

THE  
STATUTES OF CALIFORNIA,

PASSED AT THE

Fourteenth Session of the Legislature,

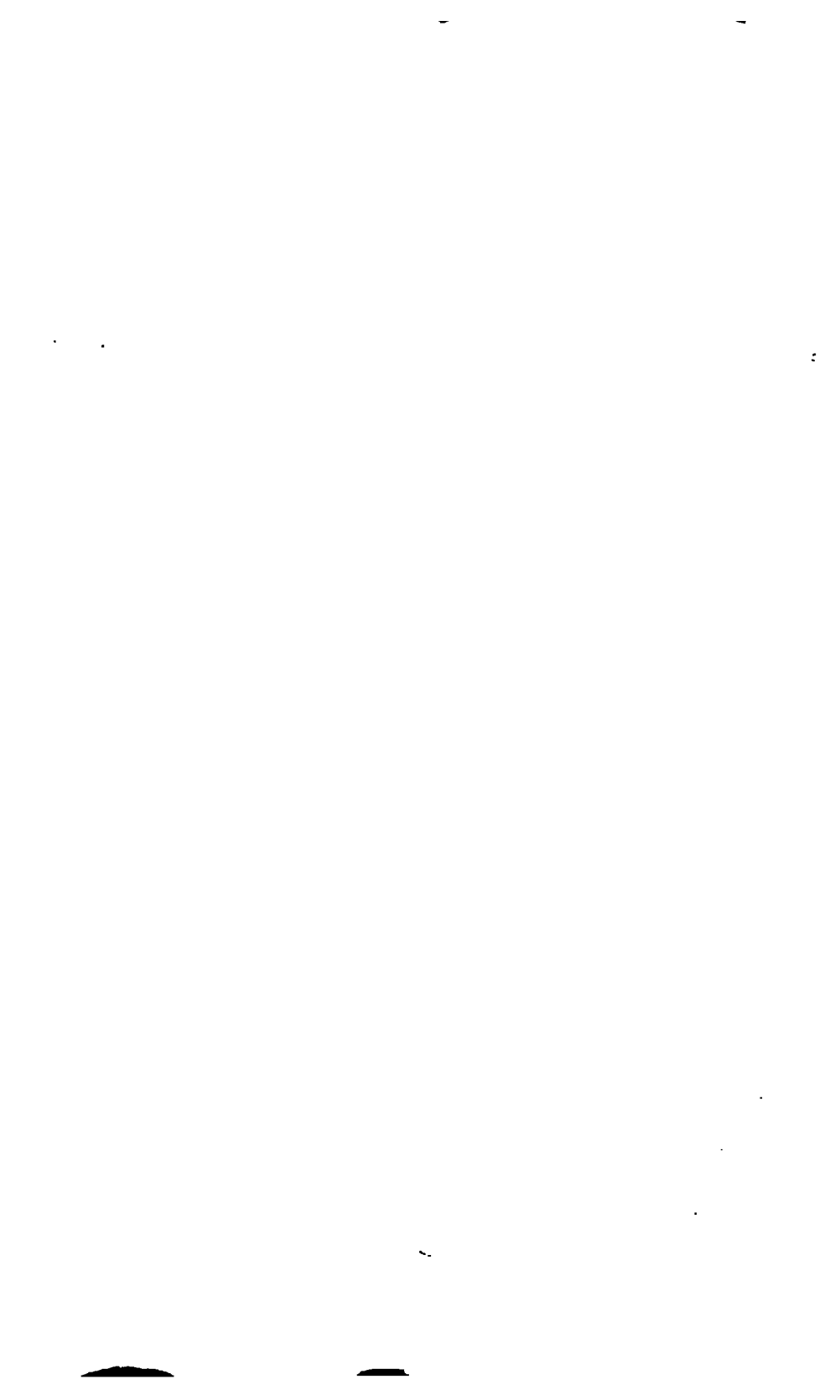
1863:

BEGUN ON MONDAY, THE FIFTH DAY OF JANUARY, AND ENDED ON MONDAY,  
THE TWENTY-SEVENTH DAY OF APRIL.



SACRAMENTO:  
BENJ. P. AVERY, STATE PRINTER.

.....  
1863.





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# LIST OF OFFICERS.

## NAME AND RESIDENCE

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

### STATE OFFICERS.

NAME.	OFFICIAL POSITION.	RESIDENCE.
Leland Stanford.....	Governor.....	Sacramento.....
J. F. Chellis.....	Lieutenant-Governor.....	Minersville.....
W. H. Weeks.....	Secretary of State.....	Sacramento.....
G. R. Warren.....	Controller.....	Stockton.....
D. R. Ashley.....	Treasurer.....	Monterey.....
F. M. Pixley.....	Attorney-General.....	San Francisco.....
J. E. Houghton.....	Surveyor-General.....	Sacramento.....
Benj. P. Avery.....	State Printer.....	Marysville.....
John Sweet.....	Superintendent of Public Instruction.....	San Francisco.....
Wm. C. Kibbe.....	Quartermaster and Adjutant-General.....	Sacramento.....
W. C. Stratton.....	Librarian.....	Sacramento.....
W. E. Brown.....	Governor's Private Secretary.....	Sacramento.....

### JUDGES AND CLERKS OF SUPREME COURT.

Stephen J. Field.....	Chief Justice.....	Sacramento.....
W. W. Cope.....	Associate Justice.....	Sacramento.....
Edward Norton.....	Associate Justice.....	Sacramento.....
Frank F. Fargo.....	Clerk.....	Sacramento.....
R. E. C. Stearns.....	Deputy Clerk.....	Sacramento.....
C. J. Hillyer.....	Supreme Court Reporter.....	Auburn.....
S. Neall.....	Secretary of Supreme Court.....	Sacramento.....

SENATORS.

A. M. CRANE.....President pro tem.

NAME.	COUNTIES REPRESENTED.	RESIDENCE.
A. G. Abell.....	San Francisco.....	San Francisco.....
Francis Anderson.....	Sierra.....	Downieville.....
Thomas Baker.....	Tulare and Fresno.....	Visalia.....
J. C. Birdseye.....	Nevada.....	Nevada.....
J. C. Bogart.....	San Diego and San Bernardino.....	San Diego.....
N. Booth.....	Sacramento.....	Sacramento.....
R. Burnell.....	Amador.....	Yono City.....
J. M. Cavis.....	Tuolumne and Mono.....	Columbia.....
C. H. Chamberlain.....	San Joaquin.....	Stockton.....
J. W. Clark.....	San Francisco.....	San Francisco.....
A. M. Crane.....	Alameda.....	Alameda.....
Lewis Cunningham.....	Yuba.....	Marysville.....
J. G. Doll.....	Colusa and Tehama.....	Red Bluffs.....
E. C. Gaskill.....	Butte.....	Forbestown.....
W. D. Harriman.....	Placer.....	Dutch Flat.....
O. Harvey.....	El Dorado.....	Placerville.....
B. W. Hathaway.....	San Francisco.....	San Francisco.....
W. Higby.....	Calaveras.....	Mokelumne Hill.....
F. B. Higgins.....	Placer.....	Auburn.....
William Holden.....	Mendocino, Lake, and Napa.....	Ukiah City.....
Jos. Kutz.....	Nevada.....	North San Juan.....
William T. Lewis.....	Calaveras.....	Murphys.....
J. G. McCullough.....	Mariposa, Merced, and Stanislaus.....	Muriposa.....
James H. McNabb.....	Sonoma.....	Petaluma.....
A. B. Nixon.....	Sacramento.....	Sacramento.....
George Oulton.....	Siskiyou.....	Pinery.....
R. Pacheco.....	Santa Barbara and San Luis Obispo.....	San Luis Obispo.....
W. H. Parks.....	Sutter and Yuba.....	Butte Mountains.....
R. F. Perkins.....	San Francisco.....	San Francisco.....
C. B. Porter.....	Contra Costa and Marin.....	Alamo.....
G. K. Porter.....	Santa Cruz and Monterey.....	Soquel.....
O. B. Powers.....	Solano and Yolo.....	Suisun.....
L. Quint.....	Tuolumne and Mono.....	Sonora.....
A. H. Saxton.....	El Dorado.....	Georgetown.....
T. B. Shannon.....	Plumas.....	Meadow Valley.....
B. Shurtleff.....	Shasta and Trinity.....	Shasta.....
W. Van Dyke.....	Humboldt, Klamath, and Del Norte.....	Eureka.....
J. R. Vineyard.....	Los Angeles.....	Los Angeles.....
J. S. Wallis.....	Santa Clara.....	Mosfield Farm.....
Manassah S. Whiting.....	San Francisco.....	San Francisco.....

OFFICERS OF THE SENATE.

NAME.	OFFICIAL POSITION.	RESIDENCE.
John White.....	Secretary.....	San Francisco.....
H. G. Stebbins.....	Assistant Secretary.....	Columbia.....
George I. Lytle.....	Sergeant-at-Arms.....	Sacramento.....
E. W. Councilman.....	Assistant Sergeant-at-Arms.....	Marysville.....
J. S. Van Doren.....	Minute Clerk.....	Petaluma.....
J. B. Reed.....	Enrolling Clerk.....	Downieville.....
Robert Henderson.....	Engrossing Clerk.....	Placerville.....
W. F. Huestis.....	Journal Clerk.....	Humboldt.....
Holland Smith.....	Copying Clerk.....	San Francisco.....
L. M. Foulke.....	Copying Clerk.....	Siskiyou.....

## MEMBERS OF ASSEMBLY.

T. N. Machin.....Speaker.

NAME.	COUNTIES REPRESENTED.	RESIDENCE.
A. Adams.....	Sacramento.....	Franklin ....
D. O. Adkison.....	Yuba.....	Brandy City.....
R. G. Allen.....	San Bernardino.....	San Bernardino.....
T. M. Ames.....	Mendocino.....	Mendocino.....
A. B. Andrews.....	Amador.....	Jackson.....
J. A. Banks.....	San Francisco.....	San Francisco.....
James Barclay.....	Calaveras.....	San Andreas.....
George Barstow.....	San Francisco.....	San Francisco.....
W. H. Barton.....	Sacramento.....	Sacramento.....
J. B. Beeson.....	Sonoma.....	Healdsburg.....
N. W. Blanchard.....	Placer.....	Dutch Flat.....
James Burr.....	El Dorado.....	Georgetown.....
T. J. Butler.....	Colusa and Tehama.....	Red Bluffs.....
M. A. Castro.....	Monterey.....	Monterey.....
J. N. Chappel.....	Shasta.....	Shasta.....
J. R. Clark.....	El Dorado.....	Negro Hill.....
James Collins.....	Nevada.....	Cherokee.....
J. Crawford.....	Sierra.....	La Porte.....
F. F. Davis.....	Calaveras.....	.....
J. Deeth.....	San Francisco.....	San Francisco.....
J. G. Dunniston.....	San Mateo.....	Half Moon Bay.....
H. L. Dodge.....	San Francisco.....	San Francisco.....
B. Dore.....	San Francisco.....	San Francisco.....
C. C. Dudley.....	Placer.....	Iowa Hill.....
J. M. Dudley.....	Solano.....	Putah.....
C. Duncumbe.....	Sacramento.....	Hicksville.....
E. F. Dunno.....	Sonoma.....	Petaluma.....
M. M. Estee.....	Sacramento.....	Sacramento.....
J. W. Farley.....	San Francisco.....	San Francisco.....
Thomas Fitch.....	El Dorado.....	Placerville.....
J. W. Freeman.....	Tulare and Buena Vista.....	Petersburg.....
A. J. Gunnison.....	San Francisco.....	San Francisco.....
D. W. Harrington.....	Santa Clara.....	Santa Clara.....
C. Hartson.....	Napa and Lake.....	Napa.....
C. S. Haswell.....	Sutter.....	Nicolas.....
R. J. Hill.....	Santa Barbara and San Luis Obispo.....	Santa Barbara.....
M. D. Howell.....	Plumas.....	San Francisco.....
William Irwin.....	Siskiyou.....	Yreka.....
George A. Johnson.....	San Diego.....	Fort Yuma.....
B. J. C. Kewen.....	Los Angeles.....	Los Angeles.....
T. J. Keyes.....	San Joaquin.....	Stockton.....
J. B. Kincaid.....	San Francisco.....	San Francisco.....
F. Lux.....	Tuolumne.....	Peoria Flat.....
T. N. Machin.....	Tuolumne and Mono.....	Aurora.....
S. Martin.....	Nevada.....	You Bet.....
F. G. McDonald.....	Calaveras.....	Murphys.....
J. G. Moore.....	Butte.....	Hamilton.....
S. Meyers.....	San Joaquin.....	French Camp.....
N. M. Orr.....	Tuolumne.....	Columbia.....
J. J. Owen.....	Santa Clara.....	San José.....
J. W. Owen.....	Santa Clara.....	San José.....
C. Palmer.....	San Francisco.....	San Francisco.....
J. Patten.....	Yolo.....	Fremont.....
M. W. Personette.....	Trinity.....	Douglass City.....
O. F. Redfield.....	Yuba.....	Timbuctoo.....
William M. Rider.....	Sonoma.....	Bodega.....
J. W. Robertson.....	Stanislaus and Merced.....	Snelling.....
H. Robinson.....	Alameda.....	Alameda.....
J. W. Rule.....	Nevada.....	Grass Valley.....
S. W. Sanderson.....	El Dorado.....	Placerville.....
J. C. Sargent.....	Yuba.....	West Bear River.....
Thomas Scott.....	Alameda.....	Vallejo Mills.....
W. H. Sears.....	Nevada.....	North San Juan.....

NAME.	COUNTIES REPRESENTED.	RESIDENCE.
E. M. Simpson.....	Amador.....	Forks Co-summes.....
F. M. Smith.....	Butte.....	Oroville.....
E. B. Smith.....	Sierra.....	Alleghany.....
O. P. Surton.....	San Francisco.....	San Francisco.....
J. F. Swift.....	San Francisco.....	San Francisco.....
R. B. Torrance.....	Marin.....	San Antonio.....
B. F. Varney.....	Siskiyou.....	Scott's Bar.....
James M. Walker.....	Fresno.....	.....
J. H. Warwick.....	Sacramento.....	Sacramento.....
J. A. Watson.....	Los Angeles.....	Los Angeles.....
W. R. Wheaton.....	San Francisco.....	San Francisco.....
S. G. Whipple.....	Humboldt.....	Eureka.....
J. W. Wilcox.....	Mariposa.....	Bear Valley.....
I. C. Willson.....	Santa Cruz.....	Santa Cruz.....
T. J. Wright.....	Contra Costa.....	San Pablo.....
S. P. Wright.....	Klamath and Del Norte.....	Crescent City.....
John Yule.....	Placer.....	Michigan Bluffs.....

OFFICERS OF THE ASSEMBLY.

NAME.	OFFICIAL POSITION.	RESIDENCE.
H. G. Worthington.....	Chief Clerk.....	San Francisco.....
William N. Slocum.....	Assistant Clerk.....	San José.....
Thomas Eggar.....	Sergeant-at-Arms.....	Brooklyn.....
A. H. Winn.....	Assistant Sergeant-at-Arms.....	Sacramento.....
W. G. Wood.....	Minute Clerk.....	San Francisco.....
J. H. Marple.....	Enrolling Clerk.....	Oroville.....
George Hill.....	Engrossing Clerk.....	San Francisco.....
J. E. Smith.....	Journal Clerk.....	Sacramento.....
M. M. Lynde.....	Copying Clerk.....	Eureka.....
H. Polley.....	Copying Clerk.....	Punta Arenas.....

## COMMISSIONERS OF DEEDS,

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

### CONNECTICUT.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
September 1.....1859	Joseph Sheldon.....	New Haven.....	December 15.....1859
October 13.....1859	Charles Whittery.....	Hartford.....	December 15.....1859
October 18.....1859	Wm. Hammersly.....	Hartford.....	December 15.....1859
May 30.....1860	Edward Goodman.....	Hartford.....	September 1.....1860
August 6.....1860	A. L. Bishop.....	New Haven.....	September 4.....1860
April 8.....1861	F. A. Palmer.....	Stonington.....	May 8.....1861

### FLORIDA.

October 18.... 1859	Oscar Hart.....	Jacksonville.....	.....
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### GEORGIA.

May 12. ....1859	W. W. Montgomery.....	Augusta.....	July 30.....1859
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### INDIANA.

July 11.....1859	Wm. N. Severance.....	South Bend.....	.....
August 24.....1861	Wm. Y. Wiley.....	Indianapolis.....	September 30.....1861

ILLINOIS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
July 5.....1859	Tra Scott.....	Chicago.....	November 1.....1859
February 14.....1862	Philip A. Hoyne.....	Chicago.....	February 20.....1862
May 5.....1862	Calvin C. Parks.....	Chicago.....	.....
June 11.....1862	Charles D. Coon.....	Springfield.....	.....

KANSAS.

February 12.....1861	Amos Steek.....	Denver City.....	.....
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KENTUCKY.

January 17.....1860	J. B. Kinkad.....	Louisville.....	.....
May 16.....1860	C. L. Thompson.....	Louisville.....	June 16.....1860

LOUISIANA.

July 20.....1859	H. D. Ogden.....	New Orleans.....	.....
February 13.....1860	Charles Stringer.....	New Orleans.....	.....

MAINE.

July 24.....1861	James O'Donnell.....	Portland.....	August 28.....1861
January 3.....1863	Artemus Libby.....	Augusta.....	.....

MARYLAND.

April 1.....1859	H. H. Burgess.....	Baltimore.....	.....
April 19.....1859	John R. Kenly.....	Baltimore.....	July 2.....1859
November 29.....1859	J. R. D. Bedford.....	Towsontown.....	.....
May 10.....1860	E. R. Sprague.....	Baltimore.....	June 13.....1860
May 4.....1861	James B. Latimer.....	Baltimore.....	June 15.....1861
August 26.....1862	Dalrymple Williams.....	Baltimore.....	October 17.....1862

MASSACHUSETTS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
March 19.....1859	B. J. Burbank.....	Boston.....	July 19..... 1859
May 18..... 1859	Reaj. H. Currier.....	Boston.....	July 18..... 1859
August 1.....1859	E. P. Allen.....	New Bedford.....	September 30.....1859
October 28.....1859	John Cooke.....	Newburyport.....	June 18.....1859
November 7.....1859	A. W. Chamberlain.....	Boston.....	.....
December 28..... 1859	W. D. A. Whitman.....	Boston.....	March 10..... 1860
March 21.....1860	Hales W. Suter.....	Boston.....	April 30..... 1860
July 13.....1860	O. P. C. Billings.....	Boston.....	November 22.....1860
July 16.....1860	Samuel S. Curtis.....	Boston.....	August 14.....1860
August 1.....1860	George S. Hale.....	Boston.....	September 21.....1860
October 1.....1860	J. B. F. Osgood.....	Salem.....	November 19.....1860
November 13.....1860	O. G. Randall.....	Boston.....	December 13.....1860
January 22.....1861	John M. Fiske.....	Boston.....	February 26.....1861
April 8.....1861	Charles B. P. Adams.....	Boston.....	June 21.....1861
April 8.....1861	Paul P. Todd.....	Boston.....	May 6..... 1861
February 26.....1861	Charles G. Johnson.....	Boston.....	April 17..... 1861
August 22.....1861	Daniel Sharp.....	Boston.....	October 2..... 1861
November 1.....1861	George T. Angell.....	Boston.....	November 25.....1861
March 6.....1862	Denj. Bond.....	Boston.....	May 8..... 1862
March 12.....1862	Alfred Macy.....	Nantucket.....	June 7.....1862
April 22.....1863	John C. Park.....	Boston.....	June 6.....1863
March 19.....1863	Peter J. Wheelock.....	Norfolk.....	.....

MICHIGAN.

September 19.....1859	Wm. J. Waterman.....	Detroit.....	December 1.....1859
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MINNESOTA.

September 9.....1861	J. S. Sawyer .....	Chatfield.....	.....
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MISSISSIPPI.

February 7.....1860	James H. Turner.....	Columbus.....	April 25..... 1860
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MISSOURI.

May 12.....1859	James Hall.....	Kansas City.....	October 28.....1859
October 18.....1859	Jos. G. Harper.....	St. Louis.....	December 10.....1859
December 8.....1859	John Reilly.....	St. Louis.....	January 14.....1860
February 13.....1860	S. P. Rawle.....	St. Louis.....	March 15.....1860
December 13.....1860	Charles E. Mantz.....	St. Louis.....	.....
April 11.....1862	Charles H. Tillson.....	St. Louis.....	May 19.....1862

## NEW HAMPSHIRE.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING DATE.
September 12.....1860	Francis Cogswell.....	Boscawen.....	.....
April 8.....1861	George G. Brewster.....	Portsmouth.....	May 15.....1861

## NEW JERSEY.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING DATE.
July 13.....1860	John Brush.....	Patterson.....	August 17.....1860
August 29.....1860	Isaac M. Andruss.....	Newark.....	.....

## NEW YORK.

March 18.....1859	Henry C. Banks.....	New York.....	June 3.....1859
March 23.....1859	F. E. Houghton.....	New York.....	June 3.....1859
March 24.....1859	James C. Harnotte.....	New York.....	June 3.....1859
March 26.....1859	A. H. Hitchcock.....	New York.....	June 3.....1859
March 31.....1859	W. A. Cook.....	New York.....	June 3.....1859
April 1.....1859	Thomas E. Smith.....	New York.....	September 16.....1859
April 19.....1859	Wm. H. Brown.....	New York.....	May 26.....1859
April 19.....1859	Wm. C. H. Waddell.....	New York.....	December 1.....1859
April 19.....1859	W. H. Brown.....	New York.....	May 26.....1859
June 14.....1859	Edward Bissell.....	New York.....	August 16.....1859
July 5.....1859	Allen Rutherford.....	New York.....	August 30.....1859
July 25.....1859	Morris S. Brown.....	New York.....	September 30.....1859
August 29.....1859	John E. Devlin.....	New York.....	March 13.....1860
October 19.....1859	J. W. Carrington.....	New York.....	November 11.....1859
November 7.....1859	R. S. Hilton.....	Albany.....	January 9.....1860
December 1.....1859	John Bissell.....	New York.....	December 29.....1859
December 10.....1859	James W. Hale.....	New York.....	.....
December 15.....1859	J. L. Bagg.....	Syracuse.....	January 30.....1860
December 15.....1859	H. A. Brewster.....	New York.....	.....
January 11.....1860	James T. Gibbs.....	Buffalo.....	March 16.....1860
January 16.....1860	John Livingston.....	New York.....	February 16.....1860
January 16.....1860	J. B. Nones.....	New York.....	February 13.....1860
February 8.....1860	George Wadsworth.....	Buffalo.....	February 20.....1860
February 15.....1860	Jesse T. Fish.....	New York.....	March 15.....1860
February 15.....1860	F. A. Hall.....	New York.....	March 21.....1860
April 3.....1860	Albert Priest.....	New York.....	.....
April 5.....1860	Moses B. Maclay.....	New York.....	May 31.....1860
April 14.....1860	A. F. Cushman.....	New York.....	October 1.....1860
April 17.....1860	Jabez D. Pratt.....	New York.....	May 16.....1860
May 8.....1860	John L. Anderson.....	New York.....	July 5.....1860
May 30.....1860	R. H. McMillan.....	New York.....	June 29.....1860
May 31.....1860	F. C. Bowman.....	New York.....	July 14.....1860
August 1.....1860	Irving Parmelee.....	New York.....	.....
August 28.....1860	C. M. Northrup.....	New York.....	October 17.....1860
October 17.....1860	E. B. Merrill.....	New York.....	November 15.....1860
October 20.....1860	Henry C. Pratt.....	New York.....	December 11.....1860
November 8.....1860	Thurber Bailey.....	New York.....	December 19.....1860
December 31.....1860	Colo H. Denis.....	New York.....	.....
January 26.....1861	Thomas L. Thornell.....	New York.....	March 9.....1861
February 6.....1861	J. K. Buckoff.....	New York.....	March 7.....1861
February 19.....1861	H. H. Bestwick.....	Auburn.....	March 27.....1861



DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
March 27.....1861	James H. Hill.....	New York.....	.....
March 27.....1861	E. F. De Seiding.....	New York.....	June 13.....1861
April 4.....1861	James P. McMahon.....	New York.....	.....
April 4.....1861	William J. Sinclair.....	New York.....	May 7.....1861
April 5.....1861	George F. Noyes.....	New York.....	.....
April 8.....1861	H. E. DeWitt.....	New York.....	May 13.....1861
April 11.....1861	George L. Davis.....	Elmira.....	May 4.....1861
April 29.....1861	J. R. Pomroy.....	Brooklyn.....	June 8.....1861
June 28.....1861	John G. Baker.....	New York.....	.....
June 28.....1861	F. Corey.....	New York.....	August 6.....1861
June 28.....1861	F. Corey, Jr.....	New York.....	August 6.....1861
June 28.....1861	C. G. Fenner.....	New York.....	.....
August 24.....1861	F. B. Van Vleck.....	New York.....	September 27.....1861
October 2.....1861	Wm. H. Luff.....	New York.....	.....
November 1.....1861	David McAdam.....	New York.....	December 10.....1861
November 14.....1861	Wm. C. Weed.....	New York.....	April 3.....1862
November 30.....1861	D. L. Ranslett.....	New York.....	.....
February 14.....1862	A. Ostrander.....	New York.....	March 18.....1862
February 28.....1862	R. M. Cooley.....	New York.....	.....
February 28.....1862	George Wolford.....	Albany.....	April 7.....1862
March 4.....1862	Charles E. Jenkins.....	New York.....	May 30.....1862
April 11.....1862	J. W. Lawton.....	New York.....	August 1.....1862
April 11.....1862	J. B. Williams.....	New York.....	June 21.....1862
April 14.....1862	Edmund Terry.....	New York.....	July 22.....1862
April 22.....1862	John Butcher.....	New York.....	.....
April 22.....1862	Thomas Sadler.....	New York.....	July 5.....1862
April 28.....1862	N. W. Binstead.....	New York.....	May 28.....1862
May 24.....1862	Sylvester Lay.....	New York.....	June 27.....1862
May 22.....1862	Philip G. Galpin.....	New York.....	September 17.....1862
June 2.....1862	Charles J. Bushnell.....	New York.....	July 21.....1862
June 27.....1862	A. Dewitt Baldwin.....	New York.....	July 29.....1862
June 2.....1862	William Furness.....	New York.....	July 3.....1862
July 3.....1862	Robins Little.....	New York.....	August 13.....1862
July 17.....1862	Daniel Seixas.....	New York.....	September 23.....1862
July 17.....1862	London L. Ford.....	Brooklyn.....	September 5.....1862
February 12.....1863	Elmathan L. Sanderson.....	Brooklyn.....	March 30.....1863
February 26.....1863	Clinton Rice.....	New York.....	.....
April 11.....1863	Edward Chace.....	New York.....	.....
April 15.....1863	Andrew M. Hitchcock.....	New York.....	.....
April 29.....1863	Augustin P. Mauge.....	New York.....	.....

OHIO.

February 21.....1859	John Berry.....	Sandusky.....	June 3.....1859
December 15.....1859	John H. Pratt.....	Cincinnati.....	January 20.....1860
January 16.....1860	S. B. Hannum.....	Columbus.....	February 22.....1860
March 5.....1860	Charles Goddard.....	Zanesville.....	April 17.....1860
October 6.....1860	G. P. Browner.....	Fremont.....	October 8.....1860
March 18.....1862	S. S. Carpenter.....	Cincinnati.....	.....

OREGON.

June 28.....1861	Douglas W. Williams.....	Portland.....	June 16.....1861
June 19.....1862	A. G. Richardson.....	Portland.....	July 19.....1862
March 4.....1863	W. Lutz Hill.....	Portland.....	.....

## PENNSYLVANIA.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
March 9.....1859	Benjamin F. Blood.....	Philadelphia.....	July 18.....1859
July 25.....1859	Samuel Harper.....	Pittsburg.....	December 15.....1859
December 16.....1859	Henry McCrea.....	Philadelphia.....	
February 18.....1860	Wm. T. Dunn.....	Pittsburg.....	March 21.....1863
May 19.....1860	G. M. Eldridge.....	Philadelphia.....	
September 12.....1860	T. D. Rand.....	Philadelphia.....	October 16.....1860
December 15.....1860	Joshua Spring.....	Philadelphia.....	February 5.....1861
December 18.....1860	W. J. Jermon.....	Philadelphia.....	
February 15.....1861	H. Osler, Jr.....	Philadelphia.....	January 16.....1861
April 8.....1861	John B. Linn.....	Lewisberg.....	August 12.....1861
October 2.....1861	T. B. Archer.....	Philadelphia.....	
September 9.....1861	C. S. Sims.....	Philadelphia.....	October 11.....1861
October 14.....1861	G. W. A. Hathwell.....	Philadelphia.....	November 16.....1861
November 8.....1861	F. Dittman.....	Philadelphia.....	December 16.....1861
February 14.....1861	Samuel L. Taylor.....	Philadelphia.....	March 20.....1862
June 7.....1862	Edward Shippen.....	Philadelphia.....	July 8.....1862
June 23.....1862	A. M. Burton.....	Philadelphia.....	August 19.....1862
September 24.....1862	John Mitchell.....	Hollidaysburg.....	October 22.....1862
October 4.....1862	Theodore M. Morgan.....	Philadelphia.....	November 17.....1862
January 28.....1863	Edward Wickersham.....	Philadelphia.....	

## RHODE ISLAND.

March 30.....1860	D. W. Holloway.....	Newport.....	May 8.....1860
March 4.....1862	Henry Martin.....	Providence.....	April 23.....1862

## SOUTH CAROLINA.

July 31.....1860	Hugh E. Vincent.....	Charleston.....	
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## TENNESSEE.

