referee by whom the action is tried.

Third. In an action for the recovery of money or damages where plaintiff recovers two hundred dollars or over.

Fourth. In a special proceeding in the nature of an action.

Amount of costs in certain cases.

SEC. 10. Section five hundred and one is amended so as to read as follows: When allowed costs shall be as follows:

First. For all proceedings previous to the issue, twenty dollars.

Second. For the trial of every issue of fact and the argument of every issue of law in an action or special proceeding in the nature of an action, thirty dollars.

Third. For the argument of every contested motion in the progress of an action or special proceeding in the nature of an action, ten dollars.

Fourth. For proceedings subsequent to trial or argument, until judgment or appeal, ten dollars.

Fifth. For the argument of every appeal, thirty dollars.

Sixth. For proceedings subsequent to the argument of the appeal, until judgment is entered thereon, twenty dollars.

Additional costs in certain cases.

SEC. 11. Section five hundred and two is amended so as to read as follows: In actions for the recovery of money or damages, or the possession of personal property or for the recovery of real property, the plaintiff shall be entitled to the additional allowance of five per cent. on the first one thousand dollars, and two per cent. on all over that sum, upon the amount of the verdict, or the value of the property recorded; such value to be determined at the trial, or at the time the judgment is applied for, in case no answer shall have been put in. In the actions specified in this section, the defendant, in case of judgment for the defendant, shall be entitled to a similar per centage on the amount, or the value of the property claimed by the plaintiff. But such allowance shall in no case exceed five hundred dollars; *Provided*, that in any action or special proceeding in the nature of an action, which may be dismissed or discontinued at the instance of either party. No per centage shall be allowed as herein provided.

Per centage shall not be allowed in cases dismissed or discontinued.

Notice of motion.

SEC. 12. Section five hundred and seventeen is amended so as to read as follows: Section five hundred and seventeen. When a written notice of a motion is necessary, it shall be given, if the court be held in the same district with both parties five days before the time appointed for the hearing; otherwise ten days, but the Court, or Judge, or County Judge may prescribe a shorter time.

No person shall be held to answer to a summons

SEC. 13. Section five hundred and thirty-five is amended so as to read as follows: Section five hundred and thirty-five. 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 :

from a Justice's Court in any other township than the one in which he resides, except in certain cases.

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 township or city, he may be sued in the township or city in which such obligation is to be performed, or in which he resides.

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.

Jurisdiction of Justices' Courts of San Francisco.

SEC. 14. Section five hundred and eighty-two of said Act is amended so as to read as follows : If at any time before the trial it appear, to the satisfaction of the Justice before whom the action is brought, by affidavit of either party, that such Justice is a material witness for either party, or if either party make affidavit that he has reason to believe, and does believe, that he cannot have a fair and impartial trial before such Justice by reason of the interest, prejudice or bias of the Justice, the action shall be transferred to some other Justice of the same or neighboring township ; and in case a jury be demanded, and affidavit of either

Causes may be transferred, and proceedings thereon.

party is made, that he cannot have a fair and impartial trial, on account of the bias or prejudice of the citizens of the township against him, the action shall be transferred to some other Justice of the Peace in the county. The Justice to whom an action may be transferred by the provisions of this section, shall have and exercise the same jurisdiction over the action as if it had been originally commenced before him. The Justice ordering the transfer of the action to another Justice, shall immediately transmit to the latter, on payment of costs, all the papers in the action, together with a certified transcript from his docket, of the proceedings therein. Upon the return day of the summons, if a jury be required, or if the Justice be actually engaged in other official business, he may adjourn the trial without the consent of either party, as follows:

Adjournments may take place in certain cases.

First. When a party, who is not a resident of the county, is in attendance, the adjournment not to exceed twenty-four hours; when the defendant in attendance is under arrest, the adjournment not to exceed three hours.

Second. On other causes not to exceed five days.

SEC. 15. Section six hundred and three of said act is amended so as to read as follows: The provisions of this Act which are referred to in this title, and those also in respect to which no special provision is made in this title, shall be applicable to Justices' Courts, and the proceedings therein.

Provisions applicable to Justices' Courts.

SEC. 16. Section six hundred and twenty-four of said Act is amended so as to read as follows: Any party dissatisfied with a judgment rendered in a Justice's Court, may appeal therefrom to the County Court of the county, at any time within ten days after the rendition of the judgment.

Parties may appeal.

Section repealed.

SEC. 17. Section six hundred and twenty-five of said Act is hereby repealed.

Appeal, how taken.

SEC. 18. Section six hundred and twenty-six of said Act is amended so as to read as follows: An appeal shall be taken by filing a notice of appeal with the Justice and serving a copy on the adverse party.

SEC. 19. Section six hundred and twenty seven of said Act is amended so as to read as follows: Upon receiving the notice of appeal, and the undertaking, as required in the next section, and on the payment of the costs of the action, the Justice shall transmit to the Clerk of the County Court a copy of his docket in the case, the undertaking filed, and the notice of appeal.

Transcript of docket to be transmitted.

SEC. 20. Section six hundred and twenty-eight of said Act is amended so as to read as follows: An appeal from a Justice's Court shall not be effectual for any purpose unless an undertaking be filed with two or more sureties, approved by the Justice, in a sum equal to twice the amount of the judgment and costs, when the judgment is for the payment of money; or twice the value of the property added to twice the amount of the costs, when the judgment is for the recovery of specific personal property; and shall be to the effect that the appellant will pay the amount of the judgment appealed from, or the value

Undertaking to be filed in cases of appeal.



of the property specified in such judgment, as the case may be: *Provided*, the judgment shall be affirmed by the Appellate Court, together with the costs on the appeal. If the judgment appealed from be other than for the recovery of money or specific personal property, the amount of the undertaking on appeal to stay proceedings, shall be fixed by the Justice, and shall be to the effect that the appellant will pay all costs on appeal, and all damages which respondent may sustain thereby: *Provided*, the judgment appealed from be affirmed.

SEC. 21. Section six hundred and thirty of said Act is amended so as to read as follows: The party appealing shall furnish Appellant to furnish papers. to the County Court the papers mentioned in section eleven of this Act, certified by the Justice to be correct.

SEC. 22. This Act shall be in force and take effect, from and after the first day of July, 1853.

Approved, May 18, 1853.

## CHAPTER CLXXIX.

### AN ACT

To provide for the establishment of a State Marine Hospital at San Francisco and to provide for the Indigent Sick in this State.

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

SECTION 1. There shall be established in the city of San Francisco and for the State of California, a Hospital to be called the State Marine Hospital established. "State Marine Hospital."

SEC. 2. The administration of said Hospital shall be under the control of a Board of Trustees to consist of five members, who shall be annually elected by the Legislature in joint convention, and shall be citizens of the United States and of this State. They shall elect by ballot a President from their number, who shall preside over their deliberations, and a Vice-President to act as President in the absence of the President. They shall be known by the name and style of the Trustees of the State Marine Hospital, and by that name, they and their successors shall be known in law and have perpetual succession, may sue and be sued in all courts Administration to be under the control of a Board of Trustees, to be annually elected by the Legislature. Officers.

Corporate name and powers.

in this State, may receive and hold property, real and personal for the use and benefit of said Hospital. If any vacancies occur in the Board of Trustees by death, resignation or otherwise, the Governor shall appoint some suitable person for the unexpired term.

Governor to fill vacancies in Board of Trustees.

Meetings of Board.

SEC. 3. The Board of Trustees shall meet on the first Monday of each month, or as often as may be necessary, and three members shall constitute a quorum for the transaction of all business. They shall keep or cause to be kept a record of their proceedings, which shall be open to the inspection of the Legislature and Executive Departments of the Government.

Record of proceedings.

Powers of Board of Trustees.

SEC. 4. The Board of Trustees shall have full power and authority to control and administer the affairs of the said State Marine Hospital; to rent buildings necessary for its purposes; to improve its property of whatsoever nature or kind it may be; to appoint persons suitable and necessary to be employed in the Hospital and to define their compensation. But the Board of Trustees shall have no power to alienate, sell, mortgage or dispose of in any way, any real estate belonging to, or claimed by the State Marine Hospital without the consent of the Legislature; nor shall any of the property of the Hospital be made liable, in any manner, for any debt which may be contracted by the Board of Trustees.

Not to alienate or mortgage property of Hospital.

To make annual report to Legislature, and contents thereof.

SEC. 5. The Board of Trustees shall make a full report, annually, to the Legislature during the first week of its session, showing therein the amount of receipts and expenditures, the condition of the property, the number of the patients admitted during the year, their names, diseases, and places of nativity, the number who have died, were cured or discharged, and the number remaining in the Hospital at the end of the year.

To form and put in force by-laws for the government of the institution, and the officers thereof.

SEC. 6. The Board of Trustees shall have power to form, adopt, and put into execution all ordinances and by-laws requisite for the government of themselves and the institution under their charge; *Provided*, such ordinances and by-laws do not conflict with the laws of the United States or of this State, or of the ordinances of the city of San Francisco.

Treasurer. How elected, and duties.

SEC. 7. A Treasurer shall be chosen by the Board of Trustees, who shall hold his office at the will of the Board, and who, before entering upon the duties of the office, shall give bond to the Board of Trustees, with good and sufficient sureties in the sum of thirty thousand dollars conditioned to be paid to the said Board of Trustees, upon a failure to discharge faithfully the duties of his office. It shall be his duty to collect all debts due the State Marine Hospital, to keep a correct account of its property, credits and revenues, and such other duties connected with his office as the Board of Trustees may direct, and to make all such disbursements as shall have been previously authorized by the Board of Trustees and not otherwise, and to make a monthly report to them. The salary of the Treasurer shall not exceed two thousand dollars

To be disbursing officer of the institution.

Monthly report and salary.

per annum, payable quarterly, and he shall not be entitled to any clerk hire or office rent.