March 8.....1859	J. H. Harrison.....	Memphis.....	May 7.....1859
March 17.....1859	James E. Temple.....	Memphis.....	October 25.....1859
June 22.....1859	Thomas Boyers.....	Gallatin.....	
January 23.....1861	John M. White.....	Lebanon.....	March 1.....1861
January 21.....1861	R. A. Raworth.....	Nashville.....	
January 31.....1861	H. P. Bostick.....	Nashville.....	

TEXAS.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
April 5.....1860	R. D. Johnson.....	Galveston.....	.....

VIRGINIA.

May 23..... 1860	A. B. Guigon.....	Richmond .....	June 20.....1860
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WISCONSIN.

March 6.....1862	Wm. H. Starkweather...	Milwaukee.....	.....
May 13.....1862	Il. L. Page.....	Milwaukee.....	July 11.....1862

DISTRICT OF COLUMBIA.

January 9.....1859	E. F. Browne.....	Washington.....	August 16..... 1859
May 18.....1859	Wm. P. Williams.....	Washington.....	.....
October 4.....1859	N. Callan.....	Washington.....	December 10..... 1859
December 15.....1859	Anthony Hyde.....	Georgetown.....	December 15..... 1859
March 7.....1860	L. G. Brandeberg.....	Washington.....	.....
November 8..... 1860	H. C. Spalding.....	Washington.....	December 13..... 1860
February 16.....1862	J. S. Hollingshead.....	Washington.....	.....
April 9.....1863	William Fitch.....	Washington.....	.....
April 18.....1863	W. Irving Gilbert.....	Washington.....	.....

ARIZONA TERRITORY.

March 21.....1861	Calvin McCloskey.....	.....	.....
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UTAH TERRITORY.

April 7.....1860	C. C. Bolton .....	Great Salt Lake.....	.....
April 28.....1862	E. D. Woolley.....	Great Salt Lake.....	.....

## NEVADA TERRITORY.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
March 16.....	1861 T. A. Waterman.....	Virginia City.....	.....
March 30.....	1861 John W. Grier.....	Silver City.....	April 6..... 1861
March 30.....	1861 Thomas Hanna.....	Gold Hill.....	April 18..... 1861
April 4.....	1861 Samuel D. King.....	Carson City.....	June 1..... 1861
April 5.....	1861 T. G. Battelle.....	Virginia City.....	April 12..... 1861
May 4.....	1861 George E. Briekett.....	Virginia City.....	December 17..... 1860
May 4.....	1861 R. W. Dillett.....	.....	September 3..... 1861
May 7.....	1861 Wm. Fell.....	Virginia City.....	May 13..... 1861
May 4.....	1861 S. B. Mills.....	.....	.....
May 4.....	1861 P. W. Van Winkle.....	Carson City.....	January 1..... 1861
May 29.....	1861 Wm. J. Whitney.....	.....	May 29..... 1861
June 28.....	1861 J. F. Atwill.....	Virginia City.....	July 2..... 1861
July 27.....	1861 C. W. Jones.....	Silver City.....	.....
August 21.....	1861 George S. Pearson.....	Carson City.....	.....
September 28.....	1861 John V. A. Lansing.....	Gold Hill.....	December 13..... 1861
October 7.....	1861 Wm. Hayden.....	Virginia City.....	December 3..... 1861
November 21.....	1861 J. G. Howard.....	Virginia City.....	November 27..... 1861
November 20.....	1861 R. B. Moyes.....	Virginia City.....	December 2..... 1861
December 19.....	1861 Theodore A. Hale.....	Gold Hill.....	January 21..... 1862
January 3.....	1862 M. L. McDonald.....	Van Syckles.....	April 24..... 1862
February 21.....	1862 N. W. Winton.....	Virginia City.....	March 4..... 1862
March 4.....	1862 D. M. Hanson.....	Virginia City.....	April 23..... 1862
April 16.....	1862 R. N. Allen.....	Genoa.....	May 1..... 1862
April 28.....	1862 Samuel Wasserman.....	Virginia City.....	May 3..... 1862
May 22.....	1862 Thomas B. Smithson.....	Humboldt City.....	.....
May 31.....	1862 R. E. Arick.....	Virginia City.....	June 6..... 1862
May 31.....	1862 James C. George.....	Virginia City.....	June 20..... 1862
June 12.....	1862 S. F. King.....	Gold Hill.....	July 7..... 1862
July 3.....	1862 A. K. P. Safford.....	Unionville.....	.....
October 7.....	1862 Joel A. Harvey.....	Genoa.....	October 28..... 1863
October 8.....	1862 C. A. Sumner.....	Virginia City.....	October 11..... 1862
October 25.....	1862 Philip K. Shannon.....	Washoe City.....	November 3..... 1862
November 4.....	1862 N. A. H. Bull.....	.....	.....
November 18.....	1862 W. A. M. Van Bokkelen.....	Virginia City.....	December 15..... 1862
November 22.....	1862 H. Suenhman.....	Starr City.....	December 31..... 1862
November 25.....	1862 J. W. Strong.....	Unionville.....	December 17..... 1862
November 28.....	1862 M. P. Trout.....	Unionville.....	December 5..... 1862
November 28.....	1862 Wm. H. H. Fall.....	Carson City.....	December 2..... 1862
December 11.....	1862 Joseph Micholson.....	Starr City.....	January 1..... 1863
December 16.....	1862 Thos. L. Kimball.....	Virginia City.....	February 25..... 1863
December 18.....	1862 Daniel Murray.....	Susanyille.....	.....
December 29.....	1862 Elisha A. Marsh.....	.....	March 5..... 1863
January 4.....	1863 James D. Meagher.....	Virginia City.....	April 27..... 1863
January 28.....	1863 Samuel H. Wright.....	Virginia City.....	April 10..... 1863
February 2.....	1863 R. D. Ferguson.....	Virginia City.....	April 14..... 1863
February 12.....	1863 Fred. A. Trille.....	Virginia City.....	February 20..... 1863
February 28.....	1863 J. A. Van Arsdale.....	Jacob's Creek.....	.....
March 4.....	1863 A. W. Russell.....	Dayton.....	April 3..... 1863
March 6.....	1863 Morris W. Starling.....	Dayton.....	March 23..... 1863
March 11.....	1863 E. B. Eyre.....	.....	.....
March 26.....	1863 J. J. Dunne.....	Starr City.....	March 27..... 1863
March 26.....	1863 G. E. Talnudge.....	.....	April 13..... 1863
March 28.....	1863 John W. Clark.....	Clifton, (Reese River).....	.....
April 7.....	1863 H. A. Pierce.....	.....	.....
April 11.....	1863 O. M. Evans.....	Unionville.....	April 4..... 1863
April 13.....	1863 Thompson Campbell.....	Jander City.....	April 22..... 1863
.....	E. W. Councilman.....	.....	.....
.....	Julius K. Garnet.....	.....	.....
April 20.....	1863 Charles F. Duval.....	Virginia City.....	.....
April 29.....	1863 P. M. Johns.....	Humboldt.....	.....
April 29.....	1863 Thomas J. Tenment.....	Clifton.....	.....
April 29.....	1863 T. O. Wakeman.....	Peavine.....	May 7..... 1863

TERRITORY OF NEW MEXICO.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
March 12.....1861	H. N. Squire.....	.....	.....
March 27.....1861	J. C. Cooper.....	.....	.....
March 5.....1863	Mahlon D. Fairchild.....	.....	May 5.....1863
April 1.....1863	Frederick G. Fitch.....	La Paz.....	.....
April 4.....1863	C. H. Brinley.....	.....	.....

WASHINGTON TERRITORY.

October 8.....1861	H. M. McGill.....	Olympia.....	October 29.....1861
March 4.....1862	John D. Biles.....	Vancouver.....	March 17.....1862
March 4.....1862	W. A. Knapp.....	Salmon River.....	March 19.....1862
May 2.....1862	A. D. Downer.....	.....	May 28.....1862
February 27.....1863	B. F. Dennison.....	Port Townsend.....	March 28.....1863

BRITISH COLUMBIA.

September 10.....1858	E. O. Crosby.....	Victoria.....	October 18.....1859
April 17.....1860	George Penrce.....	Victoria.....	May 30.....1860
March 22.....1862	George E. Dennis.....	Victoria.....	March 29.....1862
April 16.....1862	Edgar Marvii.....	Victoria.....	.....

CHINESE EMPIRE.

December 17.....1862	Gideon Nye.....	Mueno.....	.....
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KINGDOM OF GREAT BRITAIN AND IRELAND.

November 9.....1861	John Lawless.....	Dublin.....	March 12.....1862
December 13.....1861	Thomas Casey.....	Newry.....	.....
December 13.....1861	John O'Donnell.....	Limerick.....	.....
December 13.....1861	Martin A. O'Brennan.....	Tuam.....	March 15.....1862
December 26.....1861	Daniel O'Regan.....	Cork.....	.....
December 26.....1861	Ray.....	Belfast.....	.....

HAWAIIAN KINGDOM.

DATE OF APPOINTMENT.	NAME.	RESIDENCE.	DATE OF FILING OATH.
August 14.....1860	John Paty.....	Honolulu.....	October 30.....1860

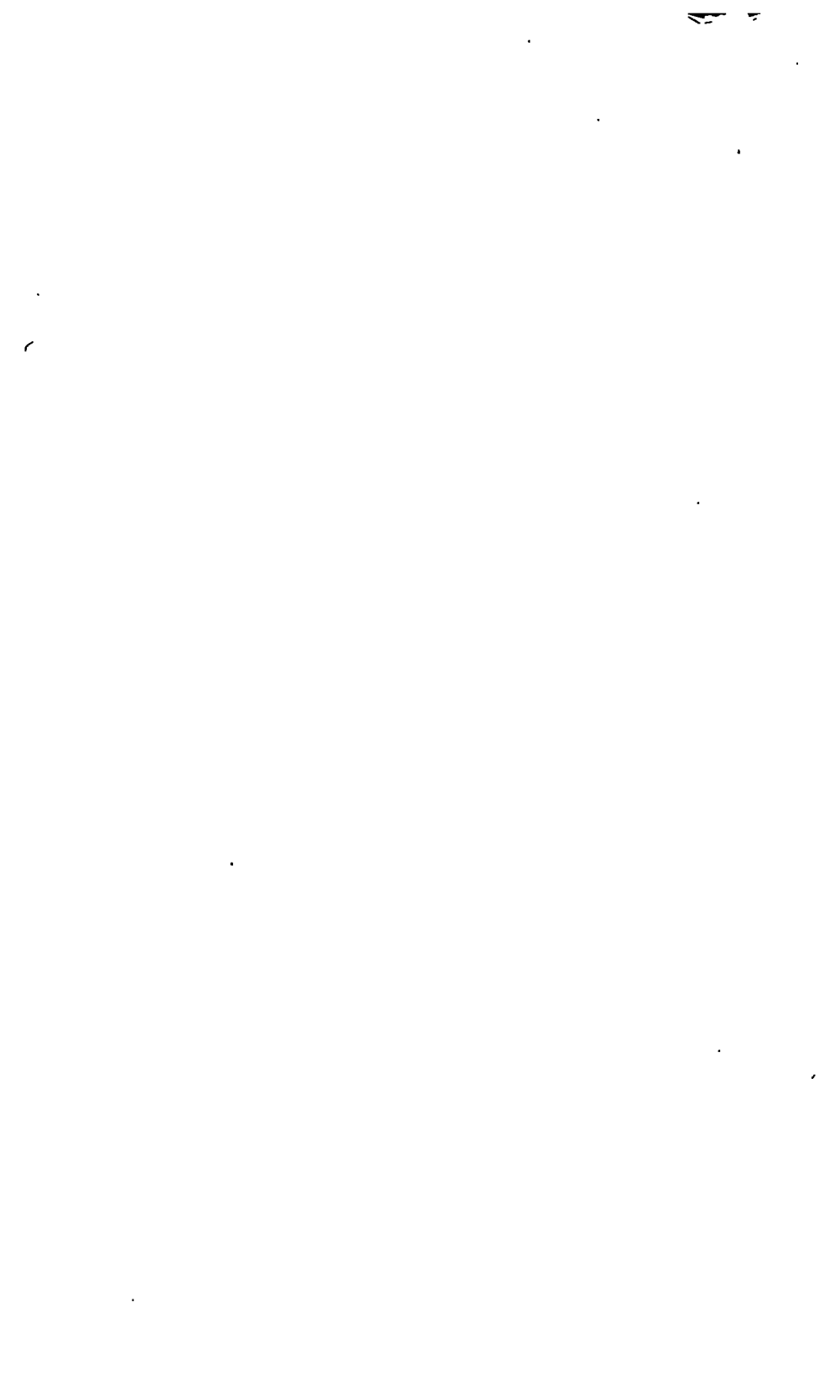
REPUBLIC OF MEXICO.

January 26.....1860	John M. Boggs.....	Guaymas.....	.....
January 17.....1861	John L. Jenks.....	Guaymas.....	January 25.....1861
January 23.....1861	John Kelly.....	Mazatlan.....	.....
March 16.....1861	Daniel E. Cameron.....	Guaymas.....	.....

KINGDOM OF SIAM.

December 17.....1862	J. P. Goodale.....	Bangkok.....	.....
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CONSTITUTION  
OF THE  
STATE OF CALIFORNIA.





# CONSTITUTION OF CALIFORNIA.

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

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

## ARTICLE I.

### DECLARATION OF RIGHTS.

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

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

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

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

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

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

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

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

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects,

being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE II.

### RIGHT OF SUFFRAGE.

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

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

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

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

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

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

## ARTICLE III.

### DISTRIBUTION OF POWERS.

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

## ARTICLE IV.

## LEGISLATIVE DEPARTMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 20. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been

created or the emoluments of which shall have been increased, during such term, except such offices as may be filled by election by the people.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE V.

## EXECUTIVE DEPARTMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 19. The Secretary of State shall keep a fair record of the official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same, and all

matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law; and in order that no inconvenience may result to the public service from the taking effect of the Amendments proposed to said Article Five by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded or suspended thereby, until the election and qualification of the several officers provided for in said Amendments.—[*Amended, 1862.*]

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

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

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE VII.

## MILITIA.

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

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

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

## ARTICLE VIII.

## STATE DEBTS.

SECTION 1. The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate, with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war, to repel invasion, or suppress insurrection, unless the same shall be authorized by some law for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the

payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrevocable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt thereby created; and such law shall be published in at least one newspaper in each Judicial District, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

## ARTICLE IX.

### EDUCATION.

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

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

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

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

## ARTICLE X.

### MODE OF AMENDING AND REVISING THE CONSTITUTION.

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

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



tive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.—[Amended November 4, 1886.]

## ARTICLE XI.

## MISCELLANEOUS PROVISIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE XII.

### BOUNDARY.

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

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

### SCHEDULE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

R. SEMPLE,  
President, and Delegate from Benicia.

WM. G. MARCY, Secretary.

J. ARAM,  
C. T. BOTTS,  
E. BROWN,  
J. A. CARRILLO,  
J. M. COVARUBIAS,  
E. O. CROSBY,  
P. DE LA GUERRA,  
L. DENT,  
M. DOMINGUEZ,  
K. H. DIMMICK,  
A. J. ELLIS,  
S. C. FOSTER,  
E. GILBERT,  
W. M. GWIN,  
H. W. HALECK,  
JULIAN HANKS,

L. W. HASTINGS,  
HENRY HILL,  
J. HOBSON,  
J. McH. HOLLINSWORTH,  
J. M. JONES,  
J. D. POPPE,  
T. O. LARKIN,  
FRANCIS J. LIPPITT,  
B. S. LIPPINCOTT,  
M. M. McCARVEE,  
JOHN McDOUGAL,  
B. F. MOORE,  
MYRON NORTON,  
P. ORD,  
MIGUEL DE PEDRORENA,  
A. M. PICO,

R. M. PRICE,  
HUGO REID,  
JACINTO RODRIGUEZ,  
PODRO SANSEVAINE,  
W. E. SHANNON,  
W. S. SIERWOOD,  
J. R. SNYDER,  
A. STEARNS,  
W. M. STEUART,  
J. A. SUTTER,  
HENRY A. TEEFT,  
S. L. VERMEULE,  
M. G. VALLEJO,  
J. P. WALKER,  
O. M. WOZENCRAFT.



STATUTES.



# STATUTES OF CALIFORNIA,

PASSED AT THE

FOURTEENTH SESSION OF THE LEGISLATURE.

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CHAPTER I.—*An Act to provide for the Construction of a Wagon Road by the Board of Supervisors of Tehama County.*

[Approved January 26, 1863.]

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

SECTION 1. The right to construct and maintain a wagon <sup>Franchise.</sup> road from a point on the Sacramento River, in the County of Tehama, to the eastern boundary line of this State, at or near Honey Lake, is hereby granted to said county, to be constructed as hereinafter provided.

SEC. 2. The said road shall commence on the east bank of <sup>Route of road.</sup> the Sacramento River, at such point as shall be most advantageous to the people of Tehama County, to be designated by the Board of Supervisors thereof, and proceed therefrom easterly, by the most practicable and direct route, in the direction of Honey Lake, through what is known as Battle Creek Meadows, on the south branch of Battle Creek, to the eastern boundary line of this State, and shall be in all respects a first rate wagon road, adapted to the purposes of transportation of merchandize on wagons and teams of all classes, with bridges, culverts, and other appurtenances necessary to the same. Lucien B. Healy and John Charlton are hereby appointed <sup>Engineers.</sup> Engineers to lay out, under the general direction of the Board of Supervisors, the line, grade, width, and curves of said road, by the route herein provided, and of the kind indicated in this section; they may receive such reasonable compensation as may be allowed them by the Board of Supervisors. In case of <sup>Vacancy.</sup> failure, from any cause whatever, of either or both of said Engi-

neers, to act in such capacity, the vacancy thus created shall be filled by appointment by the Board of Supervisors.

Duties of Supervisors.

SEC. 3. It shall be the duty of the Board of Supervisors to locate and construct, or cause to be located and constructed, said road, either by contract or otherwise, following the general description, route, initial point, and terminus, described in section two of this Act; and to that end, full power is hereby granted them to do and perform all acts necessary, and not inconsistent with the provisions of this Act; *provided*, that if the work, or any part thereof, be let by contract, it shall be to the lowest responsible bidder, after at least ten days' advertisement in one or more newspapers of the county. No bid deemed too high shall be accepted by the Board, nor if the bidder fail to give satisfactory bonds.

Proviso.

Issuance of Bonds—interest, and when payable.

SEC. 4. To provide for the payment of the expenses incurred in the construction of said road, the Board of Supervisors of Tehama County shall issue the bonds of said county in such sums as may be necessary, and not exceeding in the aggregate forty thousand dollars, payable twenty years from the tenth day of June, A. D. eighteen hundred and sixty-three, bearing interest at the rate of ten per cent per annum, the interest payable semi-annually on the tenth day of June and December of each year; *provided*, that the first payment of interest shall be on the tenth day of December, A. D. eighteen hundred and sixty-three, and for such amount as shall have accrued on said bonds from their date up to that time.

Proviso.

Bonds.

Coupons.

SEC. 5. The bonds shall be issued in four instalments, of ten thousand dollars each, and of denominations of not less than five hundred dollars nor more than one thousand dollars each, signed by the President of said Board, and countersigned by the County Treasurer. Forty coupons shall be attached to each bond, so that they may be removed without injury to the bonds, and each numbered consecutively, and shall express the amount of interest due at each payment, when and where payable, and signed in the same manner as the bonds are required to be signed.

Sale of Bonds

SEC. 6. As soon as the said bonds, or any instalment thereof, are issued, they shall be disposed of by the said Board on the best terms obtainable, after advertisement for fifteen days in two daily newspapers of San Francisco, and one daily newspaper in Sacramento, and in the newspapers of Tehama County, and the proceeds paid into the County Treasury, and set apart by the Treasurer, and constituted a "Wagon Road Fund," and used for the payment of expenses incurred in the construction of said road, and not otherwise. The bonds issued under the provisions of this Act shall be paid, interest and principal, in United States gold and silver coin; and it is here made the duty of the Board of Supervisors of said county annually to levy, on all the taxable property in the county, a sufficient per centum tax to pay the interest on said bonds, semi-annually, on the tenth days of June and December of each year; and also, to levy such additional per centum tax on all taxable property of said county, as may be necessary to pay and redeem said bonds at maturity. Said levy shall be made early enough in each year to enable the Collector of Taxes to collect the same at the same

Supervisors to levy special tax.



time, and in the same manner, as the annual State and county tax shall be collected; and it is here made the duty of the Collector of Taxes of said county to collect the said tax at the same time, and in the same manner, as State and county taxes are or may by law be required to be collected. The payment and redemption of bonds referred to in this Act, shall be the payment and redemption of the principal, or original, bonds; and the same shall be paid, at maturity, upon presentation at the office of the County Treasurer of said county. The interest shall be semi-annually paid, as herein provided, upon the presentation of the coupons attached to the bonds at the office of the County Treasurer aforesaid.

SEC. 7. The taxes collected under section six of this Act, shall be paid into the County Treasury, and set apart and constitute a separate fund, to be designated the "Wagon Road Interest and Redemption Fund," and paid out by the County Treasurer in redemption of said bonds and payment of interest as provided in this Act, and not otherwise. Special fund

SEC. 8. Whenever the Treasurer shall pay any coupons or bonds under this Act, he shall cancel the same, and preserve such cancelled coupons and bonds, and keep a record thereof, giving the number, date, amount, from whom received, and shall write across every such coupon and bond the words, "cancelled by me," and sign his name thereto as Treasurer. Duties of  
County  
Treasurer.

SEC. 9. The Board of Supervisors shall hold monthly meetings on the fourth Monday of each month, from and after the passage of this Act, until said road shall be completed, and may also hold such adjourned meetings as they may deem proper for the transaction of business pertaining to said road. They may also, in their discretion, appoint three Commissioners, and such other agents as they may deem necessary, to whom they may delegate such powers, not inconsistent with the provisions of this Act, as may be necessary for the location and construction of said road, by an order entered in the journal of the proceedings of said Board, and at pleasure to revoke, alter, or amend, the powers so conferred. Supervisors,  
meeting of  
Board.  
  
Commission-  
ers.

SEC. 10. As soon as practicable after the passage of this Act, the Board of Supervisors shall meet, pursuant to notice to be given by the Clerk thereof, and proceed without delay to issue the bonds provided for in sections four and five of this Act, and to the construction of said road as herein provided. The second, third, and fourth instalments, shall be issued, respectively, a sufficient length of time in advance to permit of their disposal under this Act in time to meet, in cash, the demands for payment of expenses of construction of the said road as they may accrue; *provided*, that the third and fourth instalments, or either of them, may not be issued unless the same be necessary toward the completion of the road. Duties of  
Supervisors.  
  
Proviso.

SEC. 11. The Board of Supervisors shall examine all claims for expenses incurred in the construction of said road, and allow such claim, or any part thereof, as they may deem correct and just, and pay the same out of the "Wagon Road Fund," in like manner and form as general county funds are paid out; but no claim of any nature shall be allowed unless the consideration upon which the same is based shall have been previously duly Duties of  
Supervisors.

authorized by said Board, or their duly appointed agents acting within their powers. All appointments of Superintendents, Engineers, or other agents, shall be by order, duly entered, together with the powers conferred on each, in the journal of their proceedings. All contracts shall be in writing, otherwise of no force. They shall be kept on file and minuted in their journal. The Board shall require such bonds and sureties from all appointees and contractors as they may deem requisite for the security of the county.

Additional  
tax.

SEC. 12. The Board of Supervisors are hereby authorized, in their discretion, annually to levy an additional per centum tax upon the taxable property in said county, of not more than one half of one per cent, and the same shall be collected and paid into the County Treasury at the same time and in the same manner as other State and County taxes are or may be by law authorized to be collected and paid. The moneys collected under this section shall be by the County Treasurer set apart as a special fund, to be designated the "Wagon Road Sinking Fund," and shall be held and disbursed as in this section provided, and not otherwise. Whenever there shall be in said fund money amounting to one thousand dollars or upwards, the County Treasurer shall give fifteen days' notice, by publication in one daily newspaper published in San Francisco, and one published in Sacramento, and likewise in one or more of the newspapers published in Tehama County, that sealed proposals, directed to him for the redemption and surrender of bonds issued under the provisions of this Act, will be received by him up to the next regular meeting of the Board of Supervisors thereafter. On the first day of such regular meeting of the Board of Supervisors, they, together with the County Auditor and Treasurer, shall attend the office of the latter, and then and there open all proposals, and accept the lowest bid or bids to the extent of the money in said fund, for the surrender of such bonds; but no bid for more than the par value of such bonds, nor any bid unless accompanied by the bonds proposed to be surrendered, shall be accepted. When any bids are so accepted, the County Auditor and Treasurer shall each take a description of the number and amount of bonds to be so redeemed, specifying the amount of such bonds, also the rate and amount paid for the same, and make a record thereof in their respective offices; and thereupon the Board of Supervisors shall make an order, entered in their journal, directing the Treasurer to purchase the bonds designated in the accepted bids and pay the same out of the said "Sinking Fund," and the bonds so redeemed, together with the coupons belonging to the same, shall be cancelled in the manner provided in section eight of this Act; he shall also write on the face of said bonds the word "purchased," with the date, and amount paid for the same. The bids being equal, the preference shall be given in the order of priority in which they shall have been received by the County Treasurer. The County Treasurer shall keep a separate account of all moneys received and disbursed under this section.

Special fund

Redemption  
of bonds.

Payment of  
Supervisors,  
et c.

SEC. 13. Each member of the Board of Supervisors shall receive for all services rendered under this Act the sum of one hundred dollars. The Clerk of said Board shall receive for all

services rendered under this Act one hundred and fifty dollars. The Board may also allow such compensation to appointees as may be reasonable.

SEC. 14. An Act to provide for the construction of a Wagon Road from a point on the Sacramento River, opposite the town of Red Bluff, to the eastern boundary line of this State, near Honey Lake, approved April fourteenth, in the year one thousand eight hundred and sixty-two, is hereby repealed.

SEC. 15. This Act shall take effect and be in force from and after its passage.

CHAP. II.—*An Act to provide for purchasing Postage Stamps and Express Envelops for Members and Officers of the Legislature, at its Fourteenth Session.*

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

SECTION 1. The Controller of State is hereby authorized and required to order the Treasurer of State to transfer the sum of thirty-one hundred and twenty-five dollars from the Swamp Land Fund to the General Fund, for the sole purpose of paying for postage stamps and express envelops during the fourteenth session of the Legislature, said amount to be returned to the Swamp Land Fund out of the first money paid into the General Fund after the first day of January, eighteen hundred and sixty-four.

SEC. 2. The said sum of money transferred to the General Fund by section one of this Act, is hereby appropriated for the purchase of postage stamps, envelops and wrappers, and express envelops, for the use of the Lieutenant-Governor, Senators, and members of the Assembly, Secretary of the Senate, and Sergeant-at-Arms of the Senate, Clerk of the Assembly, and Sergeant-at-Arms of the Assembly.

SEC. 3. Each of the persons mentioned in section two of this Act, shall be entitled to receive, during the present session of the Legislature, such an amount of postage stamps, envelops and wrappers, and express envelops, as he may require, not exceeding twenty-five dollars.

SEC. 4. The Controller of State is hereby authorized and required to draw his warrants, from time to time, in favor of the Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the Assembly, for such sums as they may require, respectively, under the provisions of this Act, not exceeding in the aggregate the sum mentioned in the first section of this Act.

SEC. 5. The Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the Assembly, shall, respectively, open a postage and express account with each of the persons mentioned in section two of this Act, and shall furnish to each of said persons, during the present session of the Legislature, such postage stamps, envelops and wrappers, and express envelops, as he may require, not exceeding twenty-five dollars.

Duties of  
Sergeant-at-  
Arms.

SEC. 6. The Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the Assembly, shall make to their respective Houses, at the close of the session, an exhibit of the postage and express account of each person entitled to the benefit of this Act, and pay any balance remaining in their hands over to the State Treasurer, and file said Treasurer's receipt in the office of the Controller of State.

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

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

J. F. CHELLIS,  
President of the Senate.

T. N. MACHIN,  
Speaker of the Assembly.



Witness my hand, and the Great Seal of State, this twenty-eighth day of January, A. D. eighteen hundred and sixty-three, at office in Sacramento, California.

WM. H. WEEKS,  
Secretary of State.

### CHAP. III.—*An Act to transfer certain Funds.*

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

Transfer.

SECTION 1. The Controller of the State is hereby authorized and required to order the Treasurer of State to transfer one hundred and eighty thousand dollars of the money known as the Swamp Land Fund, into a special fund, which is hereby created, to be called the Legislative Fund for the Fourteenth Session of the Legislature, the same to be used by the said Treasurer of State for the payment of warrants drawn and to be drawn by the Controller of State, for the mileage and per diem of the members and attachés of the Senate and Assembly of the fourteenth session of the Legislature of the State, and for no other purpose whatever, except that the said Treasurer may pay out of said money so transferred, an amount not exceeding ten thousand dollars, to the State Printer, for legislative printing for the present session of the Legislature, and shall, also, out of the moneys so transferred, place the sum of three thousand dollars to the credit of the Contingent Fund of the Senate, and the sum of three thousand dollars to the credit of the Contingent Fund of the Assembly.

Duties of  
Controller.

Re-transfer.

SEC. 2. The Controller of State is hereby authorized and required to order the Treasurer of State to transfer to the Swamp Land Fund, from the General Fund of the State, the sum of one hundred and eighty thousand dollars, the amount drawn from the Swamp Land Fund by this Act, out of the first moneys received into the General Fund of the State, on and after the first Monday of January, one thousand eight hundred and sixty-

four, or out of any moneys that may be in the said General Fund on said first Monday of January, not otherwise appropriated.

Sec. 3. The Treasurer of State is hereby authorized and required to execute all orders of the Controller of State, issued under and by virtue of this Act. Duty of State Treasurer.

Sec. 4. If any surplus moneys remain in the special fund created by this Act, after the payment out of said fund of all the sums provided by this Act to be paid, the same shall be transferred by the Treasurer of State to the General Fund.

Sec. 5. This Act shall take effect and be in force from and after its passage, and all Acts and parts of Acts in conflict with this Act, are hereby repealed, so far as they are in conflict therewith. Surplus.

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

T. N. MACLIN,  
Speaker of the Assembly.

A. M. CRANE,  
President pro tem of the Senate.

Witness my hand, and the Great Seal of State, this thirty-first day of January, A. D. eighteen hundred and sixty-three, at office in Sacramento, California.



WM. H. WEEKS,  
Secretary of State.

CHAP. IV.—*An Act to authorize the County of San Joaquin to issue Bonds for Agricultural uses.*

[Approved February 5, 1863.]

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

SECTION 1. The Board of Supervisors of San Joaquin County are hereby authorized and empowered, if they deem it expedient, to issue bonds of said county to an amount not exceeding twenty thousand dollars, said bonds to be styled, "San Joaquin County Bonds for Agricultural uses," to be issued in sums not less than fifty dollars, nor more than five hundred dollars, and made payable at the office of the County Treasurer of said county, on the first day of January, in the year one thousand eight hundred and seventy-three, bearing interest at the rate of seven per cent per annum, with coupons attached for said interest, duly numbered and expressed to the amount of interest due each year, and when and where payable; coupon number one, for the amount of interest from the date of bond till January first, one thousand eight hundred and sixty-four, payable on said last mentioned day, and the balance of the coupons for six months' interest each, being payable successively on the first day of July and the first day of January thereafter, until said bonds mature. Said bonds and coupons shall be signed by the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said coun- Issuance of Bonds.  
When payable.

Manner of signing bonds.

ty, and when so signed shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same, as such Clerk, in the presence of a quorum of said Board at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by such Clerk; and upon the countersigning of said bonds, it shall be the duty of said Board of Supervisors to cause the seal of said county to be affixed to each bond.

Committee, and duties of.

SEC. 2. The said Board of Supervisors shall appoint three discreet and disinterested men a committee to examine into the affairs of the San Joaquin Valley Agricultural Society, and make an estimate and inventory of all their property, and make report thereof to said Board of Supervisors. Said committee shall attend to this duty as soon as may be after the passage of this Act.

Delivery of bonds and disposal thereof.

SEC. 3. If the report of said committee shall be satisfactory to said Board of Supervisors, and the Board of Managers of said San Joaquin Valley Agricultural Society shall convey to them and their successors in said office, by good and sufficient deed or deeds, and other instruments of writing, if necessary, satisfactory to said Board, in trust to secure the said County of San Joaquin in the payment of said bonds, all the property of said society, real, personal, and mixed, then it shall be the duty of said Board of Supervisors, by an order for that purpose, and through a committee of their Board, to deliver such amount and number of said bonds as shall, in the opinion of said Board, be reasonably secured by said property, to the Board of Managers of said society, taking a receipt therefor from the Secretary of said society. The said bonds to be disposed of by said Board of Managers in such manner as they may see fit, and the proceeds applied to the payment of the debts of the society.

Duty of County Treasurer.

SEC. 4. It shall be the duty of the County Treasurer to keep a record of the number, denomination, and amount of all bonds issued under this Act, showing the date of issuance, to whom issued, and the number of each bond.

Agricultural Society to pay money into County Treasury.

SEC. 5. The said Agricultural Society shall pay, or cause to be paid, into the County Treasury of said county, before the first days of December and June, respectively, of each year, until the bonds so delivered them shall mature, the accruing semi-annual interest, the first payment to be made before December first, eighteen hundred and sixty-three, and shall also pay, or cause to be paid, into said Treasury, on or before the first day of January of each succeeding year, the sum of five hundred dollars annually; the first payment to be made on or before the first day of January in the year eighteen hundred and sixty-four, as a sinking fund to secure the payment of said bonds when they mature. Said fund to be entitled "The Agricultural Sinking Fund," and with its increase to be invested in such productive property, or put out at interest at such rates, and upon such securities, as may be from time to time agreed upon by said Board of Supervisors and said Board of Managers, reference being always had to safety of investment.

SEC. 6. The said Agricultural Society, so long as they pay, or cause to be paid, the accruing semi-annual interest as aforesaid, and the sum of five hundred dollars annually, towards a sinking fund as aforesaid, shall have the use and enjoyment of all their said property as fully and effectually as though no conveyance had been made.

SEC. 7. In the event said Agricultural Society shall, at any time, fail to pay into the Treasury, as hereinbefore provided, the accruing semi-annual interest, or the sum of five hundred dollars annually towards a sinking fund as aforesaid, on the days herein respectively provided, then the said Board of Supervisors, or their successors in said office, may enter upon and take immediate possession of the property so conveyed to them in trust as aforesaid, with all of its improvements and increase, and sell the same in the way and manner and upon the terms and conditions to be provided and set forth in said deed or deeds, and other instruments of writing, if any, and the proceeds arising from such sale, after paying the expenses of sale and the accruing interest, to invest, or cause to be invested, in some productive property, or put out at interest on good security, the same so invested, or put out at interest with the sums, if any, paid annually by said Society, with the increase or interest that may accrue thereon, to be called "The Agricultural Sinking Fund," and to be held by the County Treasurer, and by him applied to the payment of the principal and interest of said bonds so delivered to said Society as aforesaid, as said interest accrues, and when said bonds mature, and all costs, charges, and expenses, which may have been incurred, and may have been ordered paid by said Board of Supervisors out of said fund, and after such payments, the balance, if any, to pay over to said Agricultural Society.

SEC. 8. The said County Treasurer, and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall, in all things herein required of them, be subject to all the liabilities and penalties to which they are subjected in the performance of any other of the duties of their respective offices, and they shall, when the fees or salary is not fixed by law for the services herein required, be allowed by said Board of Supervisors a reasonable compensation therefor, to be paid by said County Treasurer, upon the order of said Board, out of the sinking fund aforesaid.

SEC. 9. Whenever the bonds aforesaid, or any of them, shall be paid and redeemed by the County Treasurer as above provided, he shall mark across their face the word "cancelled," and immediately deliver the same to the County Clerk, taking his receipt therefor, and the said Clerk, upon the receipt of such cancelled bonds, shall file the same in his office.

SEC. 10. The said Board of Supervisors may do and transact any of the matters and things herein required of them at any special meeting to be by them called for the purpose.

CHAP. V.—*An Act to amend an Act approved February nineteenth, eighteen hundred and fifty-seven, entitled an Act fixing the time of holding the several Courts authorized to be held by the County Judge of the County of Calaveras, and to change the manner of summoning a Jury for the County Courts of said County, approved April twenty-seventh, eighteen hundred and fifty-five.*

[Approved February 9, 1863.]

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

Terms.

SECTION 1. The Court of Sessions, County Court, and Probate Court, of Calaveras County, shall hereafter be held all at the same time, namely: on the first Monday of March, June, September, and December, of each year.

Order of business.

SEC. 2. At said terms, the business pertaining to the Court of Sessions shall be first in order; and if no business of the Court of Sessions be ready, it shall be adjourned, and the County Court be opened; and if no business for the County Court be ready, the County Court shall be adjourned, and the Probate Court be opened for business.

Trial jury.

SEC. 3. The trial jury summoned for the Court of Sessions in said county, shall be the trial jury for the County Court therein.

Records.

SEC. 4. The records of each of the said Courts shall be kept separately, as required by law.

Special terms.

SEC. 5. Special terms of the Court of Sessions, and Probate Court, in said county, may be held on the call of the County Judge therein, whenever the public interest may require.

SEC. 6. All laws and parts of laws, in conflict with the provisions of this Act, are hereby repealed, so far as they relate to the County of Calaveras.

SEC. 7. This Act shall take effect on and after its passage.

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CHAP. VI.—*An Act to legalize the Assessments made in the County of Calaveras.*

[Approved February 9, 1863.]

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

Assessments legalized.

SECTION 1. The assessment of taxes upon all property, real and personal, in the County of Calaveras, whether for State, county, or other purposes, made since the first Monday of March, Anno Domini eighteen hundred and sixty-two, and before the second Monday of January, Anno Domini eighteen hundred and sixty-three, for the year eighteen hundred and sixty-two, are hereby confirmed and rendered valid and binding, both in law and equity, against the persons and property assessed. And all assessments made by the Assessors between the times above named, and all corrections made by the said



Assessors of said county, or any of them, either upon the assessment roll or rolls, or the original assessment list, are hereby confirmed and legalized, and shall have the same force and effect in all Courts as if the same had been originally made and entered therein within the time required by law for making the assessments of said county.

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

CHAP. VII.—*An Act for the Payment of Expenses incurred in the execution of certain Writs of Restitution in the County of Sonoma, in this State.*

[Approved February 9, 1863.]

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

SECTION 1. The sum of eleven hundred and ninety dollars and forty cents is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, for the payment of the indebtedness incurred by the Petaluma Guard and the Emmet Rifles, called into service by the Governor of this State, to aid the Sheriff of the County of Sonoma in the execution of certain writs of restitution to him directed by the Courts of said county. Appropriation.

SEC. 2. The Controller of State shall draw his warrants upon the Treasurer in favor of such persons, and for such amounts as have been audited and allowed by the Board of Military Auditors of this State, incurred by the said troops, not exceeding in the aggregate said amount of eleven hundred and ninety dollars and forty cents. Duties of Controller.

SEC. 3. This Act shall be exempt from the provisions of the Act entitled "an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight. Exemption.

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

CHAP. VIII.—*An Act to authorize the Board of Supervisors of Santa Clara County to have certain Spanish Records translated into English.*

[Approved February 9, 1863.]

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

SECTION 1. The Board of Supervisors of the County of Santa Clara are hereby authorized to employ some competent Spanish scholar, or scholars, to translate from Spanish into English the Spanish records of every kind and description now on file in the Recorder's office in said county. Powers of Supervisors.

Translator,  
oath of.

SEC. 2. The said translator, or translators, as the case may be, shall be sworn by the Clerk of said Board of Supervisors to make a true and careful translation from Spanish into English of all and every part of said Spanish records.

Translation  
to be  
recorded.

SEC. 3. The translation provided for in this Act, when completed, shall be submitted to the examination of said Board of Supervisors; and if approved by them, shall be recorded in one or more blank books, as they shall direct, and be deposited in the Recorder's office of said county, and shall remain on file in said office, and shall be a part of the lawful records of said county.

Expenses.

SEC. 4. All expenses incurred by the said Board in carrying out the provisions of this Act, shall be paid out of the Contingent Fund of said county.

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

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CHAP. IX.—*An Act to allow the County Clerk of Stanislaus County to reside out of the County.*

[Approved February 11, 1863.]

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

SECTION 1. The present County Clerk of the County of Stanislaus may, and he is hereby authorized, to have his residence in said county, or in the adjoining County of Merced; *provided*, always, that he shall keep his office at the county seat of Stanislaus County; and, *provided*, further, that this Act shall only remain in force until the expiration of the term of office of the present incumbent; and, *provided*, further, it is the true intent and meaning of this Act, that for any residence heretofore acquired or held by said Clerk in the County of Merced, he shall not be deemed to have forfeited his office, nor for that reason shall any of his official acts be considered invalid.

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

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CHAP. X.—*An Act to provide for the Construction of a Wagon and Turnpike Road in Mariposa County.*

[Approved February 11, 1863.]

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

Franchise.

SECTION 1. R. T. Brown, A. K. P. Harmon, L. H. Foote, W. P. Coleman, J. F. H. Forbes, and their associates and assigns, are hereby authorized to construct and maintain a wagon and turnpike road between a point known as "Wheeler's" and a

point known as "Bear Valley," in Mariposa County, or in case the said grantees or their assigns shall deem it most expedient, they are hereby authorized to make the Town of Coulterville the terminus of said road, instead of the said point known as "Wheeler's;" in either case, such route for the location of said road shall be selected as may be determined upon by said grantees or their assigns, and the Engineer or Engineers employed by them for the survey and location thereof. Such survey and location to be made within six months from and after the passage of this Act; *provided*, that no route shall be selected for the location of said road, either from "Wheeler's" or Coulterville, to Bear Valley, which shall exceed the distance of sixteen miles between the termini thereof. And the said grantees, and their associates or assigns, are hereby authorized to bridge the Merced River at such point as the said road may cross the same, and to collect such tolls upon said road for the period of twenty years from and after the completion thereof, as may be fixed from year to year by the Board of Supervisors of said county; *provided*, that such rates of tolls shall not be so reduced as to produce an income of less than twenty per cent per annum upon the cost of constructing said road and bridge, over and above the expenses of collecting the tolls and of keeping said road and bridge in repair, and the said Board of Supervisors shall have power to examine the books and papers of said company, and take testimony, as in civil actions, for the purpose of ascertaining the cost of collecting tolls and of constructing and keeping said road and bridge in repair; and, *provided*, further, that said company shall be authorized to collect tolls, to be fixed as in this section provided, upon any four miles of said road, as soon as such portion thereof shall be completed; and, *provided*, further, that the entire line of said road shall be completed within eighteen months from and after the passage of this Act, otherwise the rights herein granted shall be forfeited and this Act become null and void.

SEC. 2. Said company shall have the right of way over and along the route of said road, and shall have all the rights to enter upon and occupy private lands necessary to the location thereof, and to take and use any timber, rock, earth, or other material necessary to the construction and repair thereof, which are conferred upon railroad companies by an Act for the incorporation of railroad companies, approved May twentieth, Anno Domini eighteen hundred and sixty-one.

SEC. 3. It shall be lawful for said company to throw open their road for such period as they may deem proper, by giving one week's notice by publication in a newspaper published in said county, of the date of such opening, and during the time that said road remains so opened said company shall not be required to keep the same in repair, and shall not be liable for damages accruing in consequence of defects therein, and shall collect no tolls thereon during such time.

SEC. 4. The Board of Supervisors of Mariposa County may, at any time after the expiration of five years from the completion of said road, purchase the same by paying to the said company, or their legal representatives, the amount expended by them in the construction of said road, which shall be established

by competent testimony before the said Board. Then and thenceforth the same shall become the property of the said County of Mariposa, and shall thereafter be under the control of the Board of Supervisors of the same, as a free public highway.

Act made applicable.

SEC. 5. The Act of May twelfth, Anno Domini eighteen hundred fifty-three, authorizing the formation of corporations for the construction of plank and turnpike roads, is hereby made applicable to said company, except so far as it may conflict with the provisions of this Act.

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

CHAP. XI.—*An Act to provide a Fund for the redemption of, and prescribing the manner of redeeming the outstanding County Warrants drawn upon the Treasurer of Tuolumne County, and further to provide for the payment of all the current expenses of said Tuolumne County in Cash.*

[Approved February 12, 1863.]

*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 Tuolumne shall have power, and it is hereby made their duty, to levy a special tax, annually, in addition to other taxes provided for by law, upon the taxable property in said county, of three fourths of one per cent, and said tax shall be collected at the same time and in like manner as other taxes are collected in said county, to be called a "Redemption Fund," and shall be held and disbursed as is hereinafter provided.

Redemption fund.

Redemption.

SEC. 2. The fund provided for by the first section of this Act shall be used for the redemption of any county warrants drawn upon the Treasurer of Tuolumne County, the redemption of said warrants to be made as hereinafter prescribed by the provisions of this Act.

Proposals to surrender warrants.

SEC. 3. It shall be lawful for any person or persons, being the owner, or the lawful agent and holder for any lawful owner, of any county warrants drawn upon any of the different Funds in the Treasury of Tuolumne County, to file sealed proposals with the Treasurer of said county for the surrender of county warrants.

Lowest bids to be accepted.

SEC. 4. On the first Monday of each and every month, the Board of Supervisors, together with the County Auditor and Treasurer, shall attend at the office of the Board of Supervisors, and then and there open all proposals, and accept the lowest bids for the surrender of county warrants; *provided*, that no bid for more than par value of said warrants, or any bid unless accompanied by the warrants proposed to be surrendered, shall be accepted.

SEC. 5. When any bids are accepted, the County Auditor and County Treasurer shall each take a description of the number and amount of warrants to be redeemed, specifying the amount to be paid for each warrant, and make a several record thereof in their respective offices; and thereupon the Board of Supervisors shall make an order directing the County Treasurer to purchase the warrants designated in the accepted bids, and pay for the same out of the "Redemption Fund," and the warrants so redeemed shall be cancelled as other redeemed county warrants, except that the County Treasurer shall write on the face of said warrants "purchased," and the amount paid for the same, and shall sign his name thereto. The order of the Board of Supervisors directing the County Treasurer to purchase said warrants, together with the record made by the County Auditor, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. The bids being equal, the preference shall be given to the smallest amount of warrants; the bids and amount of warrants being equal, each shall be accepted pro rata, or as nearly so as possible. The County Treasurer shall return all unaccepted bids, together with the warrants therein contained, to the owners, on demand.

Duty of  
County  
Auditor.Of County  
Treasurer.

SEC. 6. After all disbursements shall have been made from the Redemption Fund, as hereinbefore provided, and there shall remain in said Redemption Fund, at the close of business on the first Monday in each and every month, an amount of money sufficient to pay the principal and interest of the county warrant standing first in the order of registration, the County Treasurer shall, on the following day, set apart such money so remaining for the redemption of the aforesaid warrant, and shall give notice for two weeks, in some newspaper printed at the county seat, that said warrant will be redeemed in cash upon presentation; and the County Treasurer shall continue to appropriate and apply all moneys so remaining in the Redemption Fund at the close of business on the first Monday in each month to the redemption of county warrants, as provided in this section, so long as there is sufficient money to pay the principal and interest of the warrant standing next in order of registration.

Redemption  
of Warrant.Advertis-  
ement.

SEC. 7. At the expiration of thirty days from the notice of redemption, as provided in section six of this Act, the county warrant or warrants so advertised shall cease to bear interest, and the County Treasurer is hereby required to make an entry to that effect in his account of registered warrants, and make a certified statement of the same to the Board of Supervisors at their next monthly meeting; and said Board shall make an order in accordance with the intent and meaning of this section of this Act.

When war-  
rant to cease  
to draw  
interest.

SEC. 8. The Board of Supervisors of Tuolumne County are hereby authorized and required to appropriate and set apart, as a separate Fund, to pay the current expenses of said Tuolumne County, all revenue collected from the following sources within said county, to wit: from foreign miners' license, merchandise and liquor license, peddlers' license, billiard license, brokers' license, theatre license, circus license, and auctioneers' license, all fines and forfeitures, all receipts from toll bridges and ferries,

Board of  
Supervisors  
to set apart  
certain  
revenue.

together with all sums due from Stanislaus County, and all poll tax collected for county purposes, and all moneys remaining in the County Officers' Salary Fund on the first Monday in each and every month, after the salary of each of the county officers and all their deputies have been paid, or their salaries shall have been set apart from said Salary Fund, and when so set apart as a separate and distinct Fund, shall be known as the "Current Expense Fund," and out of which the current expenses of said Tuolumne County shall be paid in cash.

Current  
expense fund

Deficiency in  
Salary Fund.

SEC. 9. If, on the first Monday in any month, there shall be a deficiency of funds in the County Officer's Salary Fund to pay all the salaries of the county officers and their lawful deputies, the Board of Supervisors shall order the County Treasurer to make up and pay such deficiency from the Current Expense Fund; and if, after so doing, there shall be a deficiency of funds in the Current Expense Fund to pay the current expenses of the county, the Board of Supervisors shall order the County Treasurer to make up and pay such deficiency from the Redemption Fund.

Surplus.

SEC. 10. If any money shall remain in the Current Expense Fund after paying all the current expenses of said county, at the expiration of each regular or quarterly meeting of the Board of Supervisors, then such surplus shall be placed by the Treasurer in the Redemption Fund.

Poll tax.

SEC. 11. All moneys collected from property tax shall be paid into the County Treasury, and shall be appropriated as heretofore provided by law.

Moneys  
exempted.

SEC. 12. The moneys set apart pursuant to the foregoing provisions of this Act, known as the Redemption Fund and the Current Expense Fund, shall not be subject to any execution or writ issued for or on account of any debt which may be due, or which may hereafter become due, from said county.

Redeemed  
warrants.

SEC. 13. The warrants redeemed under the provisions of this Act shall be deposited, after cancellation, in the office of the Clerk of the Board of Supervisors, who shall keep a book in which he shall register each warrant redeemed, giving its date, amount, from whom redeemed, and the amount paid for the same.

Act repealed

SEC. 14. The Act entitled an Act to provide a Fund for the redemption of and prescribing the manner of redeeming the outstanding County Warrants drawn upon the Treasury of Tuolumne County, and further to provide for the payment of all the current expenses of said Tuolumne County in cash, approved February twenty-first, eighteen hundred and sixty-one, is hereby repealed.

SEC. 15. This Act shall take effect and be in force from and after the date of its passage.

CHAP. XII.—*An Act to authorize the Board of Supervisors of the County of Merced to levy an additional Tax for County purposes.*

[Approved February 21, 1863.]

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

SECTION 1. The Board of Supervisors of Merced County are hereby authorized, and it shall be lawful for said Board of Supervisors, if they deem it expedient, to levy a tax, for county purposes, of any sum not exceeding forty cents additional upon each one hundred dollars worth of taxable property in said county.

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

CHAP. XIII.—*An Act to authorize the Board of Supervisors of San Bernardino County to levy a special Tax.*

[Approved February 21, 1863.]

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

SECTION 1. In addition to other taxes provided for by law in said county, the Board of Supervisors thereof shall have power, and it is hereby made their duty, to levy a special tax annually upon the taxable property in the said county, of not less than twenty-five nor more than fifty cents upon each one hundred dollars of the assessed value of the real and personal property of said county, and said tax shall be collected at the same time and in like manner as other taxes are collected in said county. Special tax.

SEC. 2. The special tax provided for in section first of this Act shall be set aside and kept as a special Fund, to be called a "Redemption Fund," and to be used for the purpose of redeeming the outstanding warrants of said county of San Bernardino, and shall be held and disbursed as hereinafter provided. Redemption Fund.

SEC. 3. Whenever there is an amount exceeding two hundred dollars in said Redemption Fund, then it shall be the duty of the County Treasurer to advertise for four weeks in any newspaper published in said County of San Bernardino, or if there should be no newspaper, by posting advertisements, in writing, in three or more public places in the county, that sealed proposals, directed to him, for the surrender of such county warrants, will be received by him up to the last day of the then next ensuing session of said Board of Supervisors. Redemption of county warrants.

SEC. 4. Whenever any advertisement shall have been made under and according to the terms of the last preceding section, before any regular meeting of said Board of Supervisors, they, together with the County Auditor and Treasurer, shall attend at the office of the latter, and then and there open all pro- Same.

posals, and accept the lowest bids for the surrender of county warrants; *provided*, that no bid for more than the par value of said warrants, or any bid, unless accompanied by the warrants proposed to be surrendered, shall be accepted.

Redemption  
of county  
warrants.

SEC. 5. When any bids are accepted, the County Auditor and Treasurer shall each take a description of the number and amount of warrants to be redeemed, specifying the amount to be paid for each warrant, and make a several record thereof in their respective offices, and thereupon the Board of Supervisors shall make an order directing the County Treasurer to purchase the warrants designated in the accepted bids, and pay for the same out of the Redemption Fund, and the warrants so redeemed shall be cancelled as other redeemed county warrants, except that the County Treasurer shall write on the face of said warrants, "purchased," and the amount paid for the same, and shall sign his name thereto. The order of the Board of Supervisors directing the County Treasurer to purchase said warrants, together with the record made by the County Auditor, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. The bids being equal, the preference shall be given to the smallest amount of warrants; the bids and amounts of warrants being equal, each shall be accepted, pro rata, or as nearly so as possible. The County Treasurer shall return all unaccepted bids, together with the warrants therein contained, to the owners, on demand.

Duties of  
County  
Treasurer.

SEC. 6. The County Treasurer shall keep a separate account, under the head of Redemption Fund, of all moneys received from the sources specified in the first and second sections of this Act, and the said money shall never be used or mixed with other funds.

Same.

SEC. 7. It shall be unlawful for the said Treasurer of San Bernardino County to pay any warrants or claims whatever against the said county, issued or accrued prior to the passage of this Act, otherwise than under and according to the terms and provisions thereof; *provided*, that nothing in this Act contained shall prevent any payment or payments out of the County Jail Fund of said county, or the interest upon the previously funded debt thereof, or in any manner affect the same.

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CHAP. XIV.—*An Act to legalize the Purchase of the Building and Lot, by the Board of Supervisors of San Bernardino County, of Charles Glaser, for a County Prison, and to set the same aside for a Court House.*

[Approved February 21, 1863.]

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

SECTION 1. The purchase made by the Board of Supervisors of San Bernardino County, in the year A. D. one thousand eight hundred and sixty-two, of Lot No. Three in Block No.



Twenty, with building thereon, in the City of San Bernardino, for the purpose of a County Prison, be and the same is hereby fully legalized and confirmed.

SEC. 2. It shall be lawful for the said Board of Supervisors to set apart, appropriate, and use said lot and building for all the purposes of a County Court House for said county.

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

CHAP. XV.—*An Act fixing the Salaries and Fees of certain Officers of San Bernardino County.*

[Approved February 21, 1863.]

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

SECTION 1. The County Judge of San Bernardino County shall receive a salary of five hundred dollars per annum, to be paid out of the County Treasury. Fees of County Judge.

SEC. 2. The Sheriff of said county shall receive a salary of eight hundred dollars per annum, to be paid out of the County Treasury, for all services and duties to be by him rendered and performed for the said county, and he shall receive no other fees or compensation of said county, from the County Treasury, for any service or duties by him rendered or performed in any capacity to or for said county by virtue of his office. Sheriff.

SEC. 3. The District Attorney of said county shall receive a salary of three hundred and fifty dollars per annum. Also, he shall receive on each conviction for felony, when the punishment is death, twenty-five dollars; for each conviction for other felony, fifteen dollars; on each conviction for misdemeanor, the sum of five dollars; which said sums shall be assessed against the one convicted, and if the same cannot be collected from the defendant, then the amounts shall be paid out of the County Treasury, and he shall receive no other fees or compensation from the said County Treasury for all services in any capacity by him rendered to or for said county by virtue of his office. District Attorney.

SEC. 4. The County Clerk of said county shall receive a salary of three hundred dollars per annum, to be paid out of the County Treasury, for all services by him to be rendered and performed to and for said county, and he shall receive no other fees from the County Treasury for such services. County Clerk.

SEC. 5. The County Assessor of said county shall receive a salary of two hundred and fifty dollars per annum, to be paid out of the County Treasury, for all services by him to be rendered and performed for said county; *provided*, that for any service rendered the State, he may retain the amount paid by the State for such service for his own proper use in full compensation for such service. County Assessor.

SEC. 6. It shall be the duty of the Auditor of said county to draw his warrants on the County Treasurer, quarterly, in favor of the incumbents of said offices, respectively, as their quarterly Duty of County Auditor.

salaries shall become due, except the County Clerk's salary, and fees of District Attorney and Justices of the Peace, which shall be audited and allowed by the Board of Supervisors, as other accounts against the county.

Justices of  
the Peace.

SEC. 7. Justices of the Peace of said county shall receive from the County Treasury of said county, for all services in each criminal case, whether on trial or preliminary examination, the sum of two dollars.

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

SEC. 9. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed, so far as the same relates to the County of San Bernardino.

CHAP. XVI.—*An Act to authorize the Board of Supervisors of Trinity County to levy a Toll on certain Roads in said county.*

[Approved February 21, 1863.]

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

Powers of  
Supervisors

SECTION 1. The Board of Supervisors of Trinity County are hereby authorized to charge and collect toll on the following roads, viz: The road leading from Hay Fork Valley to Trinity River, and the road leading from Weaverville to Minersville. The proceeds of said toll, over and above the payment awarded to the Tollkeepers, shall be applied to no other purpose than the keeping of said roads in as good condition and repair as the amount accruing will admit.

Duties of.

SEC. 2. Said Board of Supervisors shall appoint some suitable persons to collect and receive the tolls charged on said roads, whose pay shall not exceed eighty dollars per month, and shall require of said Tollkeepers prompt monthly payments or tender, as may be deemed necessary by said Board, of all moneys so collected; also require of the persons so appointed, to file a bond, payable to the Board of Supervisors of Trinity County, in a sum not less than five hundred dollars, conditioned for the faithful performance of his duties, to be approved by the Board of Supervisors. Actions may be maintained on said bond as in other cases of official bonds.

Same.

SEC. 3. Said Board of Supervisors may regulate and determine the rates of toll on said roads, not to exceed the following rates, viz: For each animal attached to any loaded wagon or vehicle, twenty-five cents; for each loaded wagon, fifty cents; for each loaded pack animal, twenty-five cents; for man and horse, fifty cents; for empty teams, and unloaded pack animals, half the above rates; for pleasure carriages and buggies, for each vehicle, one dollar, and twenty-five cents for each animal attached thereto; for loose cattle, horses, and mules, twelve and a half cents each; for sheep, swine, and goats, five cents

Rates of toll.

each. There shall be kept in some conspicuous place on the roads a bulletin board, which shall contain the scale of tolls.