SEC. 8. There shall be elected by the Legislature every two years two Resident Physicians and two Visiting Physicians, who shall be regular graduates in medicine, and who shall have practiced their profession at least five years from the date of their diplomas, and one of whom shall be a surgeon. It shall be the duty of the Resident Physicians to take charge of the wards of the Hospital, and they shall prescribe for the sick therein, and shall keep records of all prescriptions. They shall reside within the Hospital, and shall not be allowed to engage in any private practice, and shall, by right of office, be Superintendents of the Hospital, give orders for the admission of patients, and have the immediate control of its inmates; and shall, with the consent of the Trustees, employ and discharge all nurses, attendants and employes: *Provided*, that they shall in all cases consult and cooperate with the Visiting Physicians in all matters relating to the treatment of the patients, the interior arrangements and general management of the Institution. The Trustees shall, in all other respects, have the superintendence thereof, make rules and orders for its government, and provide bedding, clothing, fuel, provisions, medicines, and such other articles as shall be requisite therein; and shall order paid out of the funds of the Hospital all wages for nurses and attendants, as well as all incidental expenses of said Hospital, and shall determine the compensation of said nurses and employees. The Resident Physicians shall receive, as compensation in full for all services rendered by them, the sum of four thousand dollars, payable quarterly, by order of the Board of Trustees out of the Hospital Fund.

Resident and Visiting Physicians. How elected, Number thereof, and qualifications. Duty of Resident Physicians.

Not to engage in private practice.

To consult and cooperate with Visiting Physicians.

Trustees in other respects to have the general superintendence of the affairs of the Hospital

Compensation of employes. Salary of Resident Physicians.

SEC. 9. It shall be the duty of the Visiting Physicians to be in attendance at the Hospital at least twice in each day, or as often as the condition of the patients who may be under their charge shall demand; and they shall in all cases consult and cooperate with the Resident Physicians in all matters relating to the treatment and care of patients, shall receive for their services in full the sum of four thousand dollars each, payable quarterly by order of the Board of Trustees, out of the Hospital Fund.

Duty of Visiting Physicians.

Salary.

SEC. 10. If either of the Resident or Visiting Physicians shall absent themselves without consent of the Board of Trustees, or neglect to discharge their duties as prescribed by this Act, he or they shall be suspended from office by the Board of Trustees, with the assent and approbation of the Governor, until the meeting of the next Legislature, which, after hearing the representations of the Board of Trustees and Resident or Visiting Physician, or Physicians so suspended, shall dismiss or reinstate him or them. Any vacancy which shall be made in either of the above named offices by suspension, death, resignation, or removal, shall be filled by appointment by the Governor, of a person having the requisite qualifications, who shall retain office until the next session of the Legislature.

Physicians may be suspended for absence or neglect of duty, with the assent of the Governor, until meeting of Legislature.

Vacancies to be filled by the Governor.

Trustees of Marine Hospital repealed by this Act to deliver the property held by them to the Trustees created by this Act.

SEC. 11. It shall be the duty of the persons heretofore constituting the Board of Trustees of the State Marine Hospital at San Francisco to deliver to the Board of Trustees of the State Marine Hospital, created by this Act, all the property, real and personal, held by them in trust for the State Marine Hospital at San Francisco, and it shall be the duty of the Trustees of the State Marine Hospital hereby created, to take care of and provide for the patients which may be in the State Marine Hospital at San Francisco at the time this Act shall take effect, and all moneys now belonging to the State Marine Hospital at San Francisco shall be transferred to the Trustees of the State Marine Hospital hereby created, and the said Trustees shall pay out of any funds which may come into their hands all of the debts which may be owing by the said State Marine Hospital at San Francisco, which have been created in accordance with law.

Who shall take care of the sick therein, and liquidate the debts thereof.

Officers of institution not to be interested in contracts.

SEC. 12. No trustee, officer or employee of the State Marine Hospital shall have any interest in any undertaking or contract for account of said State Marine Hospital, and any violation of this section shall operate as a forfeiture of office, and no officer shall be allowed to charge or appropriate any fee or perquisite to his own use.

Record of Resident Physician and contents thereof. Effects of deceased patients.

If not claimed, to constitute a portion of Hospital Fund.

Resident Physician to forward notice, and publish a statement of deceased patients.

SEC. 13. The Resident Physicians shall cause to be kept an exact account in a book for the purpose, of all effects of persons who may die at the State Marine Hospital, the date of receipts, the name of the owner, and a full description of the property; if in money the same shall at once be placed in the hands of the Treasurer, which if not claimed by some person legally entitled thereto within six months after the death of any such person, shall constitute a part of the Hospital fund; but it shall be the duty of the Resident Physician to cause notice of the fact, with the name of the deceased, to be sent by letter to the County Clerk of the county in which the deceased resided before he or she came to this State, and such notice shall also be published in one or more newspapers as prescribed by law. *Provided*, always, that said sum of money or value of any such property shall exceed, after all legal charges shall have been deducted, the sum of one hundred dollars.

Resident Physician to be auditing officer.

SEC. 14. The Resident Physician shall audit all bills against the State Marine Hospital, and all accounts or bills thus audited and approved by the Board of Trustees shall be paid out of the Hospital fund.

Quarterly accounts to be presented to Comptroller of State.

Who shall specify the same in his annual report.

SEC. 15. The Trustees shall present a detailed account quarterly to the Comptroller of State, under oath, for all moneys received and expended for and on account of the State Marine Hospital, and the Comptroller in his annual report shall set forth as specifically as possible the amount received, the source from whence derived, and the purposes for which expended.

To advertise for supplies.

SEC. 16. The Trustees shall advertise in one or more newspapers as provided by law quarterly, for such supplies of whatsoever kind, other than medicines as are required for the use of

the Hospital, and contracts shall be made with the lowest responsible bidder.

Contracts to be given to lowest bidder.

SEC. 17. All invalid persons desirous of being admitted into the State Marine Hospital shall apply to the Resident Physicians or either of them, and on the certificate of said physicians or either of them the party shall be admitted therein. Indigent sick persons, not residents of any county in this State, may be admitted as State patients.

Invalids and indigent sick shall be admitted.

SEC. 18. The corporate authorities of the city of San Francisco are authorized to send to the State Marine Hospital any of the indigent sick of said city, upon such terms as the city authorities and the Board of Trustees may determine.

San Francisco city patients.

SEC. 19. The County Judge of any county in this State may, upon the presentation of a certificate from a competent physician, grant a certificate of admission to the State Marine Hospital to any indigent sick person properly chargeable to the State, and upon the presentation of such certificate the Resident Physician shall admit such applicant to all the benefits of the Hospital.

County Judges may issue certificates of admission.

SEC. 20. All State patients remaining in the Sacramento and Stockton State Hospitals at the time when such Hospitals shall be abolished by law, shall be admitted as patients into the State Marine Hospital.

Patients of Sacramento and Stockton State Hospital.

SEC. 21. Any officer or employee of the State Marine Hospital who shall destroy, embezzle, sell or use any of the provisions, medicines, furniture or property of the Hospital, or in any other manner dispose of it, except as prescribed by the Board of Trustees, shall be deemed guilty of larceny and punished by fine or imprisonment, or both, at the discretion of any Court of competent jurisdiction, and for any violation of this section the person so offending shall be held to have forfeited all salary or other compensation that he or she would otherwise have been entitled to.

Embezzlement and penalty therefor.

SEC. 22. There shall be set apart by the State Treasurer as a Hospital Fund the nett amounts accruing to the State Treasury, as follows: three-fifths of the amount derived as a commutation or tax on passengers arriving at the ports of this State, and the fines and penalties collected by reason of a violation of the laws regulating the same; all sums paid into the State Treasury for license for auction, gaming, billiards, ten pin or bowling alleys, hawkers and peddlers, or collected as fines or penalties for a violation of the same.

State Hospital Fund, and sources thereof.

SEC. 23. Of the amounts derived from the sources before enumerated the one-half thereof shall be appropriated to the support and maintenance of the State Marine Hospital at the city of San Francisco, and the remainder thereof shall be distributed to each organized county in this State, proportionably to the population of said counties quarterly, on the first days of July, October, January and April of each year, which several amounts shall be paid over to the order of, and subject to the direction and disbursement of the Board of Supervisors, if there

Distribution of the same. One-half to the Hospital created by this Act, and the balance to be divided among the counties of the State in proportion to the population of each—to be appropriated for the support of the indigent sick.

Board of Supervisors to have the disbursement of the moneys paid to the several counties of the State. Appropriation to State Marine Hospital not to exceed \$100,000. Deficiency to be paid from General Fund. Provisions of this Act not to conflict with State Insane Hospital.

Board of Examiners to settle the affairs of the different Hospitals, abolished by this Act.

Liabilities to be paid from Hospital Fund.

Or if such Fund is deficient, from General Fund.

Disposition of surplus funds.

Property of Sacramento and State Hospitals conveyed to the counties where it is located.

Trustees to take oath.

Also employees.

Commencement of this Act.

Hospital Acts repealed.

shall be such Board, and if no such Board then by the Court of Sessions, as a special fund to be appropriated exclusively to the support and maintenance of the indigent sick of their counties respectively. *Provided*, that such allowance to the State Marine Hospital shall not exceed the sum of one hundred thousand dollars, and if such sum shall not amount to one hundred thousand dollars, then the Comptroller shall draw his warrant for the deficiency, provided the necessities of the Hospital require it. *Provided*, nothing contained in this Act shall conflict with the provisions of law at present existing, or which may hereafter exist, for the support and maintenance of the insane in the Lunatic Asylum of the State.

SEC. 24. The Comptroller of State, Treasurer of State and Attorney General are hereby constituted a Board of Examiners of the accounts and demands owing by each of the respective State Hospitals at Sacramento and Stockton, and the accounts and indebtedness of said Hospitals up to the period when, by the provisions of this Act, the same are abolished, and so much thereof as is found just and equitable by such Board of Examiners, shall by them be certified to the State Comptroller, who shall thereupon draw his warrant upon the State Treasurer in favor of the President of the Board of Trustees respectively, to be paid out of the fund provided for the support of the State Hospital, by the several Acts now in force or repealed by this Act: *Provided*, if such fund shall be insufficient to pay and discharge the full amount of such indebtedness so audited, the Treasurer of State shall and he is hereby authorized to pay the President of the respective Board aforesaid the amount of such balance out of any moneys in the general Fund not otherwise specifically appropriated by law: *And further provided*, if upon the examination of such accounts and the payment of all the debts of each State Hospital respectively there shall be any surplus funds belonging to such Hospital, the same shall be paid into the Hospital Fund of this State.

SEC. 25. All property now belonging to the State Hospital at Sacramento and Stockton, not otherwise disposed of by law, is hereby ceded and conveyed to the respective counties in which such property is located, to be used for indigent sick purposes exclusively.

SEC. 26. The Trustees shall, before some competent officer, subscribe, before entering upon their duties, to an oath to faithfully perform the duties of their office as prescribed in this Act; and all nurses, attendants or employees shall be sworn, by the President of the Board of Trustees, (who is hereby authorized to administer such oath,) to faithfully perform all the duties required by law, or by their superiors in office.

SEC. 27. This Act shall take effect and be in force from and after the thirtieth day of June, one thousand eight hundred and fifty-three.

SEC. 28. The Acts hereinafter referred to by their titles are

hereby repealed: *Provided*, such repeal shall in no wise effect any suits now pending, by virtue of any Act hereby repealed:— An Act providing for the creation of a Marine Hospital for the State of California, passed April ninth, eighteen hundred and fifty, is hereby repealed; An Act amendatory of second section of an Act creating a Marine Hospital for the State of California, passed April twenty-second, eighteen hundred and fifty, is hereby repealed; An Act for the relief of the indigent sick, passed April sixteenth, eighteen hundred and fifty-two, is hereby repealed; An Act amendatory of an Act providing for the creation of a Marine Hospital for the State of California, passed February seventh, eighteen hundred and fifty-one, is hereby repealed; An Act to amend an Act to provide a Revenue for the State Marine Hospital at San Francisco, passed March twentieth, eighteen hundred and fifty-one, is hereby repealed; An Act to amend an Act to provide for the establishment of a State Marine Hospital at San Francisco, approved April thirtieth, eighteen hundred and fifty-one, is hereby repealed.

Approved, May 19, 1853.

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## CHAPTER CLXXX.

### AN ACT

Concerning the Courts of Justice of this State, and  
Judicial Officers.

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

#### CHAPTER I.

##### *Courts of Justice in General.*

SECTION 1. The following shall be the Courts of Justice  
this State: Courts of Justice  
of the State.

First. The Supreme Court.

Second. The District Courts.

Third. The Superior Court of the city of San Francisco.

Fourth. The County Courts.

Fifth. The Courts of Sessions.

- Sixth. The Probate Courts.  
 Seventh. The Justices' Courts.  
 Eighth. The Recorders' Courts.  
 Ninth. The Mayors' Courts.

## CHAPTER II.

*The Supreme Court.*

Justices of the  
Supreme Court.

SEC. 2. The Supreme Court of this State shall consist of a Chief Justice and two Associate Justices. Each Justice hereafter elected or appointed, shall be commissioned by the Governor, and before entering upon his duties, shall take the constitutional oath of office.

To be  
commissioned by  
Governor.

To be elected by  
the people.

Terms of office.

SEC. 3. The Justices of the Supreme Court shall be chosen at general elections, by the qualified voters of the State. One of the Justices shall be chosen at the general election of the year one thousand eight hundred and fifty three, and at the general election every second year thereafter, and shall hold his office for the term of six years from the first day of January next after his election. The senior Justice in commission shall be the Chief Justice.

Chief Justice.

Governor to fill  
vacancies.

SEC. 4. When from any cause a vacancy shall occur in the office of a Justice of the Supreme Court, the Governor shall fill the same by granting a commission, which shall continue until the election and qualification of a Justice. A Justice to fill a vacancy, shall be chosen at the first general election subsequent to the occurrence of the vacancy.

To continue until  
the next general  
election.

Appellate  
jurisdiction.

SEC. 5. The Supreme Court shall have appellate jurisdiction in all cases where the matter in dispute exceeds two hundred dollars, when the legality of any tax, toll or impost, or municipal fine is in question, and in all criminal cases amounting to felony, or questions of law alone.

SEC. 6. The Supreme Court shall have jurisdiction to review upon appeal :

The same.

First. A judgment, in an action or proceeding commenced in the District Courts, County Courts, when the matter in dispute exceeds two hundred dollars, or when the possession of land or tenements is in controversy, or in the Superior Court of the city of San Francisco, or brought into those courts from another court, and to review, upon the appeal from such judgment, any intermediate order involving the merits and necessarily affecting the judgment.

Second. An order, granting or refusing a new trial, sustaining or overruling a demurrer, or affecting a substantial right in an action or proceeding.

Court or Justice  
may issue certain  
writs herein  
specified.

SEC. 7. This Court, and each of the Justices thereof, shall have power to issue all writs necessary or proper to the complete exercise of the powers conferred by the Constitution, and by this and other statutes. The Judges of said court, at chambers



during vacation, may also hear and determine on appeal, writs of mandamus, certiorari and quo warranto.

Chamber business.

SEC. 8. This court may reverse, affirm, or modify the judgment or order appealed from, as to any or all of the parties, and may if necessary or proper order a new trial. When the judgment or order is reversed or modified, this court may make complete restitution of all property and rights lost by the erroneous judgment or order.

Power of Court on Appeal.

SEC. 9. There shall be four terms of this court in each year, to commence on the first Monday of January, April, July and October, and to continue until the fourth Saturday thereafter, inclusive, unless all the cases ready for hearing be sooner disposed of. If all the cases ready for hearing be not disposed of, the terms may be continued as much longer as in the opinion of the court the public interests shall require.

Terms of Court.

SEC. 10. The presence of two Justices shall be necessary for the transaction of business, and the concurrence of two Justices shall be necessary to pronounce a judgment. If two do not concur the case shall be reheard.

Judgments of Court, how pronounced.

SEC. 11. The terms of this court shall be held at the city of San Francisco, until otherwise provided for by law. If a room in which to hold the court be not provided by the State, together with attendance, fuel, lights and stationery, suitable and sufficient for the transaction of business, the court may direct the Sheriff of the county in which it is held to provide such room, attendance, fuel, lights and stationery, and the expense thereof shall be paid out of the State Treasury.

Terms of the Court to be held in San Francisco.

### CHAPTER III.

#### *The District Courts.*

SEC. 12. The existing division of the State into eleven judicial districts shall continue, and the said districts shall be composed of the several counties, and numbered as follows:

The Judicial Districts of the State.

First. The first judicial district shall be composed of the counties of San Diego, San Bernardino, and Los Angeles.

First District.

Second. The second judicial district shall be composed of the counties of Santa Barbara and San Luis Obispo.

Second District.

Third. The third judicial district shall be composed of the counties of Santa Cruz, Santa Clara, Alameda and Monterey.

Third District.

Fourth. The fourth judicial district shall be composed of the county of San Francisco.

Fourth District.

Fifth. The fifth judicial district shall be composed of the counties of Calaveras, Tuolumne, San Joaquin and Mariposa. The county of Tulare, for judicial purposes for the District Court, shall be attached to Mariposa county.

Fifth District.

Sixth. The sixth judicial district shall be composed of the county of Sacramento.

Sixth District.

Seventh. The seventh judicial district shall be composed

Seventh District.

of the counties of Marin, Sonoma, Napa, Solano, Mendocino and Contra Costa.

**Eighth District.** Eighth. The eighth judicial district shall be composed of the counties of Klamath, Humboldt and Siskiyou.

**Ninth District.** Ninth. The ninth judicial district shall be composed of the counties of Colusa, Shasta, Trinity and Butte.

**Tenth District.** Tenth. The tenth judicial district shall be composed of the counties of Sierra, Yuba, Nevada and Sutter.

**Eleventh District.** Eleventh. The eleventh judicial district shall be composed of the counties of Yolo, Placer and El Dorado.

**There shall be a Judge for each District.** SEC. 13. There shall be a District Judge for each of the judicial districts. The courts held by them shall be the District Courts of this State.

**How, when elected, and term of office.**

SEC. 14. The District Judges shall be chosen by the qualified electors of their respective districts, at the general election in the year one thousand eight hundred any fifty-eight, and at the general election every six years thereafter, and shall enter upon their duties on the first day of January subsequent to their election.

**Governor may fill vacancy, to continue until next general election.**

SEC. 15. In case of a vacancy, from any cause, in the office of the District Judge, the Governor shall fill the same by granting a commission, which shall continue until the election and qualification of a Judge in his place. A Judge to fill the vacancy, shall be chosen at the first general election subsequent to the occurrence of the vacancy.

**To be commissioned, and take oath.**

SEC. 16. Each District Judge hereafter elected or appointed, shall be commissioned by the Governor, and before entering upon his duties, shall take the Constitutional oath of office.

**Judges to reside in their respective Districts.**

SEC. 17. Each Judge shall reside in his district; and no person shall be eligible to the office of District Judge who shall not have been a citizen of the United States and a resident of this State for two years, and of the district six months previous to his election.

**Eligibility.**

SEC. 18. The jurisdiction of these courts shall be of two kinds: first, original; second, appellate.

**Original jurisdiction.**

SEC. 19. Their original jurisdiction shall extend to all civil cases where the amount in dispute exceeds two hundred dollars, exclusive of interest, and to all criminal cases not otherwise provided for. In cases involving the title or possession of real property, and in all issues of fact joined in the Probate Court, their jurisdiction shall be unlimited.

**Criminal jurisdiction.**

SEC. 20. In all the counties of this State, the District Courts shall have jurisdiction to try and determine all indictments transmitted to them from the Court of Sessions, in the cases provided for by law.

**Appellate jurisdiction.**

SEC. 21. The appellate jurisdiction of these courts shall extend to hearing upon appeal:

First. A final judgment of a County Court in an action or special proceeding commenced therein, and to hearing upon the appeal from such judgment, any intermediate order involving the merits, and necessarily affecting the judgment.

Second. Any judgment of a County Court, rendered on appeal from Justices', Mayor's or Recorder's Court.

Third. A Judgment of a Court of Sessions in a criminal action.

Fourth. An order granting or refusing a new trial in an action or proceeding commenced in a County Court, or in the Court of Sessions, or which affects a substantial right in such action or proceeding.

Fifth. An order or judgment of a Probate Court in the cases prescribed by statute.

SEC. 22. These Courts, and the Judges thereof, shall have power to issue all writs necessary or proper to the complete exercise of the power conferred upon them by the constitution, and by this and other statutes. Power to issue writs.