SEC. 4. The moneys collected by the Toll-keepers shall be paid to the Treasurer of Trinity County, and kept by him as other moneys are kept, but shall be distinct funds, to be called the "Hay Fork Road Fund," and the "Weaverville and Minersville Road Fund," and the same shall be paid out on the order of the Supervisors of Trinity County; but in all cases the money so drawn shall be applied on the road from which it was collected.

Disposition  
of moneys  
collected.

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

CHAP. XVII.—*An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes for county purposes.*

[Approved February 21, 1863.]

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

SECTION 1. The Board of Supervisors of Sierra County are hereby authorized, if they deem the same expedient, at their regular meeting in February in each year, to levy taxes for county purposes, not to exceed the rates hereinafter mentioned, on each one hundred dollars of taxable property in said county, viz: eighty-five cents to be paid into the General Fund, twenty-five cents to be paid into the Interest Fund, fifteen cents to be paid into the Hospital Fund, ten cents to be paid into the School Fund, ten cents to be paid into the Jail Fund, five cents to be paid into the Road Fund, and fifty cents to be paid into the Contingent Fund.

Supervisors  
authorized  
to levy taxes

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

CHAP. XVIII.—*An Act to amend Section One of an Act, approved March thirteenth, eighteen hundred and sixty-two, entitled an Act to transcribe certain Records of the County of Shasta.*

[Approved February 21, 1863.]

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

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

Section 1. The County Recorder of Shasta County is hereby authorized and required to transcribe, in such manner and into such books as are prescribed by section twelve of an Act entitled an Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one, such books of record in

Duty of  
County Re-  
corder.

his office as the Board of Supervisors of said county may order and direct. He shall also make indexes to the same, as required by section fourteen of the Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one. Said County Recorder shall transcribe such books of record, and index the same, as provided in this section, prior to the first day of May, eighteen hundred and sixty-three; and it shall not be lawful for him to transcribe such books of record, or index the same, under the provisions of this Act, after the said first day of May, eighteen hundred and sixty-three.

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CHAP. XIX.—*An Act to amend Section One of an Act, approved April tenth, eighteen hundred and sixty-two, entitled an Act concerning the County Records of the County of Trinity.*

[Approved February 21, 1863.]

*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 :

Duty of  
Board of  
Supervisors

Section 1. The Board of Supervisors of the County of Trinity are hereby authorized and empowered, at the regular meeting of said Board, to be held in the month of May, Anno Domini eighteen hundred and sixty-two, or at any regular meeting thereafter, to order the transcribing and indexing of the books of record of said county, in the office of the County Recorder thereof, and known as books "D," "E," and "H;" also, of any journals of the District Court, the Probate Court, the County Court, the Court of Sessions, or Board of Supervisors of said county, which said Board may deem necessary; *provided*, that it shall not be lawful for the County Recorder to transcribe or index such books of record, or any part thereof, under the provisions of this section, after the first day of May, eighteen hundred and sixty-three.

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CHAP. XX.—*An Act to change the name of John Schlageter.*

[Approved February 21, 1863.]

*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 John Schlageter to change the said name to John Slater.

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

CHAP. XXI.—*An Act to amend an Act entitled an Act to provide for Public Administrator in certain counties, passed March thirteenth, eighteen hundred and sixty-two.*

[Approved February 21, 1863.]

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

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

Section 1. In the Counties of Del Norte, Colusa, Sutter, Mendocino, Tehama, Klamath, Shasta, and Trinity, the Coroner shall be ex-officio Public Administrator. He shall give such bonds as the Probate Court shall from time to time order, for the faithful performance of the duties of Public Administrator.

Coroner to act as Public Administrator.

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

Section 3. This Act shall take effect and be in force from and after its passage; *provided*, that as to the Counties of Tehama, Shasta, and Trinity, it shall not take effect until the expiration of the respective terms of the present incumbents.

CHAP. XXII.—*An Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereto.*

[Approved February 21, 1863.]

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

SECTION 1. Section seventy-two of said Act is amended so as to read as follows :

Section 72. Before letters testamentary or of administration shall be issued to the Executor or Administrator, he shall take and subscribe an oath or affirmation, before the Probate Judge, Clerk, or other officer authorized to administer oaths, that he will perform, according to law, the duties of Executor or Administrator, and such oath or affirmation shall be attached to the letters. All letters testamentary and of administration issued to and all bonds executed by Executors or Administrators, with the affidavits and certificates thereon, as provided for in this Act, shall be forthwith recorded by the Clerk of the Court having jurisdiction of the estates, respectively, in a book to be kept by him in his office for that purpose; and the said records, and duly certified copies taken therefrom, shall have the same force and effect in all cases whatsoever as the original papers would have.

Duty of Executors.

CHAP. XXIII.—*An Act concerning the office of County Assessor for Butte County.*

[Approved February 27, 1863.]

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

Term of office.

SECTION 1. The present incumbent of the office of County Assessor in and for Butte County, shall be permitted to hold said office and discharge the duties thereof, until the first Monday in January, Anno Domini eighteen hundred and sixty-four, and thereafter until his successor shall have been legally elected and qualified.

SEC. 2. The powers and duties of the County Assessor in and for Butte County, shall be as provided by the general revenue laws of this State, and as herein prescribed.

Powers and duties.

SEC. 3. The County Assessor in and for Butte County, when he assesses property of any person or persons, company or corporation, liable to taxation, who have no real estate in said county, shall immediately collect the taxes on the personal property so assessed, in the manner prescribed by the general revenue laws of this State. If, in any instance, the said County Assessor shall be unable to find, seize, and sell, sufficient of the property of such person, persons, company, or corporation, to pay such taxes and costs of sale, and such person, persons, company, or corporation, shall, on request of the Assessor, neglect or refuse to pay the same, or neglect and refuse to turn out, to the Assessor, property sufficient to pay such taxes and costs of sale, it shall be the duty of the Assessor, if the sum exceed two hundred dollars, to go before either the District or County Court, or the Judge thereof at Chambers, and in cases of two hundred dollars and less sums, then before a Justice of the Peace of the township wherein such party may reside, and make affidavit of the facts of assessment, the amount of taxes, the inability to find and seize property sufficient to pay such taxes and costs of sale, also the fact of neglect or refusal to pay the same, or turn out property sufficient to pay the same and costs of sale, and on the filing of such affidavit, the Court, or Judge, or Justice of the Peace, as the case may be, shall issue a citation, ordering the party to appear forthwith before such Court, Judge, or Justice of the Peace, to answer under oath concerning his property. Such citation may be served by the Assessor or any Constable or Sheriff of the county, and shall be served by delivering a copy thereof to such party personally. On such examination, if it shall appear that such party or parties have any money, goods, chattels, or effects, the Judge or Justice shall order sufficient thereof to be turned out to the Assessor to satisfy such taxes and costs of sale, and also costs of proceeding on the citation. And in case of a neglect or refusal by such party, either to obey the order of citation, or the order to pay, or to turn out property aforesaid, such party or parties shall be deemed in contempt of such Court, Judge, or Justice, and may be proceeded against as in other cases of contempt in civil cases in the Courts of Justice of this State. For services under the

provisions of this Act, such fees shall be allowed as for similar services in civil cases, to be collected only from the parties owing such taxes. In other respects than herein provided, the proceedings under this section shall be conducted as provided in section two hundred and thirty-eight, and two hundred and thirty-nine, in the Practice Act of this State, regulating proceedings supplemental to execution, and in case it appears from the affidavit of the Assessor that such person or persons owing said taxes is about to abscond from the county, or is about to convey his property, with intent fraudulently to evade the payment of such taxes, in such case the citation herein mentioned may direct the officer serving the same to arrest such party and bring him before the Court, Judge, or Justice, issuing the same. It shall not be lawful for a party served with the citation mentioned in this section, to sell or transfer his property or effects, so as to defeat the collection of the taxes mentioned, or costs, or any part thereof; and any person or persons so doing, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be liable to pay a fine not to exceed two hundred dollars; and should the said taxes fail to be collected by said process, then no further liability shall attach to said Assessor therefor.

Sec. 4. The compensation allowed to the County Assessor in and for Butte County, shall be the percentage allowed by law on all moneys collected for poll taxes, and three per cent on all moneys collected for State and county personal property taxes, by said Assessor; and for each day's actual services rendered in assessing property in said county, in person or by deputy, he shall be allowed a compensation not to exceed ten dollars per day, by the Board of Supervisors of said county. Compensation.

Sec. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as the same relate to Butte County. This Act shall be in force from and after its passage.

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CHAP. XXIV.—*An Act supplementary to an Act entitled an Act to authorize the County of San Joaquin to issue Bonds for Agricultural Uses, approved February fifth, eighteen hundred and sixty-three.*

[Approved February 27, 1863.]

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

SECTION 1. Said Act is hereby amended by adding thereto the following section :

“Section 2. This Act shall take effect from and after its passage.”

Sec. 2. This Act shall take effect immediately.

CHAP. XXV.—*An Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers, passed March twentieth, eighteen hundred and fifty-five, and other Acts amendatory thereof.*

[Approved February 27, 1863.]

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

SECTION 1. Section twenty of the above entitled Act is hereby amended so as to read as follows :

Vacancies. SECTION 20. Whenever a vacancy shall occur in, or the qualified electors of the county or township shall fail to elect to, any county or township office, other than the office of County Judge or Supervisor, the Board of Supervisors shall, at any meeting of the Board, appoint some suitable person, an elector of the county or township, to fill the vacancy until the election and qualification of a successor. No appointment shall be made except upon petition, signed by not less than thirty of the qualified electors of the county, if for a county office, or by not less than fifteen of the qualified electors of the township, if for a township office.

Powers of appointees. SEC. 2. Any person so appointed shall have and exercise the same powers, authority, and jurisdiction, as though elected by the qualified electors of the county or township; *provided*, that none of the provisions of this Act relating to the filling of a vacancy in a township office shall be so construed as to apply to any county that may have adopted, or that may hereafter adopt, the provisions of an Act entitled an Act to organize townships, and regulate their powers and duties, and submit the same to vote of the people, passed May fifteenth, eighteen hundred and sixty-two.

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

CHAP. XXVI.—*An Act empowering the Board of Supervisors in the several Counties in this State to authorize the removal of Human Remains.*

[Approved March 2, 1863.]

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

SECTION 1. The Board of Supervisors in the several counties of this State are hereby empowered to grant permissions for the removal of the remains of deceased persons in their respective counties, on the petition of twenty or more citizens of said county, said petition fully setting forth the cause for such removal, the place from which such remains are to be removed, and the place where they are to be re-interred; *provided*, that the costs of such removal shall in no case become a county charge;



and further, *provided*, notice of such petition be posted for ten days in three conspicuous places within the township where such removal is to be made.

SEC. 2. This Act shall not apply to the City and County of San Francisco, and the City of Sacramento.

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

CHAP. XXVII.—*An Act creating a Current Expense Fund for the County of Mono.*

[Approved March 2, 1863.]

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

SECTION 1. The Board of Supervisors of Mono County are hereby authorized and required to appropriate and set apart as a separate Fund, to pay the current expenses of said Mono County, all county revenues collected from the following sources within said county, to-wit: All revenues received from merchandise and liquor licenses, peddlers' licenses, billiard licenses, broker, theatre, circus, and auctioneer's licenses, all fines and forfeitures, all poll taxes, and when so set apart as a separate and distinct Fund, shall be known as the Fund for Current Expenses, out of which the expenses of said Mono County shall be paid in cash; *provided*, however, that the first moneys accruing to said Current Expense Fund shall be applied to the payment of certain demands, amounting to about five hundred and fifty dollars, already accrued against said county, on account of items enumerated in the following section.

SEC. 2. The Current Expense Fund is hereby created to defray the expenses of stationery, blank books, fuel, and lights, printing, office rent for County Clerk and District Attorney, Court House rent and repairs, board and clothing of prisoners.

SEC. 3. The Board of Supervisors of Mono County shall be further authorized and empowered to levy a special tax, at any time before the first Monday in July, eighteen hundred and sixty-three, and every year thereafter, said tax not to exceed the sum of twenty-five cents on each one hundred dollars of taxable property in said county, for the purpose of creating a Current Expense Fund in payment of expenses as enumerated in section second of this Act; *provided*, however, that the first moneys accruing to said Current Expense Fund from said special tax, shall be placed to the credit of the General Fund of said Mono County at the end of every fiscal year, to the amount of revenue collected and placed in the Current Expense Fund from the sources mentioned in section first of this Act.

SEC. 4. The tax thus levied shall be collected in the same manner as provided by law for the collection of taxes for State and county purposes, and when so collected, shall be paid in to the credit of the Current Expense Fund, and at the end of each fiscal year, any sum remaining in the Current Expense Fund

upon which no order shall have been allowed, shall revert to the General Fund, and be placed to the credit thereof.

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

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CHAP. XXVIII.—*An Act to authorize the Board of Supervisors of Tulare County to annul certain Bonds.*

[Approved March 2, 1863.]

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

SECTION 1. The Board of Supervisors of Tulare County are hereby authorized to annul any bond or bonds which may have been executed to Tulare County for the purpose of securing the principal and interest due on Township School Lands in said county; *provided*, said Board shall in no case refund any money which may have been paid on said bonds.

SEC. 2. All persons desiring the benefit of the provisions of this Act, shall file his or their petition, in writing, with the Clerk of said Board of Supervisors, setting forth that all claim to the land described therein, and all claim for money paid as principal or interest thereon, is by him or them abandoned.

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

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CHAP. XXIX.—*An Act to authorize and require the Boards of Supervisors of the Counties of Napa and Lake, respectively, to levy a special Tax, for the purpose of improving and repairing the Public Highway connecting Napa City and Lakeport.*

[Approved March 3, 1863.]

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

Supervisors  
to levy  
special tax.

SECTION 1. The Boards of Supervisors of the Counties of Napa and Lake, are hereby authorized and required, for the year one thousand eight hundred and sixty-three, respectively, to levy a special tax, for the purpose of improving and repairing the public highway connecting Napa City and Lakeport, which passes through Chiles Cañon, in Napa County, and Butts Cañon, in Lake County; which tax shall be, in Napa County, fifteen cents on each one hundred dollars, and in the County of Lake, fifteen cents on each one hundred dollars, of the taxable property in each of said counties, and shall be levied and collected at the time and in the manner of levying and collecting taxes for State and county purposes; *provided*, that the amount raised in each of said counties shall be appropriated exclusively

within the county in which it shall be raised, and upon said highway, and no other.

SEC. 2. The money raised by virtue of this Act shall be ap- Disposition of moneys.  
propriated in pursuance of contracts made in conformity to an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, and the proper officers of Napa County and Lake County shall, within three months from the passage of this Act, make contracts for the improvement and repair of that portion of said public road within the limits of their respective counties, lying between Pope Valley, in Napa County, and Coyote Valley, in Lake County, on the route that passes through Butts Cañon.

SEC. 3. The Boards of Supervisors of the Counties of Napa Powers of Supervisors  
and Lake, respectively, shall have the power hereafter to levy an annual tax, not exceeding ten cents on the hundred dollars, to improve and repair said public highways connecting Napa City and Lakeport.

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

CHAP. XXX.—*An Act to provide the manner of drawing, summoning, and forming of Grand Juries, in the County of Tuolumne.*

[Approved March 3, 1863.]

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

SECTION 1. When, at any time before the session of a Court County Judge to give notice.  
in the County of Tuolumne, authorized by law to inquire into public offenses by the intervention of a Grand Jury, it shall appear necessary to the presiding Judge of said Court that a Grand Jury should be summoned, or when a petition, signed by twenty or more electors of said county, asking that a Grand Jury should be summoned, shall be presented to said Judge, he shall, in writing, give notice to the County Clerk of said county that such jury is required.

SEC. 2. Upon the receipt of the notice, as mentioned in the Duty of County Clerk and Supervisors  
last section, by the County Clerk, he shall post a notice upon the Court House door of said county, specifying the time and place of such drawing, and said notice shall be posted at least one week before the time of drawing. The County Clerk shall also notify the President of the Board of Supervisors, who shall call together the Board upon the day of drawing; *provided*, that such day of drawing does not come upon one of the regular days of meeting of said Board. On the day of drawing, the Board of Supervisors shall meet, and proceed to copy, from the assessment rolls of the different revenue districts of said county, the names of such persons as they shall deem suitable for Jurors, not less than twenty from the assessment roll of each revenue district. Said names shall be copied upon separate slips or pieces of paper, and shall be placed in a box prepared for the purpose

by the County Clerk, and the Clerk shall then, in the presence of the Board of Supervisors, draw from the box the names of twenty-four persons to serve as Grand Jurors until discharged by the Court. The Clerk shall keep a correct list of the names placed in the box, and also the names of those so drawn, and the list shall be signed by the Board of Supervisors, and certified to by the Clerk, and entered upon the minutes of said Board.

**Grand Jury.** SEC. 3. When, of the persons summoned, not less than seventeen and not exceeding twenty-three attend, they shall constitute the Grand Jury. If, of the persons summoned, less than seventeen attend, they shall be placed on the Grand Jury, and the Court shall order the Clerk of the said county to draw from the names selected by the Board of Supervisors a sufficient number of names to make, with those already selected and present, the requisite number, and a list of such names so drawn by the Clerk shall by him be given to the Sheriff, who shall at once proceed to summon them in the manner provided by law. No person shall be obliged to serve more than one term upon any Grand Jury during any one year.

SEC. 4. Sections four, five, and nine, of an Act entitled an Act concerning Jurors, approved May third, eighteen hundred and fifty-two, also an Act amending an Act entitled an Act concerning Jurors, approved May third, eighteen hundred and fifty-two, approved April eighth, eighteen hundred and fifty-nine, so far as they provide for the drawing, summoning, and forming of Grand Jurors, shall not hereafter be applicable to the County of Tuolumne.

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

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CHAP. XXXI.—*An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, one thousand eight hundred and sixty-one, and an Act amendatory thereof, approved May fourteenth, one thousand eight hundred and sixty-two.*

[Approved March 3, 1863.]

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

SECTION 1. Section one of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, one thousand eight hundred and sixty-one, is amended so as to read as follows:

State ad valorem tax.

SECTION 1. An ad valorem tax of eighty cents upon each one hundred dollars value of taxable property, which tax shall include the taxes provided by law to be levied for the payment of the funded debts of this State and the interest thereon, is hereby levied and directed to be collected and paid, for State purposes, upon the assessed value of all property in this State, not by this Act exempted from taxation; and upon the same

property the Board of Supervisors of each county is also hereby authorized and empowered to levy and collect annually a tax for county expenditures, not exceeding sixty cents on each one hundred dollars; and upon the same property the Board of Supervisors of each county is also hereby authorized and empowered to levy and collect annually such additional and special taxes as the laws of this State may authorize or require them to levy and collect; *provided*, however, that whenever the Board of Supervisors levy any tax, they shall cause such levy to be entered on the record of their proceedings, and shall direct their Clerk to deliver a certified copy thereof to the Assessor, Tax Collector, Auditor, and Treasurer, each of whom shall file said copy in his office.

Special taxes.

Duties of Supervisors

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

Section 24. During the session, or as soon as possible after the adjournment of the Board of Equalization, its Clerk shall enter upon the assessment roll all the changes and corrections made by the Board, and thereupon deliver the assessment roll so corrected to the County Auditor, whose duty it shall be to add up the columns of valuation, and enter the total valuation of each description of property on the roll, and also carry out in a separate money column the totals of taxes, composed of State, county, and other taxes, to each person, and on or before the third Monday in September he shall deliver the original assessment roll, and on or before the second Monday in November the subsequent assessment roll, with his certificate thereto attached, and also the map or plot book, to the tax collector; *provided*, that for the services of the Auditor, rendered according to the provisions of this section, in carrying out the totals of taxes to each person, he shall receive a sum, to be fixed by the Board of Supervisors of his county, not to exceed fifty cents a folio, counting each necessary figure as equivalent to one word; *provided*, that no compensation shall be received by the Auditor for any other work required of him in this section; *provided*, also, that nothing in this section shall be construed to give any additional compensation to those Auditors who are paid by salaries.

Duty of Clerk of Board of Equalization

Of Auditor.

Proviso.

SEC. 3. Section thirty-three of said Act is amended so as to read as follows:

Section 33. Whenever any tax is paid to the Tax Collector, he shall mark the word "paid" and the date of payment in the assessment roll, opposite the name of the person or description of property liable for such tax, and shall give a receipt therefor, specifying the amount of the assessment, the amount of the tax, and a description of the property assessed; but no Tax Collector shall receive any taxes on real estate for any portion less than the least subdivision entered on the assessment roll; *provided*, always, that an owner of an undivided interest in real estate may pay the proportion of taxes due on his interest therein.

Duties of Tax Collector.

SEC. 4. Section thirty-four of said Act is amended so as to read as follows:

Section 34. On the third Monday of November in each year, the Tax Collector shall, at the close of his official business

Same.

Duties  
of Tax  
Collector.

on that day, enter upon the assessment roll a statement that he has made a levy upon all the property therein assessed, the taxes upon which have not been paid, and shall immediately ascertain the total amount of taxes then delinquent, and file in the office of the Auditor a statement of said amount, verified by the oath of himself, or Deputy, and shall proceed to make out, and file in the office of the Auditor, a list of all persons and property then owing taxes, verified by the oath of himself, or Deputy, which list shall be completed by the first Monday in December, and shall be known as the "Delinquent List." And to enable the Tax Collector to make out said list, no taxes shall be received by him on the assessment roll after the entry provided for in this section; *provided*, that in counties where the Tax Collector receives a salary, he shall be allowed for his own use the amount provided by law for making said delinquent list; *provided*, however, that in the Counties of Fresno, San Luis Obispo, Santa Barbara, and San Diego, the Tax Collector shall not make his levy until the third Monday in December, and that the delinquent list need not be filed with the Auditor until the first Monday in January, and that in these counties the provisions of section thirty-seven shall not apply until the third Monday of December in each year; and *provided*, further, that in the Counties of Tulare, Los Angeles, and San Bernardino, the Tax Collector shall not make his levy until the third Monday in February, and that the delinquent list need not be filed with the Auditor until the first Monday in March, and that in these counties the provisions of section thirty-seven shall not apply until the third Monday in February in each year.

Sec. 5. Section thirty-five of said Act is amended so as to read as follows:

Same.

Section 35. The Tax Collector shall, on the first Monday in each month, pay to the County Treasurer all the money in his hands belonging to or collected for the use of the State or county, and shall, on the same day, present to the Auditor the Treasurer's receipt for said moneys, and shall, at the time, deliver to the Auditor, under oath, a true and correct account of all his transactions and receipts since his last settlement as Collector of State and county taxes, and shall also state, under oath or affirmation, that all the money collected by him as Tax Collector has been paid, which account and statement shall be filed in the office of the Auditor. On the first Monday in December in each year, the Tax Collector shall attend at the office of the County Auditor with his assessment roll, and the Auditor shall then and there administer to the Tax Collector an oath, which shall be written and subscribed on the assessment roll, to the effect that each person, and all property assessed in said roll, on which taxes have been paid, has the word "paid" marked opposite the name of such person, or the description of such property; and the Auditor shall then foot up the amount of taxes remaining unpaid, and credit the Tax Collector with the amount, and shall make a final settlement with the Tax Collector of all taxes charged against him on account of said assessment roll. Within ten days after such final settlement, the Auditor shall transmit by mail to the Controller of State a statement, in such form as the Controller may require, of all

Duties of  
County  
Auditor.

and of each particular kind of property assessed, and a statement of all and each particular kind of property delinquent, and of the total amount of delinquent taxes. For the services required by this section, the Tax Collector shall receive no fee or compensation whatever.

SEC. 6. Section fifty-three of said Act is amended so as to read as follows:

Section 53. On delivering the assessment roll to the Tax Collector, the Auditor shall charge the Tax Collector with the full amount of the taxes levied, and shall forthwith transmit by mail to the Controller of State a statement of the amount so charged, and shall also, at the same time, transmit to the Controller of State a statement of the number of poll tax receipts delivered to the Tax Collector, and the number of said receipts returned to him on settlement, which said returned receipts he shall forward to the Controller by such conveyance as the Controller by general or special order may direct, and shall, at the same time, make out and transmit by mail a statement of all State and county licenses issued in the county since his last settlement in regard thereto, giving the number and aggregate amount of each kind of license issued.

Duties of  
County  
Auditor.

SEC. 7. Section thirty-two of said Act, as amended by section one of an Act entitled an Act to amend sections thirty-two and thirty-eight of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, one thousand eight hundred and sixty-one, approved May fourteenth, one thousand eight hundred and sixty-two, is amended so as to read as follows:

Section 32. Upon receiving the assessment roll from the Auditor, the Tax Collector shall proceed to collect the taxes, and shall forthwith give notice to the tax payers of his district, by posting, or causing to be posted, in each township of said district, in three public and conspicuous places, three written or printed notices, that the State and county taxes are due and payable, and that the laws in regard to their collection will be strictly enforced; that in twenty days from the date of such notice he will be and remain at least one day in some public place in said township to receive their taxes, the time and place to be designated in such notice; and he shall also, at the same time, cause to be printed in at least one county newspaper, if there be one in said county, a copy of such notice, and it is hereby made the duty of the Tax Collector to attend pursuant to such notice.

Of Tax  
Collector.

SEC. 8. The Act entitled an Act to provide for the collection and payment of the quota of the direct tax apportioned to this State by an Act of Congress entitled an Act to provide increased revenue from imports to pay interest on the public debt and for other purposes, passed August fifth, one thousand eight hundred and sixty-one, approved April twelfth, one thousand eight hundred and sixty-two, is hereby suspended until the first day of January, one thousand eight hundred and sixty-five; *provided*, that all assessments made in pursuance of the provisions of said Act, in the year one thousand eight hundred and sixty-two, shall be collected, and paid into the General Fund, in accordance

Act sus-  
pended.

Proviso.

with the provisions of said Act; and, *provided*, further, that such suspension shall in no manner affect any violation of such Act, or any penalty for such violation.

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

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CHAP. XXXII.—*An Act to amend an Act entitled an Act concerning Corporations, passed April twenty-second, one thousand eight hundred and fifty, and the several Acts amendatory thereof and supplemental thereto.*

[Approved March 6, 1863.]

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

SECTION 1. Section one hundred and eighty-two of chapter eight of an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty, and the several Acts amendatory thereof and supplemental thereto, are hereby amended so as to read as follows:

Real estate  
held by  
Trustees.

Proviso.

Section 182. 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 country, nor shall the annual increase 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, and the Society of California Pioneers, 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 said Society of California Pioneers, or for the establishment and endowment of a college, school, or schools, libraries, cabinets, and other literary and scientific objects in said State, and for the necessary use and ceremonies of said order and of said society, and may sue and be sued, and have a common seal, and 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.

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



CHAP. XXXIII.—*An Act to amend an Act entitled an Act amendatory of and supplementary to an Act to provide Revenue for the Support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, approved April nineteenth, eighteen hundred and fifty-nine.*

[Approved March 6, 1863.]

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

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

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

Section 4. It shall be the duty of the Assessor to prepare a tax list or assessment roll of real estate, with an alphabetical index connected therewith, in a well bound book or books, in which book or books shall be listed or assessed all the real estate within the city and county, and in the said book or books he shall set down, in separate columns :

*First*—The names of all inhabitants taxable for real estate.

*Second*—All real estate taxable to each, describing the lots, or fractions of lots, by number or otherwise, in any city or incorporated town, and giving the number of acres, as near as possible, of each tract outside such city or town, and the locality and township where it is situated ; *provided*, that whenever two or more parties claim or give in a description of the same land, it shall be assessed to each party making such claim or giving such description.

*Third*—The cash value of the same.

*Fourth*—The Assessor shall also, in another book, make a map or plan of the various blocks within any incorporated city or town, when directed so to do by the Board of Supervisors of the county in which such town or city is situated, and shall mark thereon the various subdivisions as they are assessed, and in each subdivision he shall mark the names of the persons to whom it is assessed ; *provided*, that in the City and County of San Francisco, it shall not be required to describe the lots or parts of lots by metes and bounds, but any numerical description that may be approved by the Board of Supervisors shall be sufficient for assessment purposes. It shall be the duty of the Assessor to prepare a tax list or assessment roll of personal property, alphabetically arranged, in a well bound book or books, in which book or books shall be listed or assessed all the personal property within the city and county, and in the said book or books he shall set down, in separate columns :

*First*—The names of all the inhabitants taxable for personal property.

*Second*—All personal property taxable to each under the classification provided for in section second of this Act ; *provided*, that all storeships and hulks, all steamers, vessels, and water crafts, of every kind and name, may be listed or assessed in the alphabetical order of the names of such storeships, hulks, steamers, vessels and water crafts, instead of the order of the names of

Duties of  
Assessor.

their owners, and in a separate book, at the discretion of the Assessor.

*Third*—The cash value of all personal property.

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

CHAP. XXXIV.—*An Act to repeal an Act entitled an Act to authorize the Incorporation of the City of San Bernardino, passed April thirteenth, eighteen hundred and fifty-four.*

[Approved March 6, 1863.]

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

Act repealed SECTION 1. That an Act entitled an Act to authorize the incorporation of the City of San Bernardino, passed April thirteenth, eighteen hundred and fifty-four, be and the same is hereby repealed.

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

CHAP. XXXV.—*An Act creating a Contingent Fund for Trinity County.*

[Approved March 6, 1863.]