SEC. 23. The terms shall be held at the County Seats of the several counties; if a room for holding the Court be not provided by the county, together with attendants, fuel, lights and stationery, suitable and sufficient for the transaction of business, the Court may direct the Sheriff to provide such room, attendants, fuel, lights and stationery, and the expenses thereof shall be a county charge. Terms of Court.  
Furnishing fuel, lights, &c.

SEC. 24. The terms shall be held until the business of the term is fully disposed of, or until the day fixed for the commencement of some other term in the district, and may be adjourned from time to time in the discretion of the Court. Duration of terms.

SEC. 25. The District Judges shall at all reasonable times, when not engaged in holding Courts, transact such business at their chambers, as may be done out of Court, at chambers; they may try and determine writs of mandamus, certiorari and quo warranto, hear and dispose of all applications for orders and writs which are usually granted in the first instance upon an *ex parte* application, and may in their discretion, also hear applications to discharge such orders and writs. Chamber business.

SEC. 26. Whenever an action or proceeding is pending in a County Court where the Judge thereof is, by law, disqualified from hearing or trying the same, the Court shall, by order, transfer such action or proceeding to the District Court. Causes transferred from County Court.

SEC. 27. A District Judge may hold a term in any judicial district in this state upon the request of the Judge of the district in which such term is to be held; and when by reason of sickness or absence from the State, or from any other cause, a term cannot be held in a district by the Judge thereof, a certificate of that fact shall be transmitted by the Clerk to the Governor, who shall thereupon direct some other District Judge to hold such term. It shall be the duty of the Judge thus directed to hold such term. District Judge may hold a term of Court in any judicial district of the State.  
Certificate of such action to be forwarded to the Governor.

SEC. 28. Each District Court shall have power to make rules, not inconsistent with the Constitution and laws of this State, for its own government and the government of its officers, but such rules shall not be in force until thirty days after their adoption and publication, and no rule shall be made imposing any tax or charge Rules of District Court.

upon any legal proceeding, or making an allowance to any officer for services.

#### CHAPTER IV.

##### *The Superior Court of the City of San Francisco.*

- Superior Court continued.** SEC. 29. The Court known as the Superior Court of the city of San Francisco is continued with the jurisdiction conferred by this chapter.
- Judge of Court, when and how chosen.** SEC. 30. This Court shall be composed of a Judge who shall be chosen by the electors of the city of San Francisco, at the general election in the year one thousand eight hundred and fifty-four, and at the general election every three years thereafter, and shall enter upon his duties on the first day of January subsequent to his election. Before entering on his duties he shall take the constitutional oath of office.
- Term of office.**
- Governor to fill vacancy until the next general election.** SEC. 31. When a vacancy occurs in the office of Judge of this Court a new Judge shall be chosen at the next general election, for the unexpired term of the preceding Judge, and the Governor shall appoint some person to fill the vacancy until the general election be held, and the person chosen be qualified.
- Compensation of Judge.** SEC. 32. The city of San Francisco shall pay out of its Treasury to the Judge of this Court, during the term of the present Judge, the same salary or compensation heretofore and now allowed him by law, the same to be paid quarterly, in equal proportions. After the expiration of the term of the present Judge, said city shall pay out of its Treasury to the Judge of this Court, quarterly as aforesaid, a salary of six thousand dollars per year.
- Original jurisdiction.** SEC. 33. This Court shall have original jurisdiction in all civil cases in which the amount in controversy exceeds two hundred dollars, exclusive of interest, or which involves the title or possession of real property situated in the city of San Francisco, and its jurisdiction in such cases shall be co-extensive with the jurisdiction of the District Court in the like cases.
- Powers of Court.** SEC. 34. This Court and the Judge thereof shall have power to issue all writs necessary or proper to the complete exercise of the powers conferred by this and other statutes, and may send its writs, process and orders out of the city of San Francisco, in the actions and proceedings in which it has jurisdiction by this Act.
- Terms of Court.** SEC. 35. This Court shall hold a Term each month in the year, to commence on the first Monday of the month and to continue until and including the third Saturday thereafter, unless all business before it be sooner disposed of. The Court may be continued for a longer period if the public interests require it.
- Chamber business.** SEC. 36. The Judge of this Court shall at all reasonable times, when not engaged in holding Court, transact such business at Chambers as may be done out of Court. At Chambers

all applications for orders and writs which are usually granted in the first instance upon an ex parte application may be heard and disposed of, and also in the discretion of the Judge, application to discharge such orders and writs.

SEC. 37. This Court shall hold its Sessions in the city of San Francisco, in such central and convenient place as shall be provided for that purpose by the city. If a room for holding the Court be not provided by the city, together with attendants, fuel, lights and stationery suitable and sufficient for the transaction of business, the Court may direct the Sheriff of the county of San Francisco to provide such room, attendants, fuel, lights and stationery, and the expense thereof shall be a charge upon the city.

Where sessions of court shall be held.

Sheriff to furnish fuel, lights, &c.

SEC. 38. This Court shall have power to make rules for its own government and the government of its officers not inconsistent with the Constitution and laws of the State, but such rules shall not be in force until thirty days after their adoption and publication, and no rule shall be made imposing any tax or charge upon any legal proceeding, or making allowance to any officer for services.

Rules of Superior Court.

SEC. 39. This Court shall have a Clerk who may appoint one or more deputies. The Clerk shall be elected at the next municipal election of the city of San Francisco, and thereafter every two years by the legal electors of said city, and shall hold his office for the space of two years from and after his election.

Clerk of Court.

When elected. And term of office.

CHAPTER V.

*The County Courts.*

SEC. 40. There shall be in each of the counties of this State a County Court, with the jurisdiction conferred by this chapter.

County Courts.

SEC. 41. The County Judge of each county shall be the Judge of the County Court. The County Judge of each county shall, except in the cases otherwise provided by special statutes, be chosen by the electors of the county at the general election in the year one thousand eight hundred and fifty-three, and every four years thereafter, and shall enter upon the duties of his office on the first Monday of April subsequent to his election. Before entering upon his duties he shall take the constitutional oath of office.

County Judge.

When elected, and term of office.

SEC. 42. In case of a vacancy in the office of County Judge the vacancy shall be filled by appointment from the Governor until the next general election, when a County Judge shall be chosen for the unexpired term of the preceding Judge, and until the new Judge elected be qualified.

Governor to fill vacancies until next general election.

SEC. 43. The County Court shall have jurisdiction to hear and determine all civil causes appealed thereto from a Justice's, Mayor's, or Recorder's Court, in the County.

Appellate jurisdiction.

SEC. 44. The County Court shall have original civil jurisdiction :

Original civil jurisdiction.

First. Of an action to enforce the lien of mechanics and others.

Second. Of an action to prevent or abate a nuisance.

Third. Of all proceedings against ships, vessels or boats, or against the owners or masters thereof, when the suit or proceeding is for the recovery of seamen's wages, for a voyage performed in whole or in part without the waters of this State.

Fourth. Of proceedings in cases of insolvency.

Chamber business.

SEC. 45. The County Court and the Judge thereof, shall have power at chambers to try and determine writs of mandamus, certiorari and quo warranto, and to issue all writs necessary or proper to the complete exercise of the powers conferred upon it by this and other statutes.

Terms of Court.

SEC. 46. This court shall hold a term on the first Monday of January, March, May, July, September and November, of each year, which shall continue until all the business of the court be disposed of.

Sheriff to furnish room, fuel, lights, &c.

SEC. 47. If a room for holding the Court be not provided by the county, together with attendants, fuel, lights and stationery, suitable and sufficient for the transaction of business, the Court may direct the Sheriff to procure such room, attendants, fuel, lights and stationery, and the expenses thereof, shall be a county charge.

## CHAPTER VI.

### *The Courts of Sessions.*

Courts of Sessions.

SEC. 48. There shall be in each of the counties of this State a Court, denominated a Court of Sessions, with the jurisdiction conferred by this chapter.

How composed.

SEC. 49. The Court of Sessions of each county shall be composed of the County Judge, who shall be the presiding judge thereof, and two Justices of the Peace of the county, as Associate Justices.

Associate Justice

SEC. 50. The Associate Justices of the Court of Sessions shall be chosen by the Justices of the Peace of the county. The County Judge shall convene at the county seat, on the first Monday of the month subsequent to the general election in each year, the persons elected as Justices of the Peace of the county at said preceding general election, and they, after being qualified and filing their respective bonds as such Justices, as required by law, shall elect by ballot two of their number as Associate Justices of the Court of Sessions. The County Judge shall preside over the convention, and the County Clerk shall be its Clerk. A majority of the persons who have qualified and filed their bonds as Justices of the Peace of the county, shall form a quorum for the purpose of the election. A minute of the proceedings of the convention shall be entered in the records of the Courts of Sessions. A certificate of election shall be given by

Persons elected as Justices of the Peace to qualify and file bond.

To elect two of their number to act as Associate Justices.

the County Judge and Clerk, under the seal of the Court of Sessions, to the two persons who receive a majority of all the votes cast. Should there be no election for Associate Justices held at the time above prescribed, the County Judge shall at any time be authorized to call an election for such purpose, by giving ten days' notice thereof.

*In case of non-election.*

SEC. 51. If the Justices of the Court of Sessions, or either of them, be absent at a term of a Court of Sessions, or the office of those Justices, or either of them, be vacant, the County Judge shall supply the vacancy or deficiency for the term, by designating the requisite number to form the court, from the Justices of the Peace of the county.

*County Judge may fill vacancy for the term.*

SEC. 52. The Courts of Sessions shall have jurisdiction—

*Jurisdiction of Courts of Sessions.*

First. To inquire, by the intervention of a Grand Jury, of all public offences committed or triable in its county.

Second. In the county of San Francisco to try and determine all indictments found therein, and in the other counties to try and determine indictments found therein, for all public offences except murder, manslaughter, arson, and such crimes as may by law be punishable by death.

Third. To hear and determine appeals from Justices', Mayor's and Recorder's Courts in cases of a criminal nature.

SEC. 53. When an indictment is found, in the Court of Sessions, except in the county of San Francisco, for murder, manslaughter, arson, or any crime that may be punishable by death, it shall be transmitted by the Clerk to the District Court sitting in the county for trial, except when the indictment is found against a person holding the office of a District Judge, when it shall be transmitted to the District Court of such other District as the Court of Sessions may direct.

*Indictments of capital offences to be transferred to District Court.*

SEC. 54. All indictments found in the Court of Sessions against a member thereof, or any Justice of the Peace, shall also be transmitted to the District Court sitting in the county for trial.

*Indictments against members of the Court or Justice of Peace.*

SEC. 55. The Court of Sessions, except in the counties in which a Board of Supervisors is established, shall also have power and jurisdiction in its county—

*Further jurisdiction of the Court.*

First. To make orders respecting the property of the county, in conformity with any law of this State, and to take care of and preserve such property.

Second. To examine, settle and allow all accounts legally chargeable against the county, and to direct the levying such percentage on the assessed value of real and personal property in the county as may be authorized by law.

Third. To examine and audit the accounts of all officers having the care, management, collection and disbursement of any money belonging to the county or appropriated by law, or otherwise, for its use and benefit.

Fourth. To control and manage public roads, turnpikes, ferries, canals and bridges within the county, where the law does

not prohibit such jurisdiction, and to make such orders as may be necessary and requisite to carry its control and management into effect.

Fifth. To divide the county into townships, and to create new townships and to change the divisions of the same, as the convenience of the county may require.

Sixth. To establish and change election precincts.

Seventh. To control and manage the property, real and personal, belonging to the county, and to receive by donation any property for the use and benefit of the county.

Eighth. To purchase any real and personal property necessary for the use of the county: *Provided*, the value of such real property be previously estimated by three disinterested persons to be appointed for that purpose by the District Court of the county.

Ninth. To sell and cause to be conveyed any property belonging to the county, appropriating the proceeds of such sale to the use of the same.

Tenth. To cause to be erected and furnished a Court House, Jail, and such other public buildings as may be necessary, and the same to be kept in repair: *Provided*, that the erection of such Court House, Jail and other public buildings be let out, after one month's previous publication, in each case, of a readiness to receive proposals therefor, to the lowest bidder, who will give good and sufficient security for the completion of any contract which may be made respecting the same.

Eleventh. To ascertain and determine with a jury, or by consent of parties, without a jury, the just compensation to be made to the owners of private property taken for public use.

Twelfth. To do and perform all such other acts and things as may be requisite and necessary to the full discharge of the powers and jurisdiction conferred on the court.

Bridges, and how regulated.

SEC. 56. When any bay, river, stream, creek or slough separates two counties, the Court of Sessions of the county lying on the left bank descending such bay, river, stream, creek or slough, shall have the jurisdiction of the same, so far as the control and management of bridges and ferries are concerned, but all sums paid for licenses to construct any bridges, or to run any ferries over such river, stream, creek or slough shall be divided equally between the two counties.

Vouchers for county expenses to be filed with County Clerk.

SEC. 57. All accounts, vouchers, papers, petitions and documents relating to the business or property of the county, shall be appropriately arranged under their several heads, filed in the office of the County Clerk, and preserved separate from the papers and documents of the Court, as a Court having criminal jurisdiction.

Proceedings of Court to be recorded.

SEC. 58. The orders, judgments and proceedings of the Court when sitting for the transaction of county business shall be entered by the Clerk, in separate books to be kept for that purpose.

Terms of the Court.

SEC. 59. A term of the Court of Sessions shall be held at the County Seat in each county on the first Monday of February,



April, June, August, October and December of each year, excepting the county of Calaveras, where the terms of said Court shall be held on the second Mondays of February, April, June, August, October and December, and shall continue until the commencement of the next term, unless all the business of the Court be sooner disposed of. Special terms of the Court may also be held whenever in the opinion of the County Judge, the public interests require the same.

SEC. 60. Until a court house be erected for the county, this Court may direct the Sheriff to furnish a suitable room for holding the Court, and the expenses thereof shall be a county charge. This Court may, also, at any time, direct the Sheriff to furnish attendants, fuel, lights and stationery suitable and sufficient for the transaction of business, and the expenses thereof shall be a county charge.

If no court-house, Sheriff to provide room, also fuel, lights, &c.

## CHAPTER VII.

### *The Probate Court.*

SEC. 61. There shall be, in each County, a Probate Court with the jurisdiction conferred by this chapter.

Probate Court created.

SEC. 62. The County Judge of each county shall be the Judge of the Probate Court.

Probate Judges.

SEC. 63. The Probate Court shall have power to open and receive the proof of last wills and testaments, and to admit them to probate; to grant letters testamentary of administration and of guardianship, and to revoke the same, for cause shown according to law; to compel executors, administrators and guardians to render an account when required, or at the period fixed by law; to order the sale of property of estates or belonging to minors; to order the payment of debts due by estates; to order and regulate all partitions of property or estate of deceased persons; to compel the attendance of witnesses; to appoint appraisers or arbitrators; to compel the production of title deeds, papers or other property of an estate or of a minor; and to make such other orders, as may be necessary and proper, in the exercise of the jurisdiction conferred upon the Probate Court.

Jurisdiction.

SEC. 64. The County Judge shall have power in vacation to appoint appraisers, to receive inventories and accounts to be filed in his Court; to suspend the powers of executors, administrators, or guardians in the cases allowed by law; to grant special letters of administration or guardianship; to approve claims and bonds, and to direct the issuance, from this Court, of all writs and process necessary in the exercise of his powers as Probate Judge.

May attend to business during vacation.

SEC. 65. The County Judge of the county of San Francisco shall hold a Probate Court at the city of San Francisco, on the third Monday of January, March, May, July, September and November; *Provided*, that each term of said Court shall continue

Probate Court of San Francisco. When to be held.

until the commencement of the next term, unless all the business of the Court be sooner disposed of. In the other counties of the State, the County Judge shall hold a Probate Court on the fourth Monday of each month.

## CHAPTRE VIII.

### *Justices' Courts.*

Justices' Courts.

SEC. 66. The Courts held by Justices of the Peace in this State shall be denominated Justices' Courts, and shall have the jurisdiction conferred by this chapter, but nothing contained in this chapter shall affect their jurisdiction in actions or proceedings now pending therein, nor shall it affect any judgment or order already made, or proceedings already taken.

Jurisdiction.

SEC. 67. These Courts, except in the county of San Francisco, shall have jurisdiction of the following actions and proceedings.

First. Of an action arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, do not exceed five hundred dollars.

Second. Of an action for damages for an injury to the person, or for taking, detaining, or injuring personal property, if the damages claimed do not exceed five hundred dollars.

Third. Of an action for a fine, penalty or forfeiture, not exceeding five hundred dollars, given by statute or the ordinance of an incorporated city.

Fourth. Of an action upon a bond conditioned for the payment of money not exceeding five hundred dollars, though the penalty exceed that sum, the judgment to be given for the sum actually due when the payments are to be made by instalments, an action may be brought for each instalment as it becomes due.

Fifth. Of an action upon a surety bond or undertaking, taken by them though the penalty or amount claimed exceed five hundred dollars.

Sixth. Of an action for the foreclosure of any mortgage, or the enforcement of any lien on personal property, when the debt secured does not exceed, exclusive of interest, five hundred dollars.

Seventh. Of an action to recover the possession of personal property when the value of such property does not exceed five hundred dollars.

Eighth. To take and enter judgments on the confession of a defendant, when the amount confessed does not exceed five hundred dollars.

Ninth. Of an action for a forcible or unlawful entry upon, or a forcible or unlawful detention of lands, tenements, or other possessions.

Tenth. Of an action to determine the right to a "mining claim."

Eleventh. Of proceedings respecting vagrants and disorderly persons.

Twelfth. The Justice's Court of the county of San Francisco shall have jurisdiction of the actions specified in this section, but such jurisdiction shall be limited in the actions mentioned in the first eight sub-divisions, to cases involving an amount not exceeding two hundred dollars, exclusive of interest.

SEC. 68. The jurisdiction conferred by the last section shall not extend, however—

Jurisdiction not to extend to cases herein set forth.

First. To a civil action in which the title to real property shall come in question.

Second. Nor to an action for the foreclosure of a mortgage or the enforcement of a lien on real property, nor to an action or proceeding against ships, vessels, or boats, or against the owners or masters thereof when the suit or proceeding is for the recovery of seamen's wages for a voyage performed, in whole or in part, without the waters of this State.

SEC. 69. These courts shall also have jurisdiction, except within the limits of the city of San Francisco, of the following public offences committed within the respective counties in which such courts are established:

Further jurisdiction.

First. Petit larceny.

Second. Assault and battery, not charged to have been committed upon a public officer in the discharge of his duties, or with intent to kill.

Third. Breaches of the peace, riots, affrays, committing a wilful injury to property; and all misdemeanors punishable by fine not exceeding five hundred dollars or imprisonment not exceeding three months, or by both such fine and imprisonment.

SEC. 70. There shall be no terms in Justices' Courts; these courts shall always be open.

Court always open.

SEC. 71. Justices of the Peace shall hold their offices for one year, and until their successors are elected and qualified. They shall be chosen by the electors of their respective townships or cities at the general election in the year one thousand eight hundred and fifty-three, and at the general election every year thereafter, and shall enter upon their duties on the first Monday of the month subsequent to their election. Whenever a vacancy shall occur in the office of a Justice, by death, resignation, or otherwise, a special election may be ordered by the County Judge to supply such vacancy. The Justice elected to supply a vacancy shall hold his office only for the unexpired term of his immediate predecessor. Each Justice, before entering upon the discharge of his duties, shall take the Constitutional oath of office, and shall execute a bond to the State in the sum of five thousand dollars, conditioned for the faithful performance of his duties, and file the same with the County Clerk.

Term of office, and election of justices.

## CHAPTER IX.

*Recorder's Court.*

## Jurisdiction.

SEC. 72. The Recorders' Courts which are already established, or which may hereafter be established, in any incorporated city of this State, shall have jurisdiction :

First. Of an action or proceeding for the violation of any ordinance of their respective cities.

Second. Of an action or proceeding to prevent or abate a nuisance within the limits of their respective cities.

Third. Of proceedings respecting vagrants and disorderly persons.

## Further jurisdiction.

SEC. 73. The Recorders' Courts already established, or which may hereafter be established, shall also have jurisdiction of the following public offences committed in their respective cities :

First. Petit larceny.

Second. Assault and battery, not charged to have been committed upon a public officer, in the execution of his duties, or with intent to kill.