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

Supervisors authorized. SECTION 1. The Board of Supervisors for Trinity County are hereby authorized and empowered to, in each year, set aside from any money in the County Treasury, belonging to the General Fund, any sum, not exceeding fifteen hundred dollars, which shall be known as the Contingent Fund of said county, and shall be subject to the order of the Board of Supervisors in payment for repairing of public buildings, rent, and furnishing rooms for county purposes, stationery, books, fuel, lights, clothing, and ironing of prisoners.

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

[Approved March 6, 1863.]

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

SECTION 1. Section ten of said Act shall be so amended as to read as follows:

Section 10. Claims against the county of Los Angeles, and entitled to be funded by this Act, shall be paid in no other manner than hereinafter provided, and all claims entitled to be funded shall have interest allowed to the first day of July, eighteen hundred and sixty-three, on the same, at the rate of ten per cent per annum, from the date of the protest of the same by the County Treasurer, which interest shall be paid in the same manner as the principal; and all claims remaining unfunded on the first day of July, A. D. eighteen hundred and sixty-one, shall be presented to be funded by the first day of July, eighteen hundred and sixty-three, and the same shall be funded and have the same force, effect, and validity, as if the same had been presented before the first day of July, eighteen hundred and sixty-one, or the same shall, from and after that date, cease to draw interest, and the claim or claims shall not be paid until after the entire liquidation of the debt herein funded.

Restrictions upon certain claims.

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

CHAP. XXXVII.—*An Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and other Acts amendatory thereof.*

[Approved March 6, 1863.]

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

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

Section 27. All wills which shall have been duly proved and allowed in any State, Territory, or District of the United States, or in any foreign country or State, may be allowed and recorded in the Probate Court of any county in which the testator shall have left any estate; *provided*, it has been executed in conformity with the laws of this State.

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

CHAP. XXXVIII.—*An Act to amend an Act entitled an Act to re-incorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two.*

[Approved March 6, 1863.]

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

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

Powers of Trustees.

Section 9. The Trustees shall have power to levy, on or before the first Monday in April, an annual tax, for the necessary expenses of said city, on all the real and personal property therein, not to exceed one per cent per annum.

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

Same.

Section 10. The Trustees shall have power to levy, at the time specified in section nine of this Act, an additional tax on all such real and personal property, not to exceed one and one half per cent per annum, for the purpose of liquidating the city debt. The collection of all taxes shall be governed, so far as practicable, by the State laws existing at the time in relation thereto.

SEC. 3. Section eleven of said Act is hereby repealed.

SEC. 4. This Act shall take effect from and after its passage, and all Acts or parts of Acts inconsistent herewith are hereby repealed.

CHAP. XXXIX.—*An Act to repeal an Act entitled an Act concerning certain Salaries and Fees of Office in the County of Monterey, approved April nineteenth, Anno Domini eighteen hundred and sixty-two, and to revive an Act entitled an Act to regulate Fees in Office in certain counties of this State, approved April twenty-eighth, eighteen hundred fifty seven.*

[Approved March 6, 1863.]

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

SECTION 1. An Act entitled an Act concerning certain salaries and fees of office in the County of Monterey, approved April nineteenth, eighteen hundred sixty-two, is hereby repealed.

SEC. 2. An Act entitled an Act to regulate fees in office in certain counties of this State, approved April twenty-eighth, Anno Domini eighteen hundred fifty-seven, so far as the same relates to the County of Monterey, is hereby revived.

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

CHAP. XL.—*An Act to separate the office of Collector of Taxes from the office of Sheriff in the County of Trinity.*

[Approved March 6, 1863.]

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

SECTION 1. From and after the first Monday in March, one thousand eight hundred and sixty-four, the office of Collector of Taxes in the County of Trinity shall be separate from the office of Sheriff.

SEC. 2. At the general election to be held in the year one thousand eight hundred and sixty-three, and at the general election every second year thereafter, there shall be elected in the said county, a Collector of Taxes, who shall enter upon the duties of his office on the first Monday in March next thereafter, and shall hold said office for two years, and until his successor is elected and qualified. Election.

SEC. 3. The Collector of Taxes elected under the provisions of this Act, shall collect all State and county taxes, all foreign miners' license taxes, and all kinds of public dues, which by law shall be required to be collected by the Sheriff of said county, on the first Monday in March, one thousand eight hundred and sixty-four; and all duties and liabilities imposed by law upon the said Sheriff in the collection of said taxes and public dues, shall attach to the office hereby created; and all authority and power possessed by said Sheriff for the enforcement of the said collections, is conferred upon said Collector; and the said Collector elected under the provisions of this Act shall qualify for said office, and shall give such bond or bonds as shall be by law required to be given by the Sheriff for like responsibility. Duties.

SEC. 4. The Collector of Taxes hereby created shall have the power of appointing one or more Deputies to aid him in his official duties, for whose official conduct he shall be responsible; and each and every such Deputy, before entering upon the discharge of the duties of his office, shall make and subscribe, in writing, upon the back of his certificate of appointment, the oath of office required of his principal, modified to suit his position, and shall immediately thereafter file the same with the County Recorder of said county, and he shall not be considered qualified to act until the same is done. Deputies.

SEC. 5. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed so far as they relate to the County of Trinity; *provided*, that nothing in this Act shall be held to affect the office of Sheriff in said county until the first Monday in March, one thousand eight hundred and sixty-four. Acts repealed.

СНАР. XII.—An Act to grant to Larkin Lamb and his Associates the right to construct and maintain a Toll Bridge across the Cosumnes River, in the Counties of Amador and El Dorado.

[Approved March 6, 1863.]

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

Franchise.

SECTION 1. Larkin Lamb, and those he may associate with him, their heirs and assigns, shall have full power to build, erect, construct, and maintain a public toll bridge across the Cosumnes River, at a point about eighty (80) rods below Dutch Mill; and the said Larkin Lamb and his associates shall have the right of way across the said river, and the privilege of using the same for the purposes before mentioned, and at the point and location before described, and this right is hereby granted and ceded to the parties before mentioned for the term of twenty (20) years; *provided*, that the parties to whom this franchise is granted shall, within twelve months from the passing of this Act, build, erect, and construct a good, substantial, and safe bridge across the said river, and of such width and capacity as will accommodate the travelling public; and if said bridge be not erected and built within the time specified, then the parties to whom this franchise is granted shall be deemed to have forfeited all rights, franchises, and privileges, herein granted; and said parties to whom this franchise is granted shall, at all times after the completion of this bridge, keep the same in good order and condition, and shall be responsible for all damages arising to persons or property crossing the same, caused by neglect to keep the same in proper repair.

Proviso.

Tolls.

SEC. 2. And the said parties to whom this franchise is granted, after the completion of the bridge, are authorized to charge and collect such rates of toll as the Board of Supervisors of the County of Amador shall fix; *provided*, that the rates of toll shall not be placed at less than sufficient to yield ten per cent per annum upon the value of the bridge, cost of keeping the same in repair, and expenses of collecting toll; *provided*, that nothing contained in this Act shall be construed so as to exempt the grantees herein from paying license, as required by the laws of this State in relation to toll bridges.

Rights of Company.

SEC. 3. And the said parties to whom this franchise is granted, shall have the right to regulate and determine the speed of travel, either riding or driving, on said bridge, and may require the speed not to be faster than a walk; notice of such regulations, together with the rates of toll, shall be kept posted upon some conspicuous place on said bridge, and for each violation of said regulations, the parties offending, if prosecuted in any Court of competent jurisdiction, shall be fined in any sum not less than ten dollars nor more than fifty dollars, and in addition, shall be liable to the owners of said bridge for all damages actually sustained by reason of such violation.

Duties.

SEC. 4. The owners of this bridge and franchise shall have the right to regulate and determine the number of stock-cattle that may pass over the said bridge at any one time, which regu-

lation shall be affixed to the rates of toll, in some conspicuous place, as before mentioned; and the said owners of this bridge shall not be responsible for any injury or damages to persons or property resulting from violation of this regulation.

SEC. 5. No ferry or bridge shall be established, within one mile of this bridge franchise, across the Cosumnes River.

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

CHAP. XIII.—*An Act to provide for the Funding of the Indebtedness of the County of San Luis Obispo, outstanding on the first day of July, in the year one thousand eight hundred and sixty-three.*

[Approved March 6, 1863.]

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

SECTION 1. The Board of Supervisors of the County of San Luis Obispo is hereby authorized to fund all outstanding indebtedness of the County of San Luis Obispo which shall have accrued prior to the first day of July, in the year of our Lord one thousand eight hundred and sixty-three, and standing in the shape of warrants legally drawn by the Auditor of said county on the Treasurer thereof, and then remaining unpaid, whether payable out of what are known as the "County General Fund," the "Court House and Jail Fund," the "Hospital Fund," or the "Road Fund," by issuing bonds in payment thereof, payable in ten years from said first day of July, eighteen hundred and sixty-three, bearing interest at the rate of ten per cent per annum, payable annually, to be issued in accordance with this Act. Issuance of bonds.

SEC. 2. On or before the first day of July, Anno Domini eighteen hundred and sixty-three, the Board of Supervisors of said county shall cause bonds for said indebtedness to be prepared, in sums not less than fifty nor more than five hundred dollars. Every holder of county warrants, legally issued or drawn in due form of law on indebtedness of the county, which shall have accrued prior to the first day of July, Anno Domini eighteen hundred and sixty-three, may present the same to said Board of Supervisors, within six months from and after the first day of July, eighteen hundred and sixty-three, in order that the same may be cancelled, and bonds to the amount of such warrants, with interest due thereon, issued in lieu thereof to the holder. It shall be the duty of said Board of Supervisors to issue bonds for said warrants, said bonds to be styled "Bonds of San Luis Obispo County," and shall be signed by the Chairman and Clerk of said Board of Supervisors, and countersigned by the Treasurer of said county, and shall have the seal of the Auditor of said county stamped thereon, and shall also have coupons attached, for the interest, in such man- Bonds.  
Duties of Supervisors

ner as to be removed without mutilating the bonds. The first coupon shall be for the interest accrued up to the first day of January, Anno Domini one thousand eight hundred and sixty-four, and the others for one year's interest, each, thereafter, consecutively numbered, which coupons shall also be signed in like manner as the bonds. The warrants for which bonds shall be issued shall be cancelled immediately after issuing bonds therefor.

Warrants to  
be cancelled

Special in-  
terest tax.

SEC. 3. For the purpose of paying the interest on the bonds issued pursuant to the provisions of this Act, and also to constitute a Sinking Fund for the redemption of the same, it shall be the duty of the Board of Supervisors of said county to cause to be annually levied and collected a special tax, on all real and personal property within said county, of fifty cents on each one hundred dollars valuation of such real and personal property, such tax to be assessed and collected, in the legal gold and silver coin of the United States, at the same time and in like manner as are assessed and collected State and county taxes for other purposes, and the amount of taxes so collected shall be applied solely to the purpose of paying the interest and principal of the bonds authorized to be issued by this Act, until the same shall be fully paid. For the present year, said Board of Supervisors may levy said tax at any time after the first Monday of March, and such tax, so levied, shall have the same force and effect as if levied on that day.

Payment of  
interest.

SEC. 4. The interest on said bonds shall be paid at the Treasurer's office of said county, on the first Monday of January, Anno Domini one thousand eight hundred and sixty-four, and thereafter on the first Monday of January of each year.

Duties of  
officers.

SEC. 5. It shall be the duty of the County Treasurer and Clerk of the Board of Supervisors, each, to keep a correct record of all bonds issued under the provisions of this Act, showing the number, date, the amount of each, and to whom issued.

Redemption

SEC. 6. On the first day of January of each year, when there shall be as much as five hundred dollars collected under the provisions of this Act, over and above the interest due on all bonds issued, it shall be the duty of the County Treasurer to advertise in some public newspaper in said county, if there be one, and if not, by posting notices at three public places in said county, one of which shall be the Court House of said county, and by publication in some newspaper in the City and County of San Francisco for thirty days, stating the amount of such surplus in the Sinking Fund, and inviting bids at his office, on a given day, specifying the hour, for proposals to redeem bonds by this Act authorized to be issued. On the day and at the hour named in such notice, the bidding shall take place, and shall be public, and it shall be the duty of the Treasurer to accept such bids, and in such amounts, the terms of which will be most advantageous to the county, and which will redeem the greatest amount of bonds with such surplus; which surplus shall be applied to the redemption of such bonds for which bids are accepted, and the bonds taken up and cancelled. No bid shall be received at a higher rate than principal and interest.

SEC. 7. Each member of the Board of Supervisors, the Clerk of said Board, and the County Treasurer, as an extra compen-



sation to them, respectively, shall be entitled to have allowed and audited to him the sum of three dollars for every day that he may be actually and necessarily engaged in funding such indebtedness, and in recording said bonds, to be paid by warrants drawn on the "Fund for Current Expenses of the County," and not on the Sinking Fund. All necessary expenses attending the printing and preparation of said bonds, shall also be paid out of the "Fund for Current Expenses."

Pay of officers.

SEC. 8. The moneys paid to San Luis Obispo County, or to its Treasurer, for the use and benefit of the county, except the School Fund, on and after the first day of July, Anno Domini one thousand eight hundred and sixty three, shall be and the same is hereby appropriated to the payment of the current expenses and disbursements of the county accruing on and after that date, and shall not in any event be applied to any other purpose whatever. There shall be but one Fund in said county for the payment of such current expenses, which shall be the "Fund for Current Expenses," into which shall be placed and out of which shall be paid all moneys coming into the Treasury thereof for county purposes, from whatever source, other than the School Fund, and excepting such as may be collected under this Act.

Current Expense Fund.

SEC. 9. In addition to the sixty cents on each one hundred dollars of taxable property, authorized to be levied by section first of an Act to provide revenue for the support of the government of this State, passed May seventeenth, eighteen hundred and sixty-one, and such additional and special taxes as the laws of the State may authorize or require them to levy and collect, the Board of Supervisors of said County of San Luis Obispo are hereby authorized and empowered to levy an annual tax on the taxable property of said county, not exceeding sixty cents on each one hundred dollars thereof, for the use of said "Fund for Current Expenses," the same to be paid into and disbursed from said Fund as hereinbefore provided.

Special tax.

SEC. 10. The Board of Supervisors of San Luis Obispo County shall not, for any purpose, contract debts or liabilities, except those fixed by or in pursuance of law, and no account or bill for indebtedness against said county shall be approved, nor shall any warrant, order, or scrip whatever, for any purpose, be drawn on said "Fund for Current Expenses," except against money actually in said Fund at the time for the payment of the same.

Restrictions upon Supervisors.

SEC. 11. An Act entitled an Act to provide for the payment of the debts of the Counties of San Luis Obispo and Santa Barbara, passed March thirty-first, eighteen hundred and fifty-seven, and an Act entitled an Act amandatory of an Act entitled an Act to provide for the payment of the debts of the Counties of San Luis Obispo and Santa Barbara, approved March thirty-first, one thousand eight hundred and fifty-seven, approved April twenty-first, eighteen hundred [and] fifty-eight, so far as the same apply to the County of San Luis Obispo, and an Act entitled an Act to provide for the erection of a Court House and Jail in the County of San Luis Obispo, passed April twenty-fourth, eighteen hundred [and] fifty-seven, are hereby repealed; *provided*, that all moneys now in the County Treasury for county

Acts repealed.

**Proviso.** purposes, or which may hereafter be collected from assessments already made previous to the present year, and which may be so collected prior to the first day of July, Anno Domini one thousand eight hundred and sixty-three, shall be disbursed in accordance with the Acts under which the same were levied; but all such moneys collected after the date aforesaid, shall go into the "Fund for Current Expenses."

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

CHAP. XLIII.—*An Act to amend an Act entitled an Act creating the Office of Township Collector and Assessor in the Counties of El Dorado and Amador, approved April twenty-fifth, Anno Domini eighteen hundred and sixty-two.*

[Approved March 6, 1863.]

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

**SECTION 1.** Section six of the above entitled Act is hereby amended so as to read as follows:

**Duties of officers.**

**Section 6.** Each Township Collector shall, on the first Monday of each month, make a full settlement with the County Auditor. The Collector shall first pay over all moneys collected by him for property taxes, foreign miners' licenses, poll taxes, and State and county licenses, less his fees for collections, to the County Treasurer, and take from said Treasurer his receipt for the same. Said receipt shall show:

*First*—The amount paid to said Treasurer for money collected for property taxes.

*Second*—The amount paid to said Treasurer for money collected for foreign miners' licenses.

*Third*—The amount paid to said Treasurer for money collected for State and county licenses.

*Fourth*—The amount paid to said Treasurer for money collected for poll taxes.

*Fifth*—The total receipts.

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

**Fees of Collector.**

**Section 7.** In the County of Amador, each Collector shall be allowed, at each monthly settlement, five per cent upon all moneys collected for property tax; twenty per cent upon all moneys collected for foreign miners' licenses; fifteen per cent upon all moneys collected for poll taxes; and ten per cent upon all moneys collected for State and county licenses, in the preceding month, and the fees now allowed by law for enforcing the collection of the same. The one dollar required to be paid by the person to whom the State and county license is sold, as provided in the General Revenue Law, approved May seventeenth, eighteen hundred and sixty-one, shall be collected by the Township Collector, and paid by him into the County Treasury at the same time that other moneys are collected and

paid. Seventy-five cents of the extra dollar collected on poll taxes after the first Monday in August, shall be paid to the County Treasurer, for the School Fund of the county, and twenty-five cents be retained by the Collector as fees, in addition to fifteen per cent on the first two dollars, which it shall be lawful for him to retain, as compensation for the collection of said poll tax. In the County of El Dorado, each Collector shall be allowed, at each monthly settlement, five per cent upon all moneys collected for property tax; twenty per cent upon all moneys collected for foreign miners' licenses; fifteen per cent upon all moneys collected for poll taxes; and for State and county licenses, the Collector shall be entitled to demand and receive as a fee, the sum of one dollar for each license sold, one half of which shall go to the Auditor, to be paid by him into the County Treasury, for county purposes. Said sum of one dollar shall be paid by the person to whom the license is sold. The Collector shall also receive the fees now allowed by law for enforcing the collection of said taxes and licenses in said County of El Dorado. Seventy-five cents of the extra dollar collected on poll taxes after the first Monday in August, shall be paid to the County Treasurer, for the School Fund of the county, and twenty-five cents to be retained by the Collector as fees, in addition to fifteen per cent on the first two dollars, which it shall be lawful for him to retain, as compensation for the collection of said poll tax.

Disposition  
of moneys.

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

Section 15. The Board of Equalization in and for said County of Amador is hereby required to meet in said county, on the second Monday of June, in the year one thousand eight hundred and sixty-three, and on the same day annually thereafter; and in the County of El Dorado, on the second Monday of June, in the year one thousand eight hundred and sixty-four, and on the same day annually thereafter. Said Boards of Equalization shall continue in session in their respective counties from time to time until the business of equalization presented to them is disposed of; *provided*, said Boards of Equalization shall not continue in session after the first Monday in July following. During the session of the Board, the Clerk thereof shall enter upon the assessment roll of each township, all changes and corrections made by the Board, and shall, on their adjournment, forthwith deliver the assessment roll, so corrected, to the County Auditor, whose duty shall be to add up the columns of valuation of each description of property on the assessment roll of each township, and on or before the third Monday in July, he shall deliver a true copy of the corrected assessment roll of each township, to be styled a "duplicate assessment roll," with State, county, and other taxes, and totals of taxes, to each person, carried out in separate columns, with his certificate and seal attached thereto, to the Collector for whom the assessment roll was made.

Meetings  
of Board of  
Equalization

Proviso.

SEC. 4. This Act shall be in force from and after its passage, so far as the same relates to Amador County.

CHAP. XLIV.—*An Act to consolidate the School Funds of the City of San José.*

[Approved March 6, 1863.]

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

Consolidation of School Funds

SECTION 1. All moneys set apart by the Common Council of the City of San José, or received by the Treasurer of said city from any source whatever, for School purposes, for the payment of Teacher's wages, or for the contingent expenses of the Schools of said city, shall be consolidated into one Fund to be designated as "the Common School Fund of the City of San José," which Fund shall be held by the City Treasurer, subject to the order of the Board of Education of said city, in like manner as hereinafter provided.

Payment of salaries, etc.

SEC. 2. When any person shall be entitled to receive pay for services rendered as Teacher in any of the Public Schools in San José, or for expenses incurred, or labor performed in the erection of School-houses, repairing School buildings, yards, or fences, furnishing fuel, School apparatus, or necessary fixtures, as may be authorized by vote of the qualified electors of said city, or by the Board of Education, as now provided by law, it shall be the duty of said Board of Education, or a majority of them, to draw an order upon the City Treasurer for such sums as may be due, and in favor of the person or persons justly entitled to the same, which order shall state the nature of the services rendered, or expenses incurred, and shall be certified to by the City Superintendent of Public Schools; *provided*, that no such order shall be issued by said Board, unless there is sufficient money in said Common School Fund to meet the same.

Duty of Treasurer.

SEC. 3. The Treasurer of the City of San José shall pay out any money in the Common School Fund in his hands upon the certified orders of the Board of Education, as provided in section two of this Act, and in no other manner and for no other purpose than those designated in said section.

Duties of Board of Education.

SEC. 4. The Board of Education of the City of San José shall, at their last regular meeting in each fiscal year, prepare a statement in writing of the amount of money necessary to be raised by tax for School purposes, to meet the expenses of the Public Schools of said city for the ensuing fiscal year, which statement shall be certified by the City Superintendent of Public Schools, and submitted to the Common Council of the City of San José, and said Common Council shall be required to assess and levy said tax in like manner as now provided by law.

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

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

CHAP. XLV.—*An Act conferring Jurisdiction upon the State Courts in certain cases arising under the Act of Congress.*

[Approved March 6, 1863.]

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

SECTION 1. Whenever any impost tax, license tax, stamp tax, income tax, or other tax or revenue whatever, may become and be due and payable to the United States of America, or to any of its officers or Collectors, under and by virtue of the provisions of the Act of Congress, approved July first, one thousand eight hundred and sixty-two, entitled an Act to provide internal revenue to support the Government, and to pay interest on the Public Debt, or of any amendment thereto, or of any other Act imposing the same kind or similar taxes, or imposing any forfeiture or penalty, suit may be brought therefor in the name of the United States of America, as plaintiff, in any Court of otherwise competent jurisdiction of this State; and all the provisions of the third proviso of section seventy-seven of an Act, approved May seventeenth, one thousand eight hundred and sixty-one, entitled an Act to provide revenue for the support of the government of this State, shall be and they are hereby made applicable to every suit brought by or on behalf of the United States of America for the recovery of any tax or revenue, forfeiture, or penalty, due as aforesaid. Jurisdiction conferred.

SEC. 2. Every Court in this State shall have and it is hereby given the same jurisdiction and control over any suit brought by or on behalf of the United States for any matter or thing mentioned in section one, that such Court would have in any other civil case brought against the same defendant for the same amount. Same.

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

CHAP. XLVI.—*An Act to amend an Act entitled an Act to legalize certain grants and sales made by the Ayuntamiento of the Pueblo, and by the Mayor and Common Council of the City, of Santa Barbara, of Lands belonging to the said Pueblo and City, approved May fourteenth, eighteen hundred and sixty-one.*

[Approved March 6, 1863.]

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

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

Section 4. Certain books of record kept by the former Ayuntamiento of Santa Barbara, entitled "Actas ó Acuerdos del Ayuntamiento y Libro de Solaros y Terrenos de Labranza," shall be deposited by the custodian thereof in the office of the Re- Records legalized.

order of the County of Santa Barbara, where they shall remain as a part of the records of said county, and anything contained therein may thereafter be read as prima facie evidence of the Acts recited therein without further proof of authenticity; and such books of record shall be, in like manner as legally recorded conveyances, notice to all persons of the contents thereof, from the time of such deposit.

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

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CHAP. XLVII.—*An Act to amend the Twenty-First Section of an Act entitled an Act to provide for the establishment, maintenance, and protection of Public and Private Roads, approved May sixteenth, eighteen hundred and sixty-one.*

[Approved March 6, 1863.]

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

SECTION 1. Section twenty-one of an Act entitled an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, is amended so as to read as follows:

Exceptions. SECTION 21. The Counties of Klamath, Sacramento, Sutter, Placer, San Joaquin, Humboldt, Sierra, Plumas, Nevada, Trinity, Mendocino, and Butte, and all incorporated cities and towns, are excepted from the provisions of this Act, and the Counties of Sonoma and Marin from the provisions of the thirteenth to the twentieth section, inclusive. This Act shall not apply to the City and County of San Francisco, except so much of it as provides for the location, alteration, or vacation of any road or highway; and said portion of this Act shall only apply to road districts which may be established in the eleventh and twelfth election districts in said city and county.

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CHAP. XLVIII.—*An Act to amend an Act entitled an Act to fix the time of holding the County Court and Court of Sessions in Solano County, approved March twentieth, eighteen hundred and sixty.*

[Approved March 6, 1863.]

*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:

Terms fixed. SECTION 1. The terms of the County Court and the Court of Sessions of Solano County shall hereafter be held on the first

Monday of April, August, and December, of each year, and shall continue until all the business of each Court shall be disposed of.

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

CHAP. XLIX.—*An Act supplemental to an Act to incorporate a State Agricultural Society, approved May thirteenth, eighteen hundred and fifty-four, and amended March twentieth, eighteen hundred and fifty-eight.*

[Approved March 12, 1863.]

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

SECTION 1. The general prudential and financial affairs of the Society shall be intrusted to a Board of Agriculture, to consist of a President and nine Directors, five of whom shall constitute a quorum. Board of Agriculture created.

SEC. 2. Said Board of Agriculture shall be elected at a general State Agricultural Convention, to be held at Sacramento City, the Capital of the State, in the month of January of each year, to consist of the life members and annual members of the State Agricultural Society, and four delegates from each County Agricultural Society within this State, incorporated under the general law of the State for such corporations, and an equal number from each District Agricultural Society, also incorporated under the general law of the State for such purposes. Election.

SEC. 3. The Board of Agriculture shall, at its first meeting after its election, be divided by lot into three equal portions, (omitting the President,) one portion to continue in office one year, one portion two years, and one portion three years; one third of the number, together with a President, to be elected at the State Agricultural Convention, annually thereafter; the Directors to hold office three years. Term of office.

SEC. 4. The Board of Agriculture may in the absence of the President choose one of its other members temporary Chairman. They shall elect a Treasurer and Secretary, not members of the Board, prescribe their duties, fix their pay, and the said Treasurer and Secretary shall be subject to removal at any time by a majority of said Board. Powers of Board.

SEC. 5. The Board of Agriculture shall use all suitable means to collect and diffuse all classes of information calculated to aid in the development of the agricultural, stock-raising, mineral, mechanical, and manufacturing resources of the State; shall hold an Annual Exhibition of the industry and products of the State, and on or before the first day of January of each year in which the Legislature shall be in regular session, they shall furnish to the Governor a full and detailed account of all its transactions, including all the facts elicited, statistics collected, and information gained, on the subject for which it exists; and also a dis- Duties.

inct financial account of all funds received, from whatever source, and of every expenditure, for whatever purpose, together with such suggestions as experience and good policy shall dictate, for the advancement of the best interest of the State; the said reports to be treated as other State documents are.

**Marshals.** SEC. 6. The Board of Agriculture shall have power to appoint a suitable number of persons to act as Marshals, who shall be, from twelve o'clock, noon, of the day previous to the opening of the exhibition, until noon of the day after the close of the same, vested with all the powers and prerogatives with which constables are invested, so far as acts or offences, committed within, or with reference to, or in connection with, the exhibition, are concerned.

**Premiums.** SEC. 7. The Board of Agriculture may, in its discretion, award premiums for the best cultivated farms, orchards, vineyards, gardens, et cetera; *provided*, that said Board shall not audit, allow, or pay, an amount exceeding one thousand dollars, in any one year, for travelling expenses of Visiting Committees in examining said farms, et cetera; *provided*, further, that no person except practical agriculturalists shall be appointed on said committees.

**Proviso.** SEC. 8. It shall be optional with any person to whom a premium is awarded, to receive the article named, or its equivalent (as affixed) in coin.

**Powers of Board.** SEC. 9. The State Agricultural Society shall have power, at its first annual meeting after the passage of this Act, to make such alterations in its Constitution as shall make it conform to the provisions of this Act.

SEC. 10. All Acts or provisions in conflict with the provisions of this Act are hereby repealed.

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

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CHAP. I.—*An Act to amend an Act entitled an Act to amend an Act to incorporate a State Agricultural Society, and to appropriate money for its support, approved May thirteenth, eighteen hundred and fifty-four, and amended March thirtieth, eighteen hundred and fifty-eight, approved March twelfth, eighteen hundred and sixty-three.*

[Approved March 12, 1863.]

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

SECTION 1. Section two is hereby amended so as to read as follows:

**Election of Board.** SECTION 2. Said Board of Agriculture shall be elected at a general State Agricultural Convention, to be held at the Capital of the State, in the year one thousand eight hundred and sixty-three, in the month of March, and in the month of January every year thereafter, to consist of the life members and annual members of the State Agricultural Society, and four delegates



from each County Agricultural Society within this State, incorporated under the general laws of this State for such corporations, and an equal number from each District Agricultural Society, also incorporated under the general laws of this State for such purposes; said delegates to be chosen at the annual Fair or annual meeting of each such society next preceding the State Agricultural Convention; *provided*, said Convention to be held in March, in the year one thousand eight hundred and sixty-three, may admit any person or persons representing any of said County or District Agricultural Societies as the Convention may determine by a majority vote, whether such persons shall have been elected by their respective County or District Agricultural Societies, as provided in this Act, or not.

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

CHAP. LI.—*An Act to transfer certain Funds.*

[Approved March 14, 1863.]