Third. Breaches of the peace, riots, affrays, committing a wilful injury to property, and all misdemeanors punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding three months, or by both such fine and imprisonment.

## Court, when and where to be held.

SEC. 74. A Recorder's Court shall be held by a Judge, who shall be designated as the "Recorder of the City;" and said court shall be held at such place in the city within which it is established, as the government of such city may by ordinance direct.

## Election of Recorder.

SEC. 75. The Recorders shall be chosen by the electors of their respective cities, on a day to be fixed by the government of such cities, and shall hold their offices for one year unless a longer period be fixed in the acts incorporating such cities, in which case, for such period fixed. Before entering upon their duties they shall take the constitutional oath of office.

## Compensation.

SEC. 76. The Recorders shall receive a compensation to be fixed by the charter, or when not so fixed, by the government of their respective cities, to be paid by such cities quarterly, in equal proportions. Such compensations shall not be increased or diminished during the period for which they are elected.

## Powers and duties of Recorders.

SEC. 77. The Recorders shall possess the powers and exercise the duties of committing magistrates, in the criminal cases in which the courts held by them have no jurisdiction by this Act; and as such magistrates they may examine, commit or discharge, all persons brought before them, as the justice of the case may require.

## May issue process, &amp;c.

SEC. 78. Recorders and Recorders' Courts may issue all process, writs and warrants, and may make any and all orders necessary and proper to the complete exercise of their powers.

SEC. 79. There shall be no terms in Recorders' Courts. Court shall be always open.  
 These Courts shall always be open.

## CHAPTER X.

*Mayors' Courts.*

SEC. 80. The Mayors' Courts which are already established, Jurisdiction.  
 or which may hereafter be established in any incorporated city  
 of this State, shall have the same jurisdiction of actions and of  
 public offences committed in their respective cities which is  
 conferred by this Act upon Recorders' Courts.

SEC. 81. The Mayors of incorporated cities, when author- Powers of  
Mayors.  
 ized by law to hold a Court in their respective cities, shall pos-  
 sess the same powers as committing Magistrates, as are con-  
 ferred by this Act upon Recorders' of cities.

SEC. 82. The Mayors' Courts, and the Mayors as the Judges May issue  
process, writs,  
&c.  
 of such Courts, may issue all process, writs and warrants, and  
 may make any and all orders necessary and proper to the com-  
 plete exercise of their powers.

## CHAPTER XI.

*General provisions respecting the Courts of Justice and  
Judicial Officers.*

## ARTICLE 1.

*Courts of Record: Publicity of the Proceedings of the Courts  
and their incidental powers.*

SEC. 83. The Supreme Court, the several District Courts, Courts of  
Record.  
 the Superior Court of the city of San Francisco, the several  
 County Courts, the several Courts of Sessions, and the several  
 Probate Courts of this State shall be Courts of Record.

SEC. 84. The sittings of every Court of Justice shall be pub-  
 lic, except as is provided in the next section.

SEC. 85. In an action for divorce, the Court may direct the Proceedings to be  
public.  
 trial of any issue of fact joined therein to be private; and upon  
 such directions all persons may be excluded except the officers Actions for  
divorce  
excepted.  
 of the Court, the parties, their witnesses and counsel.

SEC. 86. Every Court shall have power—

First. To preserve and enforce order in its immediate Powers of Court.  
 presence.

Second. To enforce order in the proceedings before it, or  
 before a person or persons empowered to conduct a judicial inves-  
 tigation under its authority.

Third. To compel obedience to its lawful judgments,  
 orders and process, and to the lawful orders of its Judge out of  
 Court in an action or proceeding pending therein.

Fourth. To control in furtherance of justice the conduct of its ministerial officers.

## ARTICLE 2.

### *Particular disqualification of Judges.*

When Judge shall be disqualified.

SEC. 87. A Judge shall not act as such in any of the following cases :

First. In an action or proceeding to which he is a party, or in which he is interested.

Second. When he is related to either party by consanguinity or affinity, within the third degree.

Third. When he has been attorney or counsel for either party in the action or proceeding ; but this section shall not apply to the arrangement of the calendar or the regulation of the order of business.

Not to act as attorney.

SEC. 88. A Judge shall not act as attorney or counsel in a Court in which he is Judge, or in an action or proceeding removed therefrom to another Court for review, or in any action or proceeding from which an appeal may lie to his own Court.

May act in cases where he is a party on the record.

SEC. 89. A Judge of the Supreme Court, or of the District Court, or of the Superior Court of the city of San Francisco, shall not act as attorney or counsel in any court except in an action or proceeding to which he is a party on the record.

Partner of, not to act as attorney, &c.

SEC. 90. A Judge or Justice of the Peace shall not have a partner acting as attorney or counsel in any Court in this State.

SEC. 91. A Judge of the Supreme Court, or of the District Court, or of the Superior Court of the city of San Francisco, or of a County Court, shall not absent himself from the State.

## ARTICLE 3.

### *Judicial days and places of holding Courts of Justice.*

Courts, when to be held.

SEC. 92. The Courts of Justice may be held and judicial business may be transacted on any day except as provided in the next section.

When judicial business shall not transacted.

SEC. 93. No Court shall be opened nor shall any judicial business be transacted on Sunday, on New Year's day, on the Fourth of July, on Christmas day, on Thanksgiving day, or on a day in which the general election is held, except for the following purposes :

First. To give upon their request, instructions to a Jury, then deliberating on their verdict.

Second. To receive a verdict, or discharge a Jury.

Third. For the exercise of the powers of a Magistrate in a criminal action, or in a proceeding of a criminal nature.

SEC. 94. Every Court of Justice except a Justice's, Mayor's or Recorder's Court, shall sit at the County Seat of the county in which it is held, except in the cases provided in this Article. Justices' Courts shall be held in their respective townships or cities, and Mayors' and Recorders' Courts in their respective cities. *Provided*, Justices of the Peace for townships of the county of San Francisco, within the corporate limits of the city of San Francisco, shall have jurisdiction within said corporate limits of all actions and proceedings of which Justices of the Peace of said county have or may have by law, jurisdiction, whenever the parties to said actions or proceedings may reside in said city; *and provided*, that no Justice of the Peace shall hold a Court in any other township of said county or city than the one for which he shall have been elected.

Terms of Courts.  
Where to be held.

SEC. 95. If no Judge attend on the day appointed for the holding of the Court before noon, the Sheriff or Clerk shall adjourn the Court until the next day at ten o'clock, and if no Judge attend on that day before noon, the Sheriff or Clerk shall adjourn the Court until the following day; and so on from day to day for one week. If no Judge attend for one week, the Sheriff or Clerk shall adjourn the Court for the term.

In the absence  
of Judge, the  
Sheriff or Clerk  
may adjourn  
Court.

SEC. 96. A Judge authorized to hold or preside at a Court appointed to be held in a city or town, may, by an order filed with the County Clerk, and published as he may prescribe, direct that the Court be held or continued at any other place in the city or county than that appointed, when war, pestilence, or other public calamity, or the dangers thereof, or the destruction of the building appointed for holding the Court may render it necessary; and may in the same manner revoke the order, and in his discretion appoint another place in the same city or county for holding the Court.

Place of holding  
Court may be  
changed in  
certain cases.

SEC. 97. When the Court is held at a place appointed as provided in the last section, every person held to appear at the Court, shall appear at the place so appointed.

Parties to appear

#### ARTICLE IV.

##### *Seals of the Courts of Justice.*

SEC. 98. Each of the following Courts, and no other, shall have a seal.

Seals of Courts.

First. The Supreme Court.

Second. The District Courts.

Third. The Superior Court of the city of San Francisco.

Fourth. The County Courts.

Fifth. The Courts of Sessions.

Sixth. The Probate Courts.

SEC. 99. The seals now used by the Supreme Court, and the Superior Court of the city of San Francisco, shall be the seals of the said Courts: and where seals have been provided for the

Existing seals  
may be used.

County Courts, Courts of Sessions, and Probate Courts, such seals shall continue to be used as the seals of said Courts.

Seals to be procured for certain courts.

SEC. 100. The several District Courts, and also the several County Courts, Courts of Sessions, Probate Courts, for which separate seals have not been heretofore provided, shall direct their respective Clerks to procure seals, which shall be devised by the respective Judges of such Courts, and shall have the following inscriptions surrounding the same.

Inscriptions

First. For the District Courts—"District Court, \_\_\_\_\_ County, California," inserting the name of the county.

Second. For the County Courts—"County Court, \_\_\_\_\_ County, California," inserting the name of the county.

Third. For the Courts of Sessions—"Court of Sessions, \_\_\_\_\_ County, California," inserting the name of the county.

Fourth. For the Probate Courts—"Probate Court, \_\_\_\_\_ County, California," inserting the name of the county.

Clerk may use private seal.

SEC. 101. Until the seals devised, as provided in the last section, are procured, the Clerk of each Court may use his private seal whenever a seal is required.

SEC. 102. The Clerk of each Court shall keep the seal thereof.

Seal to be used in certain proceedings.

SEC. 103. The seal of the Court need not be affixed to any proceedings therein, except,

First. To a summons or writ :

Second. To the proof of a will, or the appointment of an executor, administrator or guardian :

Third. To the authentication of a copy of a record, or other proceeding of the Court, or an officer thereof, for the purpose of evidence in another Court.

How impressed.

SEC. 104. The seal may be affixed by impressing it on the paper, or on a substance attached to the paper and capable of receiving the impression.

## ARTICLE V.

### *Miscellaneous Provisions respecting Courts and Judicial Officers.*

Order in proceedings in cases pending.

SEC. 105. If an application for an order, made to a Judge of a Court in which the action or proceeding is pending, be refused in whole or in part, or be granted conditionally, no subsequent application for the same order shall be made to any other Judge except of a higher Court; *Provided*, that nothing in this section be so construed as to apply to motions refused for any informality in the papers or proceedings necessary to obtain an order.

Informalities.

Punishment for violating last section.

SEC. 106. A violation of the last section may be punished as a contempt: and an order, made contrary thereto, may be revoked by the Judge who made it, or vacated by a Judge of a Court in which the action or proceeding is pending.

Powers of Judges

SEC. 107. The Judges of the Supreme Court, of the District



Courts, of the Superior Court of the city of San Francisco, and of the County Courts, shall have power in any part of the State, and Justices' of the Peace, and Recorder's within their respective counties, and Recorder's and Mayor's within their respective cities, shall have power to take and certify.

of Courts of Record.

Justices', Mayors' and Recorders' Courts.

First. The proof and acknowledgment of a conveyance of real property or of any other written instrument.

Second. The acknowledgment of satisfaction of a judgment of any Court.

Third. An affidavit to be used in any Court of Justice of this State.

SEC. 108. No action or proceeding in a Court of Justice shall be affected by a vacancy in the office of all or any of the Judges, or by the failure of a term thereof.

Vacancy in Justices' Courts not to affect cases pending.

SEC. 109. Every written proceeding in a Court of Justice, in this State, or before a judicial officer, shall be in the English language: but such abbreviations as are now commonly used in that language may be used, and numbers may be expressed by figures or numerals in the customary manner. In the counties of San Luis Obispo, Santa Barbara, Los Angeles and San Diego, the proceedings may be in the English or Spanish languages.

Proceedings of Court to be in English.

Except in certain counties where they may be conducted in Spanish.

SEC. 110. The following acts are hereby repealed: The Act entitled an "Act concerning the Courts of Justice of this State and Judicial Officers," passed March eleventh, one thousand eight hundred and fifty-one; and the Act entitled an "Act amending the Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers," passed March eleventh, one thousand eight hundred and fifty-one. Nothing in this Act shall, however, affect any judgment already rendered, or any order already made, under an Act entitled "An Act concerning the Courts of Justice in this State and Judicial Officers," passed March twenty seventh, one thousand eight hundred and fifty-two. "An Act amendatory of an Act concerning the Courts of Justice of this State and Judicial Officers," passed March eleventh, one thousand eight hundred and fifty-one, approved May third, one thousand eight hundred and fifty-two. The Act entitled "An Act to change the time of holding the District Court in the county of Santa Clara," passed March twenty-ninth, one thousand eight hundred and fifty-two: And the Act entitled "An Act to regulate the terms of the District Courts of the Tenth Judicial District," passed May fourth, one thousand eight hundred and fifty-two, or any proceedings already taken, in any civil or criminal cases, in any of the Courts of this State: nor shall it be construed so as to remove from office any of the Judges of the existing Courts of this State.

Former Acts repealed.

Repeal not to affect judgments under existing laws.

Repealed Acts continued.

Not to affect proceedings under existing laws.

SEC. 111. This Act shall take effect on the first Monday of June next.

When this Act shall take effect.

Approved, May 19, 1853.



# JOINT RESOLUTIONS

OF THE

## SENATE AND ASSEMBLY.

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### JOINT RESOLUTIONS

In relation to the establishment of Post Offices and Post Routes  
in the northern part of the State.

*Whereas*, that portion of the State bordering upon Humboldt Bay and the adjacent coast, is being rapidly settled by a permanent population, principally engaged in lumbering and agricultural employments; and *whereas*, the mines of precious metals on the Klamath river and its tributaries will continue to afford employment to a very large number of citizens, who must transact their business at the various towns on Humboldt bay, and at the town of Trinidad; and *whereas, also*, these points are not connected with other sections of the State by mail routes, and are consequently compelled to depend upon expresses and the courtesy of ship masters for the conveyance of mail matter; therefore

*Resolved*, By the Senate and Assembly of the State of California, that our Senators in Congress be instructed, and our Representatives requested, to urge the passage of a law establishing a semi-monthly mail route by water, from San Francisco to some point on Humboldt bay, and to the town of Trinidad. Also to establish mail routes by land from Trinidad via Uniontown, Eureka and Bucksport, to Eel river; and from Uniontown via Big Bar on Trinity river, to Weaverville. Also, to urge upon the Post Office Department the necessity of having said routes, when established, immediately put under contract, as also the mail routes established at the last session of Congress from Shasta city to Yreka, and from Trinidad to Yreka.

*Resolved*, That his Excellency the Governor be requested to forward a copy of the foregoing Preamble and Resolutions to each of our Senators and Representatives in Congress.

Approved, January 14, 1853.

## JOINT RESOLUTION

To allow four months leave of absence to John C. Hays, Sheriff of San Francisco County.

*Resolved*, By the Senate, the Assembly concurring, that Col. John C. Hays, Sheriff of the county of San Francisco, be permitted to absent himself from the State for the period of four months, and the duties of his office shall devolve upon his regularly appointed deputy, in accordance with "An Act in relation to Sheriffs:" *Provided*, nothing herein shall be construed to release said Hays or his official bond, for his acts or the acts of any of his deputies.

Approved, January 25, 1853.

## JOINT RESOLUTION

Granting leave of Absence to Hon. Hugh C. Murray.

*Resolved*, By the Senate and Assembly of the State of California, that Hugh C. Murray, one of the Justices of the Supreme Court of this State, is hereby authorized to go beyond the limits of this State on a visit to the Atlantic States, and remain for such time as may be necessary for the restoration of his health.

*Provided*, This leave of absence shall not extend beyond the period of five months from the time of his departure from the State.

Approved, January 25, 1853.

## JOINT RESOLUTION

Relative to the Public Printing.

*Resolved*, By the Senate and Assembly of the State of California, with the view to an early publication and distribution of the Laws and Journals, That the Governor and Comptroller of State be, and they are hereby directed

to enter into contract, on behalf of the State of California, with George Kerr, to execute the Public Printing for the State of California, from and after the first day of February, A. D. eighteen hundred and fifty-three, and until otherwise directed by law: *Provided*, that the terms of said contract do not exceed those contained in the contract now in force with V. E. Geiger and Company, and G. K. Fitch and Company. *And provided further*, that there be printed for the office of the Secretary of State, in addition to the number ordered by either branch of the Legislature, five hundred copies of all reports, messages, or such other documents as are proper to publish with the Journals of the Senate and Assembly, which additional copies shall be preserved by the Secretary of State, and be bound with the Journals as an Appendix. And every such report, message, or other document, shall be numbered in the order of printing, and the number repeated on every alternate page.

Approved, February 3, 1853.

## CONCURRENT RESOLUTION

Relative to the Permanent Location of the Seat of Government.

*Resolved*, The Assembly concurring, That the Governor be, and is hereby authorized and requested for and in behalf of the State, to demand of and receive from Gen. M. G. Vallejo any and all moneys that may be now due or hereafter become due the State from the said M. G. Vallejo, under his propositions to pay to the State certain sums of money for specific objects, or for any other purpose submitted to the Legislature of this State, at its first session, and presented in the Senate, April third, eighteen hundred and fifty, in the form of a Memorial of Gen. Vallejo and others, relative to the permanent Seat of Government, subsequently acted upon by both Houses, and formally accepted in the passage of a law, approved February fourth, eighteen hundred and fifty-one, entitled "An Act for the permanent location of the Seat of Government:" *Provided*, that the entire amount of three hundred and seventy thousand dollars, due under said proposition, be tendered at the same time. And the Governor is hereby further requested to communicate to the Legislature, as early as practicable, whether and how far the said M. G. Vallejo has complied with the terms of his said proposition, and his present intentions and wishes in the premises, so far as the same may have been or may be communicated to the Governor.

Approved, February 4, 1853.

## JOINT RESOLUTION

In relation to the War Debt.

*Resolved*, By the Senate and Assembly, that the Board of Examinors of the accounts and vouchers for expenses incurred by this State for the suppression of Indian hostilities, are hereby directed to make out and present to the Legislature a statement of said accounts, together with all the correspondence and circumstances relating to the origin, prosecution and conclusion of the Indian Wars in this State, prosecuted by authority of the same; and generally such information as may be proper to be submitted to the Congress of the United States, in order that the debt thus assumed by this State, and the bonds issued thereupon, may be provided for by the General Government, in such manner and with such promptitude as is demanded by the merits of the claim and the right of protection in such cases.

Approved, March 1, 1853.

## JOINT RESOLUTION

In regard to the World's Industrial Exhibition.

*Whereas*, Information has been received from the Atlantic States that a "World's Industrial Exhibition" will be held in the city of New York in June, one thousand eight hundred and fifty-three: *And whereas*, It is proper that the Pacific Coast, and more particularly the State of California, should be represented in such Industrial Exhibition: therefore,

*Resolved*, By the Senate and Assembly, That His Excellency the Governor be requested to give an official recommendation to such citizen or citizens of this State as may signify an intention to attend said Exhibition, and in the opinion of His Excellency may be entitled thereto: *Provided*, that no appropriation shall be made for this purpose.

Approved, March 7, 1853.

## JOINT RESOLUTION.

*Resolved*, By the Senate and Assembly, that our Representatives in Congress be requested, and our Senators instructed, to use their best endeavors to procure the publication, by act of Congress, of five thousand copies of the memoir, maps and charts, prepared from the surveys of Capt. Cadwallader Ringgold, of the navy, of the bay of San Francisco, San Pablo, the Sacramento and San Joaquin rivers, and the entrance to the bay of San Francisco, for distribution by Congress among our sea faring and other fellow citizens; and that the Governor be requested to forward a copy of this Resolution to each of our Senators and Representatives in Congress.

Approved, March 1, 1853.

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 JOINT RESOLUTION

In relation to the harbor of Santa Cruz.

*Whereas*, that portion of the coast of California on the northern side of the bay of Monterey known as the Port of Santa Cruz, the most important shipping point of our Pacific possessions, San Francisco excepted, is rendered extremely dangerous to shipping at certain seasons of the year, by the prevailing south easterly gales; and *whereas*, during a gale in the past year every vessel in port was driven ashore, and with their cargoes totally lost; to prevent the recurrence of similar disasters, attended with immense loss of property and life, therefore

*Resolved*, by the people of the State of California, represented in Senate and Assembly, that our Senators in Congress be and they are hereby instructed, and our Representatives requested, to urge the passage of a law appropriating money to build a breakwater at the port of Santa Cruz, sufficient to render secure the harbor thereof.

*Resolved*, That his Excellency the Governor of this State, be hereby requested to transmit copies of the above Resolution to our Senators and Representatives in Congress.

Approved, March 10, 1853.

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## CONCURRENT RESOLUTION

Instructing the Comptroller of State not to issue Warrants on State Prison Contract.