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

SEC. 1. The sum of four thousand dollars is hereby transferred from the Legislative Fund, and the same is hereby appropriated to pay the contingent expenses of the Assembly. The sum of four thousand dollars is hereby transferred from the Legislative Fund, and the same is hereby appropriated, to pay the contingent expenses of the Senate.

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

CHAP. LII.—*An Act Concerning certain Salaries in the County of Santa Barbara.*

[Approved March 16, 1863.]

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

SECTION 1. The County Clerk of the County of Santa Barbara shall receive, for all services required of him by law, for which such county is chargeable, as such Clerk, or as Auditor, Recorder, Clerk of the Board of Supervisors, Clerk of the Board of Equalization, Clerk of the Board of Canvassers, Superintendent of Schools, or in any other way by virtue of his office, or in any of his ex-officio offices, the sum of eight hundred dollars per annum, to be paid quarterly out of the County Treasury, and in no case whatever shall he be allowed any other fee or compensation for any service rendered for or in behalf of the county by virtue of his said office or offices and the require-

ments of law, except the aforesaid sum of eight hundred dollars per annum.

District  
Attorney.

SEC. 2. The District Attorney of said county shall receive a salary of five hundred dollars a year, payable monthly, and such fees as are allowed by law.

Assessor.

SEC. 3. The Assessor of said county shall receive for all services rendered by him or his deputies under any of the revenue laws of this State, the sum of six hundred dollars per annum, payable at the time and in the same manner as the Assessor's fees are now payable by law.

SEC. 4. All laws and parts of laws conflicting with the provisions of this Act are hereby repealed as far as the County of Santa Barbara is concerned.

SEC. 5. This Act shall take effect and be in force from and after the eighth day of September, eighteen hundred and sixty-three.

CHAP. LIII.—*An Act to change the name of James Gilmore to Henry James Reese.*

[Approved March 16, 1863.]

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

SECTION 1. It shall be lawful for James Gilmore, adopted son of Ellen E. Reese, of San Francisco, to be hereafter known as Henry James Reese, to which his name is hereby changed.

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

CHAP. LIV.—*An Act to provide for re-locating the County Seat of the County of Marin by the qualified voters of said county.*

[Approved March 16, 1863.]

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

Election  
authorized.

SECTION 1. It shall be lawful for the qualified voters of Marin County, at the next general election for Governor and State officers, to vote for or against the removal of the county seat of said county to Olema, at such place or spot on either side of the stream called the Olemas Lake, as the Board of Supervisors of said county shall determine.

Balls.

SEC. 2. Each person voting for the removal of the county seat shall indorse upon his ticket the words "For Removal;" and each person voting against such removal, shall endorse upon his ticket the words "Against Removal."

SEC. 3. If a majority of all the votes cast at such general election shall be in favor of the removal of the county seat,

then, in that case, the county seat of said county shall be and is hereby established at said Olema; and directly upon the canvass of such vote, the Board of Supervisors of said county shall provide for the removal and safe keeping of the archives, records, and books, and all other public property of said county, and for the buying, leasing, or procuring of proper buildings for the preservation thereof, and for the transaction of the public business, and shall further have power, in their discretion, to proceed to purchase, or take by gift, the necessary land for the public use, and to erect the necessary buildings thereon.

Duties of Supervisors

SEC. 4. All the laws governing general elections and the qualifications of voters, and all the penalties attached thereto, shall be applicable to the election provided for in this Act.

Laws made applicable.

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

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CHAP. LV.—*An Act to fix the Salary of the County Judge of San Joaquin County.*

[Approved March 16, 1863.]

*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 San Joaquin County, from and after the expiration of the term of the present incumbent, shall be three thousand dollars per annum.

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

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CHAP. LVI.—*An Act to amend an Act entitled an Act to confer further powers upon the Board of Education and the Auditor and Treasurer of the City and County of San Francisco, also amendatory of an Act, approved April twenty-third, one thousand eight hundred and fifty-eight, entitled an Act to confer further powers upon the Board of Supervisors and Auditor and County Treasurer of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned, approved March fifteenth, eighteen hundred and sixty.*

[Approved March 16, 1863.]

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

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

Section 8. The Board of Education shall also be authorized to draw warrants upon the School Fund in such sums as they may deem necessary, not exceeding five hundred dollars each month, for the purpose of paying Janitors to take care of School

Powers of Board.

buildings; and the Auditor of said city and county is hereby empowered and required to audit such warrants, and the Treasurer thereof to pay the same out of said School Fund.

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

CHAP. LVII.—*An Act to amend an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof; approved April nineteenth, eighteen hundred and fifty-eight, of and to which there is a certain other Act amendatory and supplementary, approved April eighteenth, eighteen hundred and fifty-seven, approved April twenty-fifth, eighteen hundred and fifty-seven.*

[Approved March 16, 1863.]

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

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

Powers of Board.

Section 2. The Board of Education of said city and county shall have power to select and designate Common School Marshals, who shall perform the duties of the Marshals named in section eighteen of an Act entitled an Act to establish, support, and regulate Common Schools, and repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five; and such Common School Marshals shall receive as compensation for the services by law required of them, such sum or sums as the said Board of Education shall, in their discretion, allow therefor, not exceeding seven hundred dollars each year; and the demands of said Common School Marshals for the compensation so allowed them shall be approved and audited in the same manner as the demands of Teachers in the Common Schools for wages; and the Auditor of said city and county is hereby empowered and required to audit, and the Treasurer thereof to pay said demands out of the School Fund.

Duty of Auditor and Treasurer.

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

CHAP. LVIII.—*An Act for the relief of Manasseh Sleeper, Tax Collector of Siskiyou County.*

[Approved March 16, 1863.]

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

SECTION 1. The County Auditor of Siskiyou County, in making his settlement with Manasseh Sleeper, Tax Collector of

said county, shall credit the said Tax Collector with the sum of four hundred dollars, being the amount of one hundred foreign miners' license receipts, which receipts were lost in the year one thousand eight hundred and sixty-two; and the County Treasurer of said Siskiyou County, in making his settlement with the County Auditor, and the Controller of State, in making his settlement with the County Treasurer of said county, shall credit the said Auditor and Treasurer, respectively, with the sum of four hundred dollars, being the amount of the foreign miners' license receipts above named.

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

CHAP. LIX.—*An Act to authorize the Board of Supervisors of Trinity County to levy a Tax for a County Building Fund.*

[Approved March 16, 1863.]

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

SECTION 1. The Board of Supervisors of Trinity County are hereby authorized to levy a special tax of one fourth of one per cent on the taxable property in said county, in the years eighteen hundred and sixty-three and sixty-four, in addition to other taxes authorized by law, for the purpose of building or purchasing suitable buildings for the county. Special tax.

SEC. 2. Said tax may be levied at the annual meetings of said Board in each of said years at which State and county taxes are authorized to be levied, and shall be collected in the same manner as other county taxes, and the money arising therefrom shall be devoted exclusively to the construction of or the purchase of such buildings as shall be necessary and suitable for the use of the county, under the direction of the said Board of Supervisors. Levy.  
Disposition of money.

SEC. 3. The above tax may be levied on each succeeding year after eighteen hundred [and] sixty-three and eighteen hundred [and] sixty-four, and until sufficient fund shall have accrued for the purposes as specified in the first section of this Act; but if any surplus thereof shall remain, after the expenses of constructing or the purchase of such buildings, and the fitting and repairing of the same, such surplus shall be placed in the Redemption Fund of said County. Annual levy  
Surplus.

CHAP. LX.—*An Act authorizing and empowering the Common Council of the City of Stockton to vacate parts of certain Streets in said City.*

[Approved March 16, 1863.]

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

Powers of Council.

SECTION 1. The Common Council of the City of Stockton is hereby authorized and empowered to vacate parts of certain streets in said city, to-wit: All that part of Flora Street that lies between Aurora Street and José Jesus Street, and between Stanislaus Street and American Street; and also, all that part of José Jesus Street and that part of Stanislaus Street that lie between Park Street and Flora Street.

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

CHAP. LXI.—*An Act to amend an Act entitled an Act defining the duties of County Clerk, passed April eighteenth, eighteen hundred [and] fifty.*

[Approved March 16, 1863.]

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

SECTION 1. Section seven of an Act entitled an Act defining the duties of County Clerk, passed April eighteenth, eighteen hundred [and] fifty, is hereby amended so as to read as follows:

To keep office at county seat.

Office hours.

Section 7. The County Clerk shall keep his office at the county seat of his county, and shall take charge of and safely keep or dispose of, according to law, all books, papers, and records, which are or may be filed or deposited in his office; and shall keep his office open, for the transaction of business, every day in the year, except Sunday, New Year's Day, Fourth of July, Christmas Day, Thanksgiving Day, and the days on which the General Election and the Special Judicial Election are held, from and including the hour of nine o'clock in the forenoon, to the hour of five o'clock in the afternoon.

CHAP. LXII.—*An Act to amend an Act entitled an Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred [and] fifty-six.*

[Approved March 16, 1863.]

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

SECTION 1. The title of said Act is hereby amended so as to read as follows: "An Act concerning hogs found running at large in certain counties in this State."

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

Section 1. All hogs found trespassing upon the premises of any person in the Counties of Marin, Alameda, Sacramento, San Francisco, Stanislaus, Yuba, Santa Clara, and Butte, the owner or proprietor of such premises may take up and safely keep, at the expense of the owner or owners thereof, all such hogs so found trespassing.

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

CHAP. LXIII.—*An Act to amend an Act entitled an Act concerning the Office of State Treasurer, passed January twenty-fourth, eighteen hundred and fifty.*

[Approved March 16, 1863.]

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

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

Section 5. He shall deliver to the Governor, on the first Monday of November, annually, a full exhibit of all moneys received by him into and paid out of the Treasury, showing, under separate and appropriate heads, on what account, and from what sources received, and for what particular services or object the same has been paid out by him, and shall give information, in writing, to either House of the Legislature, whenever required, upon any subject connected with the Treasury, or any duty of his office.

CHAP. LXXIV.—*An Act to amend an Act entitled an Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one.*

[Approved March 16, 1863.]

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

SECTION 1. Section four of an Act entitled an Act concerning County Recorders, passed March twenty-sixth, eighteen hundred and fifty-one, is hereby amended so as to read as follows:

Office hours.

Section 4. It shall be the duty of the Recorder of each county to keep his office open, for the transaction of business, every day in the year, except Sunday, New Year's Day, Fourth of July, Christmas Day, Thanksgiving Day, and the day on which the General Election and the Special Judicial Election are held, from and including the hour of nine o'clock in the forenoon, to the hour of five o'clock in the afternoon.

CHAP. LXXV.—*An Act to amend Section One Hundred and Forty of an Act concerning Crimes and Punishments, approved April fifteenth, eighteen hundred and fifty.*

[Approved March 16, 1863.]

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

SEC. 1. Section one hundred and forty of said Act is amended so as to read as follows:

Willful injury to property.

Section 140. Every person who shall wilfully and maliciously cut, break, injure, or destroy, any bridge, mill, dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected to create hydraulic power, or to drain or reclaim any Swamp and Overflowed, Tide, or Marsh Land, or to conduct water for mining, manufacturing, reclaiming, 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, levee, 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.

Penalty.



CHAP. LXVI.—*An Act amendatory of an Act relating to the Indenturing of Minors, passed May twelfth, eighteen hundred and sixty-two.*

[Approved March 16, 1863.]

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

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

Section 1. The Board of Lady Managers of the San Francisco Ladies' Protection and Relief Society, by their President and Secretary, may bind out any child under their care, or who shall come under their care, until such child shall become of age, or any shorter time, to serve as clerk, apprentice, or servant, in any profession, trade, or employment, and such binding shall be as valid and effectual as if such child had bound himself, with the consent of his father or mother, or either of them. The Board of Supervisors of the several counties of this State shall have similar powers to indenture all children within their respective counties who are destitute of parents or Guardians, or means of support; *provided*, that the power conferred by this section on the Board of Supervisors, shall, in those counties in which the township law is in force, be exercised by the Board of Township Trustees.

San Francisco Protection and Relief Society may indenture minors.

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

Section 2. The binding out of any child under the provisions of this Act, shall be by indenture, in writing, executed in triplicate, by the President and Secretary of said Board of Lady Managers, under the direction of said Board, or by the Board of Supervisors of any county, and the person or persons to whom such child shall be bound, and acknowledged before the County Judge, District Judge, or Notary Public, and one copy of said indenture shall be filed with the County Clerk of said City and County of San Francisco, or the County Clerk of the county wherein the indenture is made.

Validity of indentures.

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

CHAP. LXVII.—*An Act to repeal Section One of an Act entitled an Act to authorize the Board of Supervisors of Calaveras County to employ a competent person to examine the Records, and ascertain the present Existing Debt of said County, and to allow a reasonable compensation for the same, and also to allow a reasonable compensation for the examination already made of the Tax Rolls of said County for the years eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, and eighteen hundred and sixty.*

[Approved March 16, 1863.]

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

Section  
repealed.

SECTION 1. Section one of an Act, approved April tenth, eighteen hundred and sixty-two, entitled an Act to authorize the Board of Supervisors of Calaveras County to employ a competent person to examine the Records, and ascertain the present existing debt of said county, and to allow a reasonable compensation for the same, and also to allow a reasonable compensation for the examination already made of the tax rolls of said county for the years eighteen hundred and fifty-eight, eighteen hundred and fifty-nine, and eighteen hundred and sixty, is hereby repealed.

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

CHAP. LXVIII.—*An Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.*

[Approved March 16, 1863.]

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

SECTION 1. Section three hundred and ninety-four of said Act is hereby amended so as to read as follows :

Section 394. The following persons shall not be witnesses :

Who shall  
not be  
witnesses.

*First*—Those who are of unsound mind at the time of their production for examination.

*Second*—Children under ten years of age, who, in the opinion of the Court, appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly.

*Third*—Mongolians, Chinese, or Indians, or persons having one half or more of Indian blood, in an action or proceeding wherein a white person is a party.

*Fourth*—Persons against whom judgment has been rendered upon a conviction for a felony, unless pardoned by the Governor, or such judgment has been reversed on appeal.

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

CHAP. LXIX.—*An Act amendatory of and supplemental to an Act entitled an Act to incorporate the City of San José, passed March sixteenth, eighteen hundred and fifty-nine, and all Acts amendatory thereof.*

[Approved March 16, 1863.]

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

SECTION 1. All that tract of land now called the City of San José, situated in the County of Santa Clara, and lying within the following limits and bounds, that is to say: Beginning on the centre line of Second Street, at a point one mile and a half southeasterly from its intersection with the centre line of San Fernando Street, thence running in a straight line parallel with San Fernando Street to the centre of the Coyote Creek, thence down said creek to its intersection with a line drawn through the centre of Rosa Street; thence along said line, in a straight course, to a point forty rods southwesterly from the west bank of the River Guadalupe; thence, in a straight line, to a point in the centre line of San Fernando Street, produced forty rods southwesterly from the said west bank; thence, in a straight line, to such a point southwesterly from said west bank, that a line drawn from it to the place of beginning shall be parallel with San Fernando Street; thence, along said line to the place of beginning, shall henceforth be known as the City of San José. Boundaries.

SEC. 2. The government of said city shall be vested in a Mayor, a Common Council, to consist of six members, a City Marshal, a City Clerk, and a City Treasurer. The said Mayor and Councilmen shall be a body politic and corporate, by the name and style of "The Mayor and Common Council of the City of San José," and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued in all Courts and in all actions whatsoever, may have and use a common seal, and alter the same at pleasure, and may provide for the use and regulation of all the commons and property of the city by lease or otherwise. Officers of City Government.

SEC. 3. The said Mayor and Councilmen, City Marshal, Clerk, and City Treasurer, shall be elected by the qualified voters of the city on the second Monday in April of each and every succeeding year, at a charter election to be held for that purpose, by the legal voters resident of said city, and they shall hold their offices for one year, and until their successors are elected and qualified, with the exception of the Councilmen, one half of whose numbers shall hold for two years, which shall be determined by allotment at the first meeting of the Council after their election in A. D. eighteen hundred and sixty-three, so that in each succeeding year but three Councilmen shall be elected, whose term of office shall be for two years, and until their successors are elected and qualified. Election.  
Term of office.

SEC. 4. For all elections to be held to fill the offices created by this Act, the Common Council shall appoint one Inspector, and two Judges of Election, who, together with two Clerks, to be appointed by them, shall take the oath of office prescribed Officers of elections.

- by law for Inspectors and Judges of State and county elections, (the said elections to be held at the City Hall,) declare the polls to be open, proceed to receive votes, and declare the result. The person having a plurality of all the votes cast, shall be declared elected. The Common Council shall determine the amount of compensation of each of such officers of election, which shall not exceed three dollars per day. And all returns of city elections shall be made out and signed by said officers of election, and filed with the City Clerk. The polls for all elections shall be opened at eight o'clock A. M., and continue open until six o'clock P. M., of the same day. In case any of the officers so designated shall fail to attend, those attending shall fill their places by appointing other competent persons from among the qualified electors present.
- Compensation.** SEC. 5. The Mayor and Common Council shall, on the first Monday after their election, meet for the transaction of business, and shall thereafter meet on the first Monday of each succeeding month.
- Vacancies.** SEC. 6. If, at any time, either or any of the officers created by this Act shall, by sickness, absence, or otherwise, be unable to perform the duties of his office for a longer period than three consecutive months, his office shall be deemed vacant.
- Same.** SEC. 7. If any such vacancy shall occur in the office of Mayor or Councilman at any time three months previous to the regular election, the same shall be filled by a special election, to be called by the Common Council for that purpose, by giving ten days notice thereof. If any vacancy shall occur in the office of City Marshal, Clerk, or Treasurer, the same shall be filled by appointment by the Common Council.
- Duties of Mayor.** SEC. 8. The Mayor shall preside at all meetings of the Common Council, but shall be entitled to no vote unless in case of a tie. He shall communicate, by message, to the Common Council, all such information as he possesses, and make such recommendations in regard to the affairs of the city as he may deem expedient, and he shall make out and publish in some newspaper printed in said city, a semi-annual report and statement, on the first Mondays of September and March of each year, of the receipts and expenditures of the preceding months, specifying upon what account each expenditure and receipt was made and had, and embodying also, his views and recommendations of the city affairs.
- Duties and powers of Council.** SEC. 9. The Common Council shall pass such ordinances from time to time as they may deem expedient for the regulation of the municipal affairs of the City of San José, and for that purpose shall have power to make provisions for paying or in any manner liquidating the indebtedness of the city, in accordance with the provisions of this Act, and such laws as are now in force providing for the funding of the indebtedness of the city; to fix the amount of penalty on the bonds of the several city officers, and such bonds shall be made payable to the Mayor and Common Council of the City of San José; *provided*, the penalty on any bond shall not be less than double the amount of money presumed to be in his or their hands at any one time; to prevent and remove nuisances within the limits of the city; to license, regulate, and restrain, theatrical and other amuse-
- Proviso.**

ments within the city; to license all and every kind of business authorized by law and transacted or carried on in said city, and to fix the rate of license tax upon all such business, which shall not exceed the amount fixed by law for State and county purposes, with fifty per cent added thereto; *provided*, Proviso. that in the business of selling intoxicating liquors in less quantities than one quart, and on any other business not provided for by law, the amount of license shall be fixed at their discretion for the interests of the city; to establish and regulate markets; to purchase, hold, and maintain fire engines and implements for the prevention and suppression of fires; to construct wells and cisterns, and keep the same in repair; to organize and maintain a Fire Department, and supply the city with water; to lay out, alter, widen, open, improve, and cleanse, the streets, alleys, and public places; to use, occupy, and repair, any property of the city; to impose and appropriate fines, penalties, and forfeitures, for breaches of city ordinances; to levy and collect taxes upon all the taxable property within the city, which taxes, for city purposes, shall not exceed one half of one per cent on the assessed value of the real and personal property in said city as adjusted by them; to pass such other ordinances and by-laws for the regulation of the police and government of the city as they shall deem necessary, all of which ordinances shall be published in such manner as shall be prescribed by the Common Council.

SEC. 10. Every ordinance passed by the Common Council, in order to possess legal force, shall receive a majority vote of the members present, and the approval of the Mayor, or, if he shall refuse to approve the same, to render such ordinance valid it shall require the votes of five of the Councilmen. Passage of ordinances.

SEC. 11. The Common Council shall have no power to create any debt upon the credit of the city, nor to make any expenditure for improvements except as provided for in this Act, nor shall any warrant be drawn on the City Treasurer unless there shall be sufficient moneys to meet the same after paying the current expenses of the city government, and all other demands legally due. Powers of Council restricted.

SEC. 12. All demands that shall lawfully arise against the city, in order to be entitled to payment, shall, after being verified by the oath of the claimant, be presented to and allowed for such amount as shall be just by the Common Council, and shall be signed by the Mayor, and countersigned by the Clerk, and the same, after being so allowed, and a warrant issued therefor, shall, on presentation to the City Treasurer, be paid as hereinafter provided out of any Fund upon which such warrant shall be drawn. Claims. Warrants.

SEC. 13. At each regular meeting of the Common Council, they shall inquire into the condition of the streets, bridges, Fire Department, and all property belonging to the city, and if it shall appear that the interests of the city demand an expenditure of more money than at such time is in the Treasury appropriated for such purposes, or to recover possession of any real estate or property of said city, they shall make a report of the same, to be published for at least four successive weeks in some newspaper printed and published in the City of San José, par- Powers and duties of Council.

ticularly specifying the object or objects for which the expenditure is required, and the amount of money necessary to be raised by tax to meet the same. At any time within fifteen days after the expiration of the publication as aforesaid, the said Council shall call an election, giving ten days notice thereof, at which those persons who are legal voters of said city may vote for or against the tax to meet the proposed expenditures. The voting shall be by ballot, and a majority vote shall determine if such tax shall be levied or not. The Common Council shall examine and declare the result, and if the vote is in favor of levying the tax, the Common Council shall forthwith order the tax or taxes to be levied and collected upon the basis of the last assessment, and shall make the proposed expenditure; *provided*, that the special tax thus levied shall for no one year exceed more than one half of one per cent on the valuation of property as shown by the last assessment roll, and shall be levied and collected as provided by law for the levy and collection of State and county taxes.

Improve-  
ment of  
streets.

SEC. 14. If at any time the owners of two thirds of the real estate fronting on any street, counting from one cross street to another cross street, shall petition the Common Council for the privilege of constructing, repairing, grading, gravelling, or paving such street, or the sidewalks along the same, then it shall be the duty of the Common Council to cause an immediate survey of the proposed improvements, to be made by some competent Surveyor, who shall, in his specifications, give the proper grade, and the amount of excavation or filling in front of each person's real estate to the middle of the street, or if the improvements only extend to sidewalks, then he shall give the grade, and the amount of the excavation or filling of the sidewalks. If the Common Council approve the survey and specifications of the Surveyor, they shall order said improvements as petitioned for to be made, and shall cause such order to be published for at least three successive weeks in some newspaper printed and published in the City of San José; and upon the completion of any improvements made under the provisions of this section, and the acceptance of the same by the Common Council, said Council shall make an assessment of the costs thereof to each of the persons owning said real estate, and the same shall constitute a lien upon such real estate until the assessment is paid or satisfied; *provided*, that each of said persons shall have the privilege of making their improvements in accordance with the specifications, and within the time mentioned in the ordinance ordering said improvements to be made; but if not so made, then it shall be the duty of the Marshal forthwith to let out, in the manner provided by ordinance, the making of all the improvements that remain unfinished; and if the owner or occupant of such real estate shall fail, neglect, or refuse to pay for the cost of the same when completed, it shall be the duty of the Marshal, by order of the Common Council, to institute suit, in the name of the city, against said owner for the recovery of said costs, and the judgment rendered thereon shall constitute a lien upon said real estate, and execution may be issued thereon, and served as in other cases in civil actions; *provided*, further, that the costs of the survey and specification shall be paid by said

Same.

city. The Common Council may require the said street and sidewalks, after such improvements have been made, to be kept in good repair by the owners of said real estate, and if not repaired when ordered, the Marshal shall let out the making of the said repairs, and collect the cost of the same in the same manner as in case of the owner failing to make or to pay for the costs of the improvements as aforesaid.

SEC. 15. The Mayor and Common Council shall succeed to all the rights, titles, interests, possessions, credits, and immunities, liabilities, debts, and obligations, in law or in equity, that shall be enjoyed, owed, or in any wise appertain to the said City of San José since its first incorporation, with its rights, incidents, and liabilities. The said Common Council may purchase, hold, and receive property, real and personal, within said city, necessary for public purposes, and may lease the same for a term not exceeding ten years, for the benefit of the city, and for a breach or violation of any city ordinance, said Common Council may fix the penalty by fine or imprisonment, or by both fine and imprisonment; but no such fine shall exceed one hundred dollars, nor such imprisonment be for a term exceeding thirty days for any one offence, or by labor on the streets or property of said city not exceeding sixty days, which labor said Council shall have power and authority to impose on failure to pay the fine.

Mayor and Council to succeed to rights, etc.

Violation of ordinances.

SEC. 16. The City Clerk, before entering upon the duties of his office, shall give a bond in the sum of five thousand dollars, conditioned for the faithful discharge of the duties of his office, and whose duty it shall be to keep a true and correct record of all the business transacted by the Common Council, to grant certificates of license on the presentation of receipts signed by the City Marshal, stating that the license tax imposed by ordinance on the business of the applicant has been paid to him, and shall keep a true list of all such licenses granted by him, and the amount of moneys received by the Marshal, as shown by such receipts. The City Clerk shall be also ex officio City Assessor, and shall, between the first day of May and the first day of August of each year, make out a true list of all the taxable property within the limits of said city, which list, when so made out and certified by him, shall be placed in the hands of the Common Council for equalization. The mode of making out such list and ascertaining the value of property, shall be the same as prescribed by law for assessing State and county taxes. He shall apportion the taxes upon the assessment, and make out and deliver to the Marshal a tax list in the usual form, as soon as practicable after the Common Council, as a Board of Equalization, has equalized the assessment, and to perform such other duties as may be prescribed by ordinance or required by said Council; and for his services as Clerk and Assessor he shall receive a salary of one thousand dollars a year, payable quarterly.

City Clerk. Bond.

Duties of Clerk.

SEC. 17. The City Treasurer, before entering upon the duties of his office, shall give such bonds as may be required of him by the Common Council. It shall be his duty as City Treasurer

Treasurer. Bond.

**Duties.** to receive and safely keep all moneys that shall come into his hands as City Treasurer, for all of which he shall give duplicate receipts, one of which said receipts he shall file with the Clerk of the Common Council. He shall pay out said money, by order of the Common Council, on a warrant issued by the Clerk, and countersigned by the Mayor, and to perform such other duties as shall be required of him by said Council; and for his compensation, said Treasurer shall be allowed a commission of three per cent on all moneys paid out by him as such Treasurer from other than the School Fund, and for which School Fund he shall receive no compensation. The Treasurer shall make quarterly settlements with the City Clerk, and file with the Common Council an abstract of the same.

**Compensation.**

**Marshal. Duties.**

SEC. 18. It shall be the duty of the City Marshal, in addition to the duties required of him by the Common Council, and he is hereby authorized, to execute and return all process issued or directed to him by any legal authority; to enforce all ordinances passed by the Common Council, and arrest all persons guilty of a violation of the same; to prosecute before some competent tribunal for all breaches or violations of city ordinances, to collect all the license taxes that shall at any time be due the said city, and to receipt for the same; to receive the tax list, and upon receipt thereof proceed to collect the same, at the same time and in the same manner as is prescribed for the collection of State and county taxes; the said Marshal being hereby vested with the same powers to make collections of taxes by the sale and conveyance of real estate as is or shall be conferred upon Collectors or Sheriffs for the collection of State and county taxes; and it shall be the duty of said Marshal to collect in the same manner any tax list placed in his hands for that purpose, without any unnecessary delay, and pay all tax and license money collected by him to the Treasurer on the first Monday of each month, taking his receipt therefor, retaining his percentage therefor, which shall not exceed two and one half per cent upon the amount collected. He may also, with the consent of the Council, appoint one or more Deputies.

**Fees.**

**Deputies.**

**Mayor.**

**Duties.**

SEC. 19. It shall be the duty of the Mayor to sign all warrants ordered to be issued by the Common Council; he shall also hear and report to the Common Council all complaints preferred against any city officer for violation or neglect of duty, who, if they find the complaint to be true, shall have power to declare the office of the person so complained of vacant, and to fill the same by appointment.

**Council.**

SEC. 20. The members of the Common Council shall receive no compensation for their services, neither shall they, or either of them, be interested, directly, or indirectly, during their term of office, in any contract, sale, lease, or agreement, with the city, or to which the city is a party. And no further allowance shall be made to any city officer for any services whatever than is provided for in this Act. The Mayor shall receive such a salary as the Common Council may determine, the same not to exceed the sum of five hundred dollars per year.

**Salary of Mayor.**

**Oath of office.**

SEC. 21. All city officers, whether elected by the people or by the Common Council, shall, before entering upon the duties of their office, take and subscribe the oath of office proscribed



by law. The Marshall, the Treasurer, and Clerk, shall each, before entering upon the duties of his office, give a bond, with sureties, to be approved by the Mayor, payable to the Mayor and Common Council of the City of San José, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of his office as required by law and the ordinances and regulations passed and approved by the Mayor and Common Council of the said City of San José. Should the bond of any city officer become insufficient, he shall give such additional security as the Common Council may require, and upon his failure to do so at the time required, his office shall be declared vacant, and a new election ordered, or the vacancy be filled by appointment, as hereinbefore provided.

Bonds of officers.

SEC. 22. The official bond of every officer named in this Act, except the bond of the Clerk, shall be filed in the office of the City Clerk. The official bond of the Clerk shall be filed with the City Treasurer.