*Resolved*, The Senate concurring, that the Comptroller of State be and he is hereby instructed, not to audit any accounts or issue any warrants on account of the State Prison Contract, until otherwise directed.

Passed March 9, 1853.

## CONCURRENT RESOLUTION

To appoint a Joint Committee on Translation of Laws into Spanish.

*Resolved*, That a joint committee of three from the Assembly and a like number of the Senate, (the Senate concurring,) be appointed for the purpose of carrying into effect the provisions of the Act providing for the Translation of the Laws into the Spanish Language, passed March fifteenth, one thousand eight hundred and fifty-one.

Passed March 11, 1853.

## JOINT RESOLUTIONS

In relation to the establishment of Post Offices and Mail Routes in the Northern Parts of the State.

*Whereas*, That portion of the State, viz : The northern portion of Butte and Sierra counties is settled by a large and permanent population, numbering from eight to ten thousand persons principally engaged in mining and agricultural employments; and *Whereas*, this portion of the State is not connected with other sections of the State by Mail Routes, and the people residing there, are consequently compelled to depend upon expresses for the conveyance of mail matter, therefore,



*Resolved*, By the Senate and Assembly of the State of California, that our Senators in Congress be instructed, and our Representatives requested to urge the passage of a law, establishing a semi-monthly mail route from Marysville to Rich Bar on North Fork of Feather River via the following places: Natchez, Forbestown, Grass Valley, Sears' Diggins, Onion Valley, Poor Man's Creek, City of Seventy-six, Mouth of Nelson Creek, American Valley, Spanish Valley and Rush Creek. Also to urge upon the Post Office Department, the necessity of having said routes, when established, immediately put under contract.

*Resolved*, That His Excellency, the Governor, be requested to forward a copy of the foregoing Preamble and Resolution to each of our Senators and Representatives in Congress.

Passed, March 26, 1853.

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## JOINT RESOLUTION

In relation to the Harbor of Santa Barbara.

*Whereas*, That portion of the Coast of California known as the Harbor and Roadstead of Santa Barbara, one of the important commercial ports on our Coast, is rendered extremely dangerous to shipping in certain seasons of the year, by the prevailing southeastern gales: *And whereas*, during the past five years, several vessels have been driven ashore and become a total loss, likewise endangering the lives of our citizens: to prevent the recurrence of similar disasters, attended with immense loss of property, and sometimes of life: therefore,

*Resolved*, By the People of the State of California, represented in Senate and Assembly, That our Senators in Congress be, and they are hereby instructed, and our Representatives requested, to urge the passage of a law appropriating money to build a Breakwater at the Port of Santa Barbara sufficient to render secure the Harbor thereof.

*Resolved*, That His Excellency the Governor of this State be hereby requested to transmit copies of the Resolution to our Senators and our Representatives in Congress.

Passed, April 16, 1853.

## JOINT RESOLUTION

*Resolved*, That the Senate and Assembly of the State of California, do hereby authorize Dr. John B. Trask to report more fully and especially on the unoccupied mineral lands lying upon the eastern borders of the valleys of the Sacramento and San Joaquin, and alluded to in his report of April sixth, one thousand eight hundred and fifty-three, on the Geology of the Mineral District or Sierra Nevada, and contained in section second of said Report, under head of Mineral Resources ; said Report to comprise, as near as possible, the area of such lands in each county in said valleys, and the facilities they offer, and requisitions necessary to insure their occupancy and improvement.

*Resolved*, That an examination of the Coast Range, as far as practicable, and as far as the means within his power will admit of, be made, and that a full Report be prepared and furnished the next Legislature.

*Resolved*, That the amount of money which the Legislature may appropriate, shall be a compensation for the information already obtained, and that which shall be embodied in the Report to be made the next Legislature.

Passed, May 6, 1853.

## JOINT RESOLUTION

Granting leave of Absence to S. C. Astin, Sheriff of Placer County.

*Resolved*, By the Senate and Assembly, That leave of absence from the State be and is hereby granted to S. C. Astin, Sheriff of Placer County, for a period of not more than five months from the time of his departure from the State : *Provided*, that nothing herein contained shall be construed to release said Astin, on his official bond, for his acts or the acts of his deputies ; and that during his absence the duties of his office shall devolve upon his regularly appointed deputies, in accordance with "An Act in relation to Sheriffs."

Passed, May 10, 1853.

## JOINT RESOLUTION

In relation to the Law Library at the City of San Francisco.

*Be it Resolved*, By the Senate and Assembly of the State of California, That the Secretary of State be and he is hereby directed to furnish the Law Library, at the city of San Francisco, with two copies each, of all Statutes, Journals, Convention Debates, Reports, &c., that have been or may hereafter be published by authority or under the direction of this State; *Provided*, the same shall not interfere with the number of copies required by law to be kept in the State Library: *Provided, also*, that no right of private property be acquired therein, but the same shall be and remain for the use of the members of the bar of San Francisco.

Passed, May 12, 1853.

## JOINT RESOLUTION

In relation to a Railroad from the Mississippi Valley to the Pacific Ocean.

*Whereas*, the increasing demands of commerce, mail transportation and the emigration from one portion of the Union to the other, eminently require the construction of a Railroad from the Mississippi Valley to some point on the Pacific Ocean; and *Whereas*, strenuous efforts were made by our Representatives without avail in the last Congress to procure the passage of a law for this purpose. Therefore be it

*Resolved*, by the Senate and Assembly, That the Legislature of California again earnestly urge upon the attention of Congress, the subject of the construction of a Railroad from the Great Mississippi basin to some point on the Pacific Ocean.

*Resolved*, That the said Railroad when completed will be a highway and a thoroughfare, for the nations of the Globe, and will make all the principal Maritime powers of the earth tributary to the United States.

*Resolved*, That our Senators in Congress be instructed, and our Representatives be requested to use all honorable means to procure the passage of a law, embracing the objects contained in the Resolutions.

*Resolved*, That His Excellency the Governor be requested to transmit a copy of the above preamble and resolutions to each of our Senators and Representatives in Congress, to each member of the Cabinet, and to the Legislatures of the different States of the Union.

Passed, May 17, 1853.

## CONCURRENT RESOLUTION

In relation to European Colonization on the Continent of America.

*Whereas*, Resolutions have been offered in the Senate of the National Legislature, "That the United States do hereby declare that the American Continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future Colonization by any European Power; and while existing rights should be respected and will be by the United States, they owe it to their own safety and interests, to announce, as they now do, that no future European Colony or dominion, shall with their consent, be planted or established on any part of the American Continent; and should the attempt be made, they thus deliberately declare, that it will be viewed as an act originating in motives regardless of their interests and their safety, and which will leave them free to adopt such measures as an independent nation may justly adopt in defence of its rights and powers. "That while the United States disclaim any designs upon the Island of Cuba, inconsistent with the laws of both nations, and with their duties to Spain, they consider it due to the vast importance of the subject, to make known in solemn manner that they should view all efforts on the part of any other power to procure possession, whether peaceably or forcibly of that Island, which, as a Naval or Military position, must under circumstances easily to be foreseen, become dangerous to their Southern Coast, to the Gulf of Mexico, and to the mouth of the Mississippi, as unfriendly acts directed against them and to be resisted by all the means in their power." Therefore be it

*Resolved*, By the Senate, (the Assembly concurring,) that we fully and cordially approve the sentiments therein expressed, and that we hereby pledge the hearty co-operation of the State of California in maintaining them.

Passed, May 17, 1853.

## CONCURRENT RESOLUTION.

*Resolved*, By the Senate, the Assembly concurring, that the deed of conveyance made by David M. Fraser, Mayor of the city of Benicia, for and

on behalf of said city to John Bigler, Governor of the State of California, and his successors in office for the use of the State of California, for a certain lot of ground in the city of Benicia, it being the same on which the State House now in use is situated, be, and the same is hereby approved and accepted on the part of the State.

Passed, May 17, 1853.

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## JOINT RESOLUTION

Relative to Public Lands and Internal Improvements.

*Whereas*, by the Constitution of the State of California, the five hundred thousand acres of land donated to this State by Act of Congress of eighteen hundred and forty-one, for internal improvements, have been diverted and appropriated to the purposes of education, thereby leaving an internal improvement fund vacant; and *whereas*, by the admission of this State into the Union, the Congress of the United States sanctioned that diversion; and *whereas*, other States of the Union have received donations of land from the General Government, both for internal improvements and school purposes; therefore

*Resolved*, By the people of the State of California, represented in Senate and Assembly, that our Senators in Congress be instructed, and our Representatives requested, to urge upon Congress the passage of a law granting to the State of California five hundred thousand acres of land, for the purposes of internal improvement, and also lands for a capital, seminaries of learning, colleges, and universities.

*Resolved*, That the Governor be required to transmit to each of our Senators and Representatives in Congress a copy of this Resolution.

Passed, May 18, 1853.

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## JOINT RESOLUTION.

*Resolved*, By the Assembly, the Senate concurring, That our Senators be instructed and our Representatives requested to use their best endeavors to bring before Congress the claim of Felix Argenti, Esq., for property furnished to the United States Indian Commissioners in California.

*Resolved*, That His Excellency the Governor be requested to furnish a copy of the above Resolution to our Senators and Representatives in Congress.

Passed, May 18, 1853.

## JOINT RESOLUTION

## Relative to the Civil Fund.

*Resolved*, By the Senate and Assembly, That we regret the neglect on the part of the Congress of the United States, to refund to the State of California the moneys collected in her ports, and from the industry of her citizens previous to her admission into the Federal Union.

*Resolved*, That the sum of four hundred and thirty-six thousand eight hundred and four dollars and thirty-six cents should be assumed and paid by the General Government to this State, it being the expenses incurred by our State Government from its organization to the date of our admission into the Union.

*Resolved*, That to refuse to recognise and pay said claims tends to the establishment of the doctrine of the right of taxation without representation, and compelling a people to pay tribute for the support of a Government from which it receives no protection, and which refuses to grant them the rights and privileges of that Government.

*Resolved*, That our Senators be instructed and our Representatives requested to continue all honorable exertions to procure from Congress a recognition of our rights to the money mentioned in the above Resolutions, and an appropriation in accordance therewith.

*Resolved*, That the Governor be requested to furnish each of our Senators and Representatives in Congress, a copy of the foregoing Resolutions.

Passed, May 18, 1853.