Filing of bonds.

SEC. 23. The Common Council, or a committee of their number appointed for that purpose, shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed in his assessment, and after ten days notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they or a majority of them shall deem just and proper. Said meetings shall be held daily for two weeks, and no longer.

Board of Equalization

SEC. 24. No bill, demand, or warrant, shall be paid out of the City Treasury unless it be allowed by the Common Council, signed by the Mayor, and countersigned by the Clerk, and shall specify out of what Fund or appropriation the same shall be paid. The provisions of this section shall not in anywise apply to moneys in the Treasury properly belonging to the School Fund of the city.

Payment of warrants, etc

SEC. 25. The Common Council shall raise, annually, by taxation upon the real and personal property within said city, as estimated in the last preceding assessment roll, such tax as may be necessary for the support and maintenance of the Common Schools of the city. They may also, in like manner, raise a tax for the use and support of the Fire Department of the city, a sum not to exceed one tenth of one per cent.

Taxes.

SEC. 26. The taxes and licenses herein authorized to be collected shall be collected in the legal currency of the State for like purposes, and, except the tax for the support of the Fire Department and Common Schools, shall be appropriated as follows:

Collection.

*First*—An amount sufficient to pay the annual and semi-annual interest on the funded debt of said city shall be set apart and appropriated from the first moneys coming into the Treasury. Also, the sum of four thousand dollars (\$4,000) as a Sinking Fund for the payment of the debts of the city.

Appropriation of taxes.

*Second*—For the payment of the current expenses of the city, to be called the General Fund.

*Third*—The balance remaining unexpended in the City Treasury at the end of the fiscal year, as fixed by the Common Council, shall be appropriated as a Sinking Fund for the payment of

the funded debts of the city, in accordance with such laws now in force or that may hereafter be enacted concerning the same.

Powers of  
Justices.

SEC. 27. Justices of the Peace for San José Township are hereby declared competent to discharge all the duties of Police Justice for the City of San José; and all fines imposed by such Justices for any breach of the peace within the limits of the city, or for any violation of city ordinances, shall be paid into the City Treasury, and the same shall constitute a special Fund, to be called the "Police Fund," and shall or may be appropriated by the Common Council for the payment of the fees of the Justice and Marshal. And it is hereby expressly provided that no demand shall be allowed or warrant drawn on any other than the "Police Fund" for the payment of the fees of the Justice and Marshal. And no account shall be audited or allowed from said Fund to any Justice who shall have presented any claim to the Board of Supervisors of Santa Clara County for fees in criminal cases, where the crime shall have been committed within the corporate limits of the City of San José.

Special  
meetings of  
Council.

SEC. 28. The Mayor, whenever he shall deem the same necessary, may call special meetings of the Common Council; and all meetings of the Council and the offices of Marshal and Clerk shall be in the City Hall.

Vacancies.

SEC. 29. Should any of the officers herein mentioned fail to qualify and file the bond required, for the period of ten days after their election, the office shall be deemed vacant, and the same shall be filled as provided for in section seven of this Act.

Collection  
of taxes.

SEC. 30. The Common Council of said city may, from time to time, by ordinance, provide for the collection, by civil action or otherwise, of all taxes levied or assessed by them or under their authority for city purposes that have or may hereafter become delinquent; and in case such taxes be collected by civil action, the Courts of Justice shall have the same jurisdiction, and the summons and other process of said Courts shall be issued, served, and returned, in the same manner as is or may be provided by law in case of the collection of delinquent taxes levied for State purposes; and all sales and conveyances of property made and executed for the non-payment of such delinquent taxes shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for State purposes.

SEC. 31. At any of the regular or special meetings of the Common Council, if the Mayor be absent, the members of the Council shall choose one of their number to preside at such meeting, and all proceedings had at such meeting shall be as valid as if presided over by the Mayor.

Superinten-  
dent of  
Schools.

SEC. 32. At the general election, held on the second Monday of April in each year, there shall be elected a City Superintendent of Common Schools, whose duties and compensation shall be prescribed by ordinance of the Common Council. If a vacancy in said office shall occur in the course of the year, the same shall be filled by the Common Council.

SEC. 33. This Act shall take effect and be in force from and after the second Monday in April, in the year one thousand eight hundred and sixty-three, except so much thereof as relates to the election of municipal officers provided for in this Act,

which shall take effect and be in force from and after its passage.

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CHAP. LXX.—*An Act to amend an Act entitled an Act concerning Crimes and Punishments, passed April sixteenth, eighteen hundred and fifty.*

[Approved March 18, 1863.]

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

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

Section 14. No Indian, or person having one half or more of Indian blood, or Mongolian, or Chinese, shall be permitted to give evidence in favor or against any white person. <sup>Who not to testify.</sup>

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CHAP. LXXI.—*An Act to amend an Act entitled an Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to compromise and settle certain claims to Real Estate, and to convey such Real Estate pursuant thereto, approved April fourteenth, eighteen hundred and sixty-two.*

[Approved March 18, 1863.]

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

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

Section 7. This Act shall take effect immediately, and the said Commissioners of the Funded Debt shall execute the same within two years from the date of its passage ; *provided*, however, that if they are hindered or delayed in the execution of any proceeding by any process of law, the time during which they are so hindered or delayed shall not be taken to be a part of such period of two years, so far as that proceeding is concerned. <sup>If Commissioners are delayed.</sup>

SEC. 2. All Acts and parts of Acts inconsistent herewith are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAP. LXXII.—*An Act fixing the time for holding the Terms of the District Court in Lake County.*

[Approved March 18, 1863.]

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

- Terms fixed. SECTION 1. The terms of the District Court in and for the County of Lake shall be commenced on the first Monday in April, and the third Monday in November, of each year.
- SEC. 2. This Act shall take effect from and after its passage.

CHAP. LXXIII.—*An Act to establish and regulate the Fire Department of the Town of Downieville.*

[Approved March 18, 1863.]

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

- Officers. SECTION 1. The Fire Department of the Town of Downieville shall consist of a Chief Engineer, a First Assistant Engineer, a Second Assistant Engineer, a President, a Secretary, a Treasurer, a Board of Delegates, and such companies as now compose, and as hereafter may be admitted thereto, in accordance with the provisions of this Act.
- Election. SEC. 2. There shall be an election held on the first Monday of January in each year, for a Chief Engineer, and two Assistant Engineers. The President of the Department shall call said election, giving notice thereof by two publications in a newspaper printed in the Town of Downieville. The Board of Delegates shall appoint, to conduct said election, two Judges, each from a different company, who, together with their Clerks, shall take and subscribe an oath to faithfully discharge their duties. Said Judges shall, for the purposes of said election, have power to administer oaths and affirmations. Said election shall be held at such time and place as the Board of Delegates may appoint. The returns of said election, duly certified, shall be forwarded to the Secretary of the Department within three days thereafter, and be by him transmitted to the Board of Delegates, who shall convene within five days after said election, and declare the result. The person having the highest number of votes for the office of Chief Engineer, and First and Second Assistant Engineer, respectively, shall be declared elected for the term of one year, or until his successor is elected and qualified. Contested elections for either of said offices shall be decided by a majority of the Board of Delegates; and should a tie vote occur for either of said offices, the Board shall, by a majority of its members, determine which of those having received such tie vote, shall hold the office.

SEC. 3. Each company shall, on the first Monday of December, in each year, elect three of its members to the Board of Delegates, which Board shall consist of such three representatives from each company, who, before entering upon the duties of their office, shall take and subscribe an oath, (to be administered by the President of the Fire Department,) to well and truly perform the duties of Delegates, as prescribed by the laws governing the Department. The Board shall assemble on the second Monday of December, in each year, and then and there organize by the election of a President, Secretary, and Treasurer, whose terms of office shall be for one year, and until their successors are duly elected and qualified. The President and Treasurer shall be elected from among the Delegates, and the Secretary from the Department at large. The Secretary shall take and subscribe an oath, (to be administered by the President,) to perform the duties of the office faithfully, and in accordance with the laws of the Department.

Board of Delegates.

Meetings.

SEC. 4. The Board of Delegates shall make laws for the government of the Department, not inconsistent with this Act; and all laws made by them shall be binding on every company, officer, or member of the Department; and any company, officer, or member, who shall violate any of said laws, or any of the provisions of this Act, or who shall refuse to obey the lawful orders of the Chief or Assistant Engineers, shall, upon complaint, be tried by the Board, and if found guilty, be censured, suspended, removed from office, or expelled from the Fire Department, as a majority of the Board in its judgment may direct.

Powers and duties of Board.

SEC. 5. A company shall be composed of not more than thirty nor less than fifteen active members, of the full age of twenty-one years, all of whom must be duly registered members of the Department. The officers of a company shall be a Foreman, at least one Assistant Foreman, a Secretary, and a Treasurer.

Fire companies.

Officers.

SEC. 6. A company, (except those already organized,) desiring admission into the Department, must make application to the Board of Delegates, accompanying such application with a copy of their constitution, signed by at least twenty males of the age of twenty-one years, the names of their officers, and the location they desire; and should the Board, by vote of a majority of its members, decide to recommend the admission of said company, the Secretary of the Department shall forward to the Board of Trustees of the Town of Downieville a certificate of such recommendation, together with all papers received from such company. If such recommendation receive the approval of said Board of Trustees, the company shall be declared admitted into the Department, and shall be furnished with the proper apparatus.

Application of companies for admission.

SEC. 7. Whenever a company, by reason of deaths, resignations, or expulsions, shall have reduced its roll to less than fifteen active registered members, it shall be the duty of the Secretary of the Department to forthwith notify the Chief Engineer and the Foreman of the company of the fact; and it shall be the duty of the Chief Engineer to suspend such company until the next stated meeting of the Board of Delegates, when, unless a major-

Disbanding of companies.

ity of the members composing the same decide to re-instate the company, it shall be disbanded.

Chief Engineer to report.

SEC. 8. The Chief Engineer shall report to the Board of Trustees of the Town of Downieville semi-annually, at their meetings in June and December, the condition of the Department, the condition of reservoirs and fire apparatus, the state of the fire company houses, and of all property of the town in keeping of said Department: also, an account of all fires which may have taken place, with the causes thereof, if ascertained, and a description of the property destroyed or injured, with the names of the owners of the same; also, such other information and such recommendations as he may deem proper.

Work and supplies for Fire Department.

Proviso.

SEC. 9. The Board of Trustees of the Town of Downieville shall have sole power to order work and supplies for the Department; and all proposals for the same shall be opened by the Chief Engineer, in presence of a majority of the Committee on Fire and Water of said Board, and by them, without unreasonable delay, awarded to the lowest responsible bidder, reserving the right, however, to reject all bids, if none are found suitable; *provided*, that the Chief Engineer may order work done for repairs required immediately, and rendered necessary by unforeseen accident, when the cost of said work shall not exceed one hundred dollars. All work done for and supplies furnished said Department, shall be under the supervision of the Chief Engineer and a majority of the Fire and Water Committee, and they shall certify all bills for such work and supplies.

Chief Engineer may call upon bystanders.

SEC. 10. The Chief Engineer, or either of the Assistant Engineers, may, when the Fire Department is upon active duty at a fire, call upon any bystander to assist in performing fire duty, and if such bystander refuse to render the assistance demanded, either of those officers may call upon the Marshal, Night-Watchman, or any Trustee of the Town, to arrest such bystander, and it shall be the duty of said Marshal, Night Watchman, or Trustee, to take such bystander into custody, and carry him before a Justice of the Peace in the town. Such Justice of the Peace shall then proceed, unless the matter be adjourned for good cause shown, in a summary way to hear the evidence against and for such person so under arrest, and if a wilful refusal to perform such fire duty be proven, the person offending shall be fined not less than five nor more than twenty dollars, besides the costs, and the Justice may commit the defendant until such fine and costs be paid; *provided*, that such imprisonment shall not exceed one day for every two dollars of such fine and costs. Upon conviction, the Justice of the Peace shall be entitled to a fee of three dollars, and the Marshal, or Night Watchman, if the arrest be made by either of them, to a fee of two dollars; *provided*, the same be collected from the defendant, but not otherwise.

Penalty for refusal.

SEC. 11. No officer or member of the Fire Department shall receive any salary or pay for his services in the Department.

CHAP. LXXIV.—*An Act to authorize Solomon Miser and his associates to construct and maintain a Turnpike Road at a certain point in Sacramento County.*

[Approved March 18, 1863.]

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

SECTION 1. Solomon Miser and his associates are hereby authorized to construct and maintain a turnpike road in the County of Sacramento, commencing at a point upon the road leading from Daylor's Ranch to Placerville, via Shingle Springs, about four and three fourths of a mile from Daylor's Ranch, at a stone house, and running thence in a northeasterly direction through said Miser's land, and through public domain, to Borland's Sheep Ranch, and thence to the top of the Bald Hill, to a point where the Folsom and Michigan Bar road crosses the first named road. Franchise.

SEC. 2. The said grantees, upon the construction and completion of said road, are hereby authorized to charge and collect rates of toll for travel and passage upon said road, for the term of twenty years, and the Board of Supervisors of the County of Sacramento shall fix and regulate such rates annually. Tolls.

SEC. 3. The right of way for said road is hereby granted to said grantees; *provided*, that in case the lands of private persons are taken for that purpose, compensation shall be made in the same manner and by the same mode of proceeding as is provided by law for railroad companies to obtain the right of way; and, *provided*, further, that no part of said road shall run upon any public highway or travelled road, except to directly cross the same, and in such case, such crossing shall not obstruct or injure said highway or travelled road. Right of way.  
Proviso.

SEC. 4. After the expiration of five years from the completion of said road, the County of Sacramento shall have the right to purchase said road at an appraised value, to be determined by three Appraisers, one to be selected by said county, by appointment of the Board of Supervisors thereof, one by the said grantees, and one by the two Appraisers thus selected; *provided*, that after such purchase said road shall be a free road. County may purchase.

SEC. 5. The rights, privileges, and franchises herein granted are upon the express condition that the construction of said road shall be commenced within two months after the passage of this Act, and shall be completed ready for use within twelve months after the passage of this Act, and shall always be kept in good repair and condition for the use of loaded teams and other vehicles. Conditions.

SEC. 6. This Act shall take effect immediately after its passage.

CHAP. LXXV.—*An Act to incorporate the Town of Downieville.*

[Approved March 18, 1863.]

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

- Corporation.** SECTION 1. The inhabitants of the district of country herein after described, shall be and are hereby declared a corporation, under the name and style of "The Town of Downieville," and by that name they and their successors shall be known in law, and have perpetual succession, may sue and be sued, may purchase, receive, and hold, property for their common benefit, and sell or otherwise dispose of the same, and may have and use a common seal; *provided*, that said corporation shall neither have nor exercise any powers not expressly authorized by this Act.
- Boundaries.** SEC. 2. The boundaries of the Town of Downieville shall be as follows: Commencing on the Sierra Turnpike, at the north-west corner of Stacy's storehouse; thence in a southerly direction, crossing the North Yuba River, to the southwest corner of Judge Vanclief's dwelling house, on Durgan Flat; thence south-easterly, to the southwest corner of S. D. Hill's dwelling house, on Durgan Flat; thence northeasterly, to the southeast corner of Mr. Towle's dwelling house, on Piety Hill; thence easterly, crossing the South Fork of the North Yuba River, to the south-east corner of M. J. Ayer's house, on Jersey Flat; thence north-easterly, to the southeast corner of J. W. Bailey's dwelling house, on "Bailey's Ranch;" thence north-easterly, crossing the North Fork, to the northeast corner of A. Wheeler's dwelling house, on the North Fork of the North Yuba River; thence westerly, to the northwest corner of S. W. Langton's dwelling house; thence to the place of beginning.
- Trustees.** SEC. 3. The corporate powers of said town shall be vested in a Board of Trustees, to consist of five members, who shall be elected by the qualified electors of said town, annually, on the first Monday in May, and shall hold office for one year, and until their successors are elected and qualified.
- Elections.** SEC. 4. Said Trustees shall be qualified electors, under the general laws of the State, and the elections for said Trustees shall be conducted in accordance with the general election laws of the State.
- SEC. 5. Said Trustees shall be voted for only by the inhabitants of said town, who are qualified electors under the general laws of the State at the time of said election.
- Notice of election.** SEC. 6. Two weeks notice of said election for Trustees shall be given by the President and Secretary of the Board of Trustees, by publication in a newspaper printed in the Town of Downieville. Said notice shall designate the time and place of holding such election, and shall name one Inspector and two Judges of said election.
- Oath.** SEC. 7. Before entering upon their duties, the said Trustees shall each take and subscribe an oath to support the Constitution of the United States and the Constitution of the State of California, and to perform the duties of Trustee of the Town of Downieville faithfully and to the best of his ability. Said oath



may be taken and subscribed before any officer authorized to administer oaths, and shall be filed with the Secretary of the Board of Trustees.

SEC. 8. The Board of Trustees shall have power to make regulations for securing the health, cleanliness, and good order of the town; to provide for the prevention and extinguishment of fires; to levy taxes, not exceeding one per cent upon the assessed value of the real and personal property within the town, for the maintenance of the Fire Department, and for defraying the ordinary expenses of the town; and to fix by ordinance the commissions of the Marshal for assessing and collecting the same; *provided*, that said Board of Trustees shall not levy any license tax for the carrying on of any business, trade, or profession, nor pass any ordinance requiring any place of business to be closed on the Sabbath, commonly called Sunday, or imposing any fine or penalty for keeping any place of business open on said day. Powers of Board.

SEC. 9. The Board of Trustees shall meet on the first Monday of every month, and at such other times as the President may deem necessary. Meetings.

SEC. 10. At the first regular meeting after each annual election, the Board of Trustees chosen at such election shall elect from their number a President, a Treasurer, and a Secretary, and from the town at large a Marshal, who shall hold their office for one year, unless removed for misconduct or neglect of official duties. No Trustee shall receive any salary or pay for his services, either as a Trustee, or as an officer of the Board of Trustees. Election of officers.

SEC. 11. It shall be the duty of the President to preside at all meetings of the Board of Trustees; to recommend the adoption of such measures as he may deem expedient for the regulation of the affairs of the town; to exercise a general supervision over the acts of the other officers of the corporation, and to countersign all warrants drawn upon the Treasurer by order of the Board of Trustees. Duty of officers.

SEC. 12. It shall be the duty of the Treasurer to receive all moneys due to the town; to pay all warrants drawn by order of the Board of Trustees, signed by the Secretary, and countersigned by the President; and to keep an accurate account of all receipts and expenditures; and present to the Board of Trustees a full report of the financial condition of the corporation one month before the annual election for Trustees, and at such other times as the Board of Trustees may require. He shall give bond, conditioned for the faithful performance of his duties, in such sum as the Board of Trustees may direct. Same.

SEC. 13. It shall be the duty of the Secretary to keep the seal of the corporation, and all papers and documents belonging to the town, (except the books and vouchers of the Treasurer and Marshal,) and to file them in his office under appropriate heads; to attend all meetings of the Board of Trustees, and keep a correct journal of all its proceedings, and a record of all its ordinances; to sign all warrants issued in pursuance of the orders and ordinances of the Board of Trustees, and keep an accurate account, in a suitable book, of all such warrants. The ordinances shall be numbered in the order of their passage, (com- Same.

mencing at number one,) and suitably indexed to facilitate reference thereto.

Duties of  
Marshal.

SEC. 14. The Marshal shall assess and collect such taxes as may be levied by the Board of Trustees, and pay such taxes (less his commissions) over to the Treasurer, taking his receipt therefor. He shall collect and pay over to the Treasurer all fines and costs levied or imposed by reason of a violation of any ordinance of the town, and for such purposes shall have the powers conferred by law upon Constables. He shall arrest all persons against whom a warrant directed to him shall be issued by any Justice of the Peace in the town, and may arrest without a warrant, any person actually engaged in the violation of an ordinance. For all services performed by him in cases of violation of ordinances, he shall receive such fees as may be prescribed by the Board of Trustees, to be taxed by the Justice of the Peace having jurisdiction of such violation; *provided*, that in no case shall he receive greater fees than Constables may be allowed by law for similar services. He shall receive for his services no other remuneration than that provided for by this Act. He shall give bond, conditioned for the faithful performance of his duties, in such sum as the Board of Trustees may direct.

Same.

SEC. 15. In assessing the property in the town, the Marshal shall copy the valuation of said property from the books of the County Assessor of the County of Sierra, and correct the same in all particulars as the same shall be corrected by the Board of Equalization of said county, and such copy, so corrected, shall be the assessment roll of the town, and constitute the basis of taxation.

Duty of  
Trustees.

SEC. 16. The Board of Trustees shall, by ordinance, fix the time and manner of collecting the tax herein provided for, and the time and manner of selling property for unpaid taxes. All property sold for unpaid taxes shall be subject to redemption upon the same conditions as property sold for State and county taxes.

Same.

SEC. 17. It shall be the duty of the members of the Board of Trustees to attend all regular and special meetings of the Board; to act upon all committees when appointed by the President, and to aid in maintaining the peace and good order of the town, and in enforcing the ordinances.

Quorum.

SEC. 18. A majority of the Trustees shall be a quorum to transact business. Each member of the Board shall have one vote.

SEC. 19. The sittings of the Board of Trustees shall be public; they shall keep a journal of their proceedings, and the yeas and nays on every question shall be taken, and entered upon said journal.

Ordinances.

SEC. 20. All ordinances passed by the Board of Trustees shall be signed by the President and Secretary, and published two weeks in a newspaper printed in the Town of Downioville.

Trustees not  
to be inter-  
ested in  
contracts.

SEC. 21. No member of the Board of Trustees shall be, directly, or indirectly, interested in any contract, or sale of any thing belonging to said town, or any work or business ordered to be executed by authority of said Board. For a violation of this section, the member so offending shall be expelled from the

Board, and forever after be excluded from holding any office in said corporation.

SEC. 22. The Board of Trustees shall have power to fill any <sup>Vacancies.</sup> vacancy occurring by death, resignation, or removal. The person selected to fill such vacancy shall take the oath prescribed in section seven of this Act, and hold office until the next annual election for Trustees.

SEC. 23. The several Justices of the Peace within said town <sup>Justices' jurisdiction.</sup> shall have jurisdiction:

*First*—Of an action or proceeding for a fine, penalty, or forfeiture, imposed by breach of any ordinance of the Board of Trustees; and,

*Second*—Of proceedings respecting vagrants and disorderly persons.

They may issue such warrants of arrest as may be necessary to enforce such jurisdiction.

SEC. 24. All proceedings and actions under this Act, or any ordinance passed in pursuance hereof, shall be commenced by <sup>Commencement of actions.</sup> complaint, setting forth the violation of the ordinance, or the act of vagrancy or disorderly conduct complained of, or the offence charged, with such particulars as to time and place, person, or property, as to enable the defendant to understand distinctly the nature of the offence charged, and to answer the complaint. All such complaints shall be verified by the oath of the parties making them. The answer to the complaint may be oral, or in writing, and immediately thereafter the matter shall be tried, unless, for good cause shown, an adjournment be granted. In all cases, the defendant shall, upon demand, be entitled to trial by jury of six persons.

SEC. 25. Every Justice of the Peace who shall collect any <sup>Fines.</sup> fines for breach of any ordinance of the Board of Trustees, shall pay over the same to the Treasurer, taking his receipt therefor; and such Justice of the Peace shall be liable on his official bond for all sums so collected by him.

SEC. 26. The Board of Trustees shall have power to fix a <sup>Violation of ordinances.</sup> term of imprisonment, not exceeding three months, as the penalty for a violation of any ordinance or ordinances. The Sheriff <sup>Penalty.</sup> of Sierra County shall receive and safely keep, until the expiration of his term of imprisonment, or until discharged by due process of law, any person delivered to him by the Marshal, under a commitment from a Justice of the Peace in the town, and any person delivered to him by the Marshal, Night Watchman, or a Trustee, for safe keeping over night, delivering said person to the Marshal or a Trustee the next morning.

SEC. 27. The Board of Trustees may appoint a <sup>Prosecuting Attorney.</sup> Prosecuting Attorney, to hold office for one year, who shall be entitled, upon conviction of a defendant, to a fee of ten dollars, if collected <sup>Fees.</sup> from the defendant; but he shall receive no other fee or pay whatever.

SEC. 28. The County Judge of the County of Sierra shall issue the notice for the first annual election of Trustees, in the manner prescribed in section six of this Act. The Inspector and Judges of said election shall each, before entering upon their duties, take an oath before some officer authorized by law to administer oaths, to perform their respective duties <sup>Notice of Election.</sup>

H. C. McCOMB

Attorney-at-Law  
SAN JOSE, CAL.

and faithfully. Said Inspector and Judges shall, within one week after said election, issue certificates to the five persons who shall have received the highest number of votes, and shall immediately, after the organization of the Board of Trustees, transmit to the Secretary of the Board the poll list and tally list of said election.

Returns of  
Election.

SEC. 29. At all elections for Trustees, subsequent to the first, the Inspector and Judges shall make their returns, and forward the same, within three days after such election, to the Secretary of the Board of Trustees, together with the poll list and tally list, inclosing all said documents in a sealed envelop, directed to said Secretary, and indorsed, "Returns of election for Trustees of the Town of Downieville."

Same.

SEC. 30. One week after each annual election, (except the first,) the Board of Trustees shall meet for the purpose of canvassing the election returns, when the President of the Board shall open said election returns, and declare the names of the persons elected Trustees for the ensuing year; whereupon the Secretary shall issue certificates to the persons so declared elected. The persons holding such certificates shall be installed into office at the next succeeding regular meeting, unless their election be contested within two weeks after the election; in which case, the old Board shall try and determine such contest before such regular meeting, and their decision shall be final.

SEC. 31. No Inspector, Judge, or Clerk of Election, appointed under the provisions of this Act, shall receive any pay or remuneration for services as such Inspector, Judge, or Clerk.

SEC. 32. This Act shall take effect immediately.

CHAP. LXXXVI.—*An Act to amend an Act entitled an Act in relation to the County Officers of Sierra County, approved May seventeenth, eighteen hundred and sixty-one, and an Act amendatory of the same, approved April third, eighteen hundred and sixty-two.*

[Approved March 18, 1863.]

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

SECTION 1. Section seven of said Act shall be amended so as to read as follows:

Salaries.

Section 7. The County Auditor of said County shall receive as a compensation for all services required of him by law, a salary of one thousand five hundred dollars per annum, to date from October first, A. D. one thousand eight hundred and sixty-two, the same to be audited by the County Judge. The County Superintendent of Schools of said county shall receive for all services required of him by law, a salary of four hundred dollars per annum. The Board of Supervisors of said County shall each receive a salary of eight dollars per day, and not to exceed the sum of six hundred dollars per annum, for all services rendered to the county by them, and the Auditor is hereby authorized and

required to audit their account, and draw his warrant for actual services rendered only. The District Attorney shall receive for his services a salary of fifteen hundred dollars per annum, in addition to the fees now allowed by law.

SEC. 2. Section eleven shall be amended so as to read as follows :

Section 11. Said officers, from and after the first Monday in October, A. D. one thousand eight hundred and sixty-one, shall each keep a book, denominated a Fee Book, which book shall be the property of the county, and shall be open during office hours to public inspection. In this book shall be entered in detail all fees or compensation of whatever nature or kind collected or chargeable. In one column, the fees or compensation belonging to the county; in another column, the fees or compensation which, under this Act, may be retained by the officer. On the first Monday in November, A. D. one thousand eight hundred and sixty-one, and on the first Monday in each month thereafter, the officer shall carefully add up the several columns and set down the totals. The compensation and fees collected and chargeable for the county shall be paid to the County Treasurer, accompanied by a statement in duplicate, under oath, of the gross or total amount of all fees or per centage and compensation of whatever nature and kind collected for or chargeable to the county. Upon receiving the Treasurer's receipt for the payment of fees or compensation, said receipt and one of the statements herein required to be made out in duplicate, shall be filed with the Auditor, and until the payment of such fees or compensation which, under this Act, shall belong to the county, shall be paid to the Treasurer, and until such Treasurer's receipt and such officer's statement have been filed with the Auditor, said Auditor is prohibited from drawing his warrant in favor of such officer, or any of his Deputies. It is hereby expressly provided, that any officer crediting any fee or per centage for official services, which, under this Act, is provided to be paid into the County Treasury, shall do it at his own risk, and such officer shall set down the same in his fee book, and it shall be paid by him into the County Treasury, the same as if he had collected the same at the time or prior to the performance of the services for which such fee or per centage was chargeable. The duplicate certificates herein provided to be filed with the Treasurer and Auditor shall be sworn to as follows : I, \_\_\_\_\_, Oath. Sheriff, (or other officer, as the case may be,) of the County of Sierra, do solemnly swear that the entire fees, compensation, per centage, and payment for official services rendered by me or any of my Deputies, or person connected with my office, for me, has been entered in detail in the fee book of my office, and added up, and that the portion belonging to the county is \_\_\_\_\_ dollars, and that the said amount is the full amount received or chargeable since the last payment, and that neither myself, nor, to my knowledge, any of my Deputies, has rendered any service, except for the county, which is not entered and added up to make the aforesaid sum.

SEC. 3. Section thirteen of said Act shall be amended so as to read as follows :

**Salary Fund** Section 13. All fees or compensation for official services, which under this Act are required to be paid into the County Treasury, shall be charged to the "Salary Fund" of the county, and be applied to the payment of the salaries of the District Attorney, County Judge, County Treasurer, County Clerk, Sheriff, Auditor, County Superintendent of Schools, Board of Supervisors, and the Deputies of said Sheriff and County Clerk, as now provided by law. The said Sheriff, Treasurer, and Clerk, ex-officio Recorder, and Probate Clerk, as aforesaid, and Auditor, named in this Act, shall perform all services required of them by law for county purposes without fee or compensation, other than that hereinbefore provided by this Act.

SEC. 4. Section eighteen of said Act shall be amended so as to read as follows:

**Salaries.** Section 18. The salaries provided for in this Act, except the salaries of Superintendent of Schools and Board of Supervisors, shall be payable in equal monthly installments, and the County Auditor shall, on the first Monday in November, A. D. eighteen hundred and sixty-one, and the first Monday of each month thereafter, draw his warrants upon the County Treasurer in favor of the respective officers for the amount of salaries due each month; *provided*, that the Sheriff, Clerk, and Auditor, have complied in every respect with the provisions of this Act; and the County Auditor shall, on the first Monday of July, A. D. eighteen hundred and sixty-three, and on the first Monday of October, January, April, and July, thereafter, draw his warrant on the County Treasurer in favor of the County Superintendent of Schools, and of each of the Board of Supervisors, for the amount of salaries then due under the provisions of this Act.

**Wh-n payable.**

**Proviso.**

SEC. 5. All laws and parts of laws in conflict with this Act, so far as they relate to Sierra County, are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after the first Monday in March, A. D. one thousand eight hundred and sixty-three.

CHAP. LXXVII.—*An Act to authorize the Board of Supervisors of the County of San Joaquin to take and subscribe Two Hundred and Fifty Thousand Dollars to the Capital Stock of "The Western Pacific Railroad Company," and to provide for the payment of the same, and other matters relating thereto.*

[Approved March 21, 1862.]

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

**Special election.**

SECTION 1. It shall be the duty of the Board of Supervisors of the County of San Joaquin to order a special election to be held in said county, at the several places of holding elections therein, on the second Tuesday of May next, for the purpose of submitting to the qualified electors of said county the proposition for said Board of Supervisors to take and subscribe two hundred and fifty thousand dollars to the capital stock of "The

Western Pacific Railroad Company," the line of which railroad is to run through the said County of San Joaquin.

SEC. 2. It shall be the duty of said Board of Supervisors to <sup>Notice.</sup> cause notice of at least twenty days to be published in one or more newspapers printed and published in the said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. It shall be the further duty of said Board of Supervisors, to cause ballots to be prepared, <sup>Ballots.</sup> with the words "Subscription of Two Hundred and Fifty Thousand Dollars to the Western Pacific Railroad Company," printed thereon. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against said proposition shall have the word "No" written or printed thereon. Said election shall be conducted in the same manner as other elections for county officers, and sealed returns shall be made of the vote cast on said proposition, within five days after the said election, and in the same manner as provided for in case of the election of county officers, to the Clerk of said county, of the number of voters voting "Yes," and the number voting "No," which returns shall be, on said fifth day, or on the Saturday following the day of said election, opened and counted in the same manner as the returns of the votes for county officers; and when so opened and counted, the result thereof shall be declared officially by the said Board of Supervisors, who shall, at the time prescribed for the opening and counting of the returns of said election, meet as a Board for that purpose, and for perfecting the subscription of stock, as hereinafter provided.

SEC. 3. If, at the said election, a greater number of the electors of said county voting upon said proposition shall vote <sup>Duty of Supervisors</sup> "Yes" than shall vote "No," then, and in that event, is the Board of Supervisors of said county, in the name of said county, hereby authorized, empowered, and directed, immediately after the result of said election is so officially declared, to take and subscribe, for the use, benefit, and advantage of said county, to the capital stock of "The Western Pacific Railroad Company," a corporation duly organized under the laws of this State, on the thirteenth day of December, A. D. eighteen hundred and sixty-two, for the purpose mentioned in section one of this Act, stock to the amount of two hundred and fifty thousand dollars, and therefor to pledge the faith of said county for the payment of the same in the manner hereinafter provided.

SEC. 4. The said subscription shall be made by a committee <sup>Subscription</sup> of two members of said Board of Supervisors, to be appointed by an order of the said Board for that purpose, and who shall perform that duty immediately thereafter.

SEC. 5. The said subscription shall be made, and so received, <sup>Conditions.</sup> conditioned to be paid in the bonds of said county, issued as hereinafter directed, and not otherwise; and for such subscription said bonds shall be received at par, dollar for dollar.

SEC. 6. The said Board of Supervisors of said county, from <sup>Issuance of bonds.</sup> time to time, as the payment of said subscription to such capital stock so subscribed shall be required to be made by the Board of Directors of said railroad company, not exceeding at

- any one time, however, an instalment of twenty per cent upon the amount of said subscription, shall, by order, direct the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, who, for that purpose, in addition to their other duties as such officers, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Loan Commissioners" of said county, as such Loan Commissioners to issue bonds, in the sum of one thousand dollars each, for such amount of such subscription to said capital stock as said Board of Supervisors may direct. Said bonds shall draw interest at the rate of eight per cent per annum from the date of their issue, and the principal thereof shall be made payable on a specified day, to be named in the bonds, which shall be twenty years after the date of their issue, at the office of the Treasurer of said county. The interest accruing on said bonds shall be due and payable semi-annually, so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day, to be named in coupons, at said Treasurer's office, as before provided for the payment of the principal of said bonds. Both principal and interest of said bonds shall be made payable in United States gold coin, dollar for dollar. Said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, as such officers, and ex officio "Loan Commissioners," and when so signed, shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same, as such Clerk, in the presence of a quorum of such Board, at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by such Clerk; and upon the countersigning of said bonds, it shall be the duty of said Board of Supervisors to cause the seal of said county to be affixed to each bond, and appoint a committee of two of their number to deliver said bonds to the said railroad company, to whom the same shall be issued; and it shall be the duty of such committee to take a receipt from the Secretary of said railroad company for the bonds so delivered by them, setting forth the number, dates, and amounts of the bonds so delivered, and report the same to the Board of Supervisors.
- Interest.**
- When and how payable**
- Delivery of bonds.**
- Coupons.** Sec. 7. Coupons for the interest shall be attached to each bond, so that the coupons may be removed without mutilation to the bond; said coupons shall be signed by the Loan Commissioners. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall receive the detached coupons for the interest then due and paid, and deliver the same to the Clerk of said county, taking his receipt therefor, whose duty it shall be to file the same in his office, and make a report thereof, at the next meeting of the Board of Supervisors.
- Expenditures.** Sec. 8. The bonds issued, from time to time, in payment of such stock subscription, by virtue of the provisions of this Act, and at least an equal amount of any other funds that may be obtained by said company from other stockholders, or otherwise, or that may be furnished and supplied by the contractor,



or contractors, who may be engaged in the construction of said road for said company, shall be expended from time to time, as the said bonds are required to be issued, in the construction of any portion of said road, that the said company may deem proper, in the graduation of any portion thereof; but in the purchase of equipments for said road, or any portion thereof, the said bonds may be expended without reference to the expenditure of other funds, as before provided, so that the same is applied in good faith in the construction of said road. It shall be the duty of the Secretary and Chief Engineer of said Company, from time to time, as the said bonds are required to be issued, to make reports under oath, in writing, and lay the same before the said Board of Supervisors, of the progress of the work, and the amount thereof done and performed, as near as the same can be ascertained, on said road. And if, after the issuance of such bonds in payment of twenty per cent on such subscription, there should be at any time any failure or refusal in the expenditure of said bonds in the mode and manner provided by this section, in the construction of said road, then, and in that event, the said Board of Supervisors may, at their option, withhold any further payments on such subscription, and shall not thereafter be liable to any future calls for assessments thereon; and if so declared by said Board of Supervisors, the said subscription shall be held void and of no effect, and the said company shall be liable to said county for any amounts that may have been previously paid on such subscription, at the time of such failure or refusal, recoverable at law in any Court having jurisdiction.

Powers of Supervisors

SEC. 9. It shall be the duty of said Board of Supervisors, previous to the making out of the duplicate of the general assessment list for said county in each year, to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued hereunder; and previous to the making out of the duplicate of the general assessment list of said county, in the year eighteen hundred and seventy-two, and for every year thereafter until the said bonds issued under this Act shall be paid and liquidated, the said Board of Supervisors shall, should it be necessary, levy a tax, not exceeding twenty-five cents on the one hundred dollars worth of taxable property of said county, for the purpose of raising a Fund for the liquidation of said bonds, which shall be styled a "Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for county purposes; and when collected, shall be paid unto the County Treasurer, who shall account for and deliver the same over to the said Loan Commissioners, to be by them applied:

Interest tax.

Loan Fund.

*First*—The interest tax, to the payment of the interest falling due on said bonds.

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

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

Transfer of surplus from Interest Tax Fund.

Deficiency in  
Interest  
Fund.

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

Surplus in  
Loan Fund.

SEC. 12. Whenever, at any time, there shall be in said "Loan Fund," a sum of money amounting to four thousand dollars or upwards, the said Commissioners shall advertise in a public newspaper, published in said county, for a space of four weeks, for sealed proposals for the redemption of said bonds; and ten days from the expiration of the time for such publication, the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the "Loan Fund" then on hand shall extend, such bonds, presented under said proposals, as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and, *provided*, should there be no proposals made for less than par value, then the payment of said "Loan Fund" on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give four weeks notice of the number of the bonds to be paid, after which time such bonds shall cease to draw interest; and, *provided*, whenever there may be sufficient moneys in such "Loan Fund" for the extinguishment of the bonds issued under this Act, it shall be the duty of the said Commissioners to advertise in like manner, for a space of four weeks, for the redemption of all of the outstanding bonds issued under this Act; after which time said bonds shall cease to draw interest. Any moneys remaining in said "Loan Fund," after the redemption of said bonds, shall be by the said Commissioners paid over to the County Treasurer, to be by him held subject to the order of said Board of Supervisors.

Cancellation  
of bonds.

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

Duty of  
County  
Clerk.

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

Liabilities  
of Com-  
missioners.

SEC. 15. The said Commissioners, and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall, in all things herein required of them, be subject to all the liabilities and penalties to which they are subjected in the performance of any other of the duties of their respective offices, and they shall, where the fees or salary is not fixed by law for the services herein required, be allowed by the

Board of Supervisors a reasonable compensation therefor, to be paid by said county, as other fees and salaries are paid; and the said Board of Supervisors may, and they are hereby fully authorized so to do, require of each of said Commissioners such bonds and security for the performance of their duties herein Bonds. required of them, as they, the said Board of Supervisors, shall deem proper; *provided*, however, that the penal sums of such Proviso. bonds, to each of said Commissioners, shall not exceed five thousand dollars. The said Commissioners shall, when so required, execute the said bonds in the same manner as other official bonds are executed, and to be approved by said Board of Supervisors, and filed in the office of the County Clerk.

SEC. 16. The said Board of Supervisors shall have authority Powers of Supervisors to authorize a Committee of any one or more of their number, or any other persons, to cast all votes representing the capital stock so subscribed by them; and they shall, by order made for that purpose, have full power to sell, transfer, and assign the said capital stock, or any part thereof, so taken by them under the provisions of this Act, whenever, on a submission to the qualified voters of said county, at any county or general election, of a proposition to sell the same, a majority of the votes cast thereat shall approve of such sale.

SEC. 17. The Board of Supervisors shall have all the rights Same. and powers appertaining to any other subscriber to such capital stock, and shall receive all of the dividends, issues, and profits arising from such subscription to said capital stock, and shall set apart and transfer the same, together with the taxes that may be paid by said company to said county, from time to time, to the said "Loan Fund," to be applied by the said "Loan Commissioners," to the payment of the interest on the bonds issued as herein provided, and the redemption of the principal thereof, in the manner provided by section twelve of this Act; and after the full payment of said bonds and the interest on the same, the said dividends, issues, and profits, arising from such stock subscription, shall be applied as follows: one third part thereof to the School Fund of said county, and the remaining two-thirds to the General Fund.

SEC. 18. The said subscription of stock shall be made upon the books of said company, subject to the express conditions that the said County of San Joaquin shall not be liable or bound for any of the debts or liabilities of said company, beyond or exceeding the amount so subscribed or held by said county; and all contracts made by said company for the construction or equipment of said railroad, after such subscription, shall be subject to and shall contain an express stipulation to that effect, and all such contracts shall be subject to such condition, though the same should not be inserted or expressed therein; and in case the said company shall fail or refuse to make such stipulation in all their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover from said company any previous payments that may have been made thereon at the time of such failure or refusal. And the said county shall never make any other or fur-

ther subscription to the capital stock of said company than that provided by this Act.

SEC. 19. This Act shall be taken and deemed a public Act, and shall be in force and take effect from and after its passage.

CHAP. LXXVIII.—*An Act to authorize the Common Council of the City of Placerville to subscribe One Hundred Thousand Dollars to the Capital Stock of the Placerville and Sacramento Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto.*

[Approved March 21, 1863.]

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

Election.

SECTION 1. It shall be the duty of the Common Council of the City of Placerville, at the general election for city officers to be held in the year one thousand eight hundred and sixty-three, to submit to the qualified electors of said city the proposition for the Common Council of said city to subscribe one hundred thousand dollars to the capital stock of the Placerville and Sacramento Valley Railroad Company, by which a railroad communication shall be formed between the said City of Placerville and the Town of Folsom, in Sacramento County.

Duty of Council.

SEC. 2. It shall be the duty of the said Common Council to cause a notice of the submission of said proposition to be published, for a space of at least fifteen days prior to said election, in some newspaper printed and published in said city; said notice shall state the proposition to be submitted to said electors, and the time and manner of voting thereon. The said Common Council shall also cause ballots to be prepared and circulated in the several wards of the said city, prior to said election, with the words, "Subscription of one hundred thousand dollars to the capital stock of the Placerville and Sacramento Valley Railroad Company" printed thereon. Every ballot in favor of said proposition, shall have the words "Yes" written or printed thereon, and every ballot against said proposition, shall have the word "No" written or printed thereon.

Ballots.

Election returns.

SEC. 3. It shall be the duty of the officers of said election, at the several wards in said city, to make a correct count of all the votes cast on said proposition at their respective wards, and include the same in their returns to the Common Council of said city; and it shall be the duty of said Common Council, at the same time the votes cast at said election for Mayor of said city are canvassed by them, to count said votes, and declare the result thereof.

Subscription

SEC. 4. If, at said election, a majority of the electors of said city voting upon said proposition shall vote "Yes," then, and in that event, the said Common Council are hereby authorized and directed, in the name and for the benefit and use of said city, to subscribe the sum of one hundred thousand dollars to the

capital stock of the said Placerville and Sacramento Valley Railroad Company, and pledge the faith of the city for the payment of the same; *provided*, that said subscription shall be made by said Common Council, and accepted by said Placerville and Sacramento Valley Railroad Company, payable in the bonds of said city, and not otherwise, to be issued as hereinafter provided, and to be received by said railroad company, in payment of said subscription, at par, dollar for dollar.

Sec. 5. Said subscription shall be made by a committee of two members of said Common Council, who shall be appointed for that purpose by an order of said Common Council, entered upon their journal. Said appointment shall be made immediately after the votes cast at said election shall have been canvassed, as provided in section three of this Act; and it shall be the duty of the committee so appointed to make said subscription immediately thereafter.

Sec. 6. The said Common Council, from time to time, as the payment of said subscription shall be required to be made by the Board of Directors of said railroad company, not exceeding, however, at any one time, an instalment of ten per cent upon the amount of said subscription, in the same manner and upon the same terms as other stockholders, shall, by an order entered upon their journal, direct the Mayor of said city, the President of said Council, and the Treasurer of said city, who, for that purpose, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Railroad Commissioners" of said city, as such Railroad Commissioners, to issue bonds for the amount of such instalment, in sums of five hundred and one thousand dollars, in equal proportions. Said bonds shall bear interest at the rate of ten per cent per annum from the date of their issue, and the principal thereof shall be made payable on a day certain, to be specified in said bonds, which shall be not less than twelve nor more than fifteen years from their date, as the said Common Council may by an order entered upon their journal direct, and shall be payable at the office of the Treasurer of said city. The interest upon said bonds shall be due and payable semi-annually, so long as the same are outstanding and unpaid, and shall be made payable on a day certain, to be specified in coupons attached to said bonds, at the office of said Treasurer, as before provided for the payment of the principal of said bonds. Said bonds shall be signed by the Mayor of said city, the President of said Common Council, and the Treasurer of said city, as such officers and ex officio Railroad Commissioners, and when so signed, shall be presented by said Mayor to the Clerk of said Common Council, who shall countersign the same, as such Clerk, in the presence of a quorum of the said Common Council, at a meeting thereof; and it shall be the duty of said Common Council to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by said Clerk; and upon the countersigning of said bonds, said Common Council shall cause the seal of said city to be affixed to each bond, and appoint a committee of two of their number to deliver said bonds to the Secretary of the said Placerville and Sacramento Valley Railroad Company,

Bonds.

Subscription  
—how to be  
made.Issuance of  
bonds.

Interest.

When  
payable.Manner of  
signing  
bonds.

whose duty it shall be to give a receipt therefor, specifying the number, date, and amount of each bond so delivered, which receipt shall be delivered by said committee to the Clerk of said Common Council, and by him filed in his office. Said bonds shall be drawn payable to the order of the Placerville and Sacramento Valley Railroad Company, and may be transferred by said company, by a written or printed transfer upon the back thereof, signed by the President and Secretary of the Board of Directors of said company. Said bonds, both principal and interest, shall be made payable in United States coin.

Coupons.

SEC. 7. Coupons for the interest shall be attached to each of said bonds, so that the same may be removed without mutilation to the bond; and each of said coupons shall be signed by said Railroad Commissioners. When the City Treasurer shall pay any interest upon any of the bonds issued under the provisions of this Act, it shall be his duty to detach the coupons for the interest so paid, and deliver the same to the Clerk of the Common Council, taking his receipt therefor; and it shall be the duty of said Clerk to file said coupons in his office, and make a report thereof to the said Common Council at their next meeting.

Special tax.

SEC. 8. It shall be the duty of the said Common Council, at the same time other city taxes are levied by them in each year, to levy a tax, to be styled the "Railroad Interest Tax," sufficient to raise the amount of interest required to be paid each year on the bonds issued under the provisions of this Act; and in the year eighteen hundred and sixty-six, and for every year thereafter, until all the bonds issued under the provisions of this Act shall have been paid and liquidated, the said Common Council, at the same time other city taxes are levied, should it become necessary, shall levy a tax, not exceeding twenty-five cents on the one hundred dollars worth of taxable property within said city, for the purpose of raising a Fund for the payment of said bonds, to be styled the "Railroad Fund." Said taxes shall be levied and collected in the same manner as other city taxes, and when collected shall be paid to the City Treasurer, who shall account for and deliver the same over to said Railroad Commissioners, whose duty it shall be to apply the same as follows:

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

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

SEC. 9. If there shall be collected, as such Railroad Interest Tax, in any one year, more than sufficient to pay the annual interest on the bonds issued under the provisions of this Act, it shall be the duty of the said Railroad Commissioners to transfer such surplus to the said Railroad Fund.

Deficiency in Interest Fund.

SEC. 10. It shall be the duty of the said Railroad Commissioners to make arrangements for the payment of the interest of said bonds at least thirty days before the same falls due; and in the event said Interest Fund shall be insufficient to meet such payment, the said Common Council shall, by an order entered upon their journal, direct the said Treasurer to transfer from the General Fund of said city to the said Interest Fund

the amount required to meet such deficit; and in the event both these Funds prove inadequate, the said Railroad Commissioners are hereby authorized and directed to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith and credit of said city.

SEC. 11. Whenever, at any time, there shall be in said Railroad Fund a sum of two thousand dollars or upwards, the said Railroad Commissioners shall advertise in some newspaper published in said city, for a space of four weeks, for sealed proposals for the redemption of said bonds, and ten days from the expiration of such publication, said Commissioners shall open said proposals, and shall pay and liquidate, to the extent of the said Railroad Fund then in hand, such bonds presented under said proposals as shall have the lowest value proposed at which they may be redeemed; *provided*, the same shall not be more than the par value thereof; and, *provided*, that should there be no proposals made for less than par value, the payment of said Railroad Fund on hand shall be made on said bonds according to the number of their issue, of which payment said Commissioners shall give four weeks notice, to be published in some newspaper published in said city, specifying the numbers of the bonds to be paid, after which publication the bonds so specified shall cease to draw interest; and, *provided*, whenever there may be moneys in said Railroad Fund sufficient for the extinguishment of the outstanding bonds issued under the provisions of this Act, it shall be the duty of the said Commissioners to advertise in like manner, for the space of four weeks, for the redemption of all of said bonds, after which time said bonds shall cease to draw any interest. All moneys remaining in said Railroad Fund after all of the said bonds shall have been redeemed, shall be paid by said Commissioners into the General Fund of said city.

SEC. 12. Whenever any bonds shall have been paid and redeemed by said Commissioners, they shall mark the same "cancelled" over their signatures as such Commissioners, and shall immediately thereafter deliver the same to the Clerk of the Common Council, taking his receipt therefor, and the said Clerk shall file said cancelled bonds in his office.

SEC. 13. The said Common Council may, and they are hereby fully authorized so to do, require of each of said Commissioners such bonds and security for the performance of their duties herein required of them, as they, the said Common Council, shall deem proper; *provided*, the penal sum of such bonds to each of said Commissioners shall not exceed five thousand dollars.

SEC. 14. The said Common Council shall have power to authorize a committee of any one or more of their number or any other person or persons, to cast all votes representing the capital stock so subscribed by them at all meetings of the stockholders of the said Placerville and Sacramento Valley Railroad Company; and they shall, by an order made and entered upon their journal for that purpose, have full power to sell, transfer, and assign, said capital stock, or any part thereof, whenever, on a submission to the qualified electors of said city, at any city

election, of a proposition to sell the same, a majority of those voting upon said proposition shall vote in favor thereof.

Powers of Council.

SEC. 15. Said Common Council shall have all the rights and powers appertaining to any other subscriber to the stock of said railroad company, and shall receive all the dividends, issues, and profits, arising from the capital stock so subscribed by them; and it shall be their duty to set apart and transfer all such dividends, issues, and profits, together with all taxes which may be from time to time paid to said city by said railroad company, to the said Railroad Fund, to be applied by the said Railroad Commissioners to the payment of the interest and principal of said bonds in the manner provided by section eleven of this Act, and after the full payment of all the bonds issued under the provisions of this Act, both principal and interest, the said dividends, issues, and profits, shall be paid into the General Fund of said city.

Liability of the city.

SEC. 16. The subscription of stock authorized by virtue of the provisions of this Act, shall be made by said Common Council on the books of the said railroad company, upon the express condition that the said city shall not be liable for any of the debts or liabilities of said company beyond the amount so subscribed; and this provision, as to the liability of said city, shall be a part of and expressly stipulated in all contracts made by said company for the construction and equipment of said road; and in case said company shall fail or refuse to make such stipulation in all of their said contracts, the said Common Council shall have power to declare said subscription void and of no effect, and may recover by action, brought in the name of the "Mayor and Common Council of the City of Placerville," in any Court of competent jurisdiction, from said company, any previous payments that may have been made thereon at the time of such failure or refusal; and said city shall never make any other or further subscription to the capital stock of said company than that provided for by this Act.

Condition.

SEC. 17. No bonds shall be issued under the provisions of this Act until all that portion of said railroad lying in Sacramento County shall have been graded and put in a condition to receive the ties and iron.

SEC. 18. The Railroad Commissioners, and other officers mentioned in this Act, shall receive no compensation for the services required of them under the provisions of this Act.

Publication of Acts.

SEC. 19. It shall be the duty of said Common Council to cause this Act to be published, for the space of one week, in some newspaper printed and published in said city, prior to the election mentioned in the first section of this Act.

SEC. 20. This Act shall be deemed a public Act, and shall take effect from and after its passage.



CHAP. LXXIX.—*An Act to repeal an Act entitled an Act to attach certain Territory to the City of Sacramento for School Purposes, approved February twenty-third, eighteen hundred and fifty-nine.*

[Approved March 21, 1863.]

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

SECTION 1. The Act entitled an Act to attach certain territory to the City of Sacramento for School purposes, approved February twenty-third, eighteen hundred and fifty-nine, is hereby repealed. <sup>Act repealed.</sup>

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

CHAP. LXXX.—*An Act to provide for Special Elections for Superintendent of Public Instruction and Judicial Officers.*

[Approved March 21, 1863.]

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

SECTION 1. There shall be held throughout the State on the third Wednesday in October, in the year one thousand eight hundred and sixty-three, and every two years thereafter, an election, to be called the Special Judicial Election, at which shall be elected Justices of the Supreme Court, District Judges, County Judges, and all other judicial officers required by law to be chosen at such election, and also a Superintendent of Public Instruction. At such election, no officer other than judicial shall be elected, except said Superintendent of Public Instruction. <sup>Special election.</sup>

SEC. 2. The provisions of an Act entitled an Act to regulate elections, passed on the twenty-third day of March, in the year one thousand eight hundred and fifty, and the several Acts amendatory thereof and supplementary thereto, so far as the same may be applicable, are hereby extended to the elections provided for by this Act. <sup>Act extended.</sup>

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

CHAP. LXXXI.—*An Act to authorize parties therein named to construct and maintain a Bridge across the Middle Fork of Cache Slough.*

[Approved March 21, 1863.]

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

Franchise  
granted.

SECTION 1. N. S. G. Deek, Harvey Wilcox, and J. C. Merithew, and their associates or assigns, are hereby authorized to construct and maintain a free bridge, for the period of ten years, across the Middle Fork of Cache Slough, at or within one hundred feet below and three hundred feet above a point on said slough nearest the store of Deek & Co.; *provided*, said bridge shall be constructed and ready for use within one year after the passage of this Act.

SEC. 2. The bridge herein provided for shall be constructed in a good and substantial manner, and shall be sufficiently strong to bear without danger the largest sized teams.

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

CHAP. LXXXII.—*An Act for the Relief of D. W. Standeford, Deputy Tax Collector of Foreign Miners' Licenses in El Dorado County.*

[Approved March 21, 1863.]

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

Controller  
to credit.

SECTION 1. The Controller of State is hereby authorized and directed to give J. L. Perkins, County Treasurer of El Dorado County, in his settlement with him, a credit for the sum of seven hundred and seventy-five dollars, the same being the State's proportion of fifteen hundred and fifty dollars, which was deposited by D. W. Standeford, Deputy Tax Collector of Foreign Miners' Licenses in El Dorado County, in the iron safe of J. W. Jackson, of the Town of El Dorado, in said county, for safe keeping, and was stolen from said safe, by no fault or negligence of the said D. W. Standeford, on the night of the third day of May, one thousand eight hundred and sixty-two.

County  
Treasurer  
to credit.

SEC. 2. The Treasurer of El Dorado County, J. L. Perkins, is hereby authorized and directed, in his settlement with James M. Reynolds, Tax Collector of said county, to give said Reynolds a credit for the sum of fifteen hundred and fifty dollars, the same being the full sum belonging to the State and said county, which was deposited and stolen, as stated in the first section of this Act; and the said James M. Reynolds, Tax Collector of said county, shall give the same credit to the said D. W. Standeford, in his settlement with him; and the said D. W. Standeford is hereby acquitted and relieved from paying said sum of fifteen hundred and fifty dollars, stolen as aforesaid.

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

CHAP. LXXXIII.—*An Act to amend an Act entitled an Act for the relief of Persons imprisoned on Civil Process, approved April twenty-second, eighteen hundred and fifty.*

[Approved March 21, 1863.]

*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 so amended as to read as follows:

Section 1. Every person confined in Jail on an execution or order issued on a judgment rendered in a civil action, shall be discharged therefrom on the conditions hereinafter specified.

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

Section 9. The prisoner, after being so discharged, shall be forever exempted from arrest or imprisonment for the same cause of action, unless he shall be convicted of having wilfully sworn falsely upon his examination before the Judge, or in taking the oath before prescribed. Discharge to be final.

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

Section 12. Whenever a person is committed to jail on an execution or order issued on a judgment recovered in a civil action, the creditor, his Agent, or Attorney, shall advance to the Jailor, within twenty-four hours after such commitment, sufficient money to pay for the support of said prisoner during the time for which he may be imprisoned, and in case the money should not be so advanced, or if, during the time the prisoner may be in confinement, the money should be expended in the support of such prisoner, and the creditor should neglect for twenty-four hours to advance such further sum as might be necessary for his support, the Jailor shall forthwith discharge such prisoner from custody; and such discharge shall have the same effect as a discharge by order of the creditor. Discharge. For non-payment of expenses.

CHAP. LXXXIV.—*An Act to grant the right to construct a Turnpike Road from Doshe's Store, in Lone Valley, to the Town of Jackson, in the County of Amador.*

[Approved March 21, 1863.]

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

SECTION 1. John Vogan and Charles Green, together with such associates as they may admit, shall take, have, and enjoy all the rights, privileges, right of way, franchises, and immunities, hereinafter mentioned, upon condition that they and their associates shall incorporate themselves under the general laws of the State regulating corporations, and providing for the incorporation of Franchise.

plank and turnpike roads, and shall adopt the name of "The Ione City and Jackson Turnpike Road Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

Powers of company.

SEC. 2. The said company shall have full power to build and maintain a public turnpike road, leading from Doshe's Store, in Ione Valley, through Ione City, to the Town of Jackson, in the County of Amador, and have and enjoy all the rights, privileges, and immunities thereto appertaining, and shall have the right of way, which is hereby ceded and granted to said company, for the term of twenty years. And the State enters into these covenants, and makes these grants, and guarantees these rights and privileges, upon express conditions that said turnpike road shall commence at said Doshe's Store, in Ione Valley, running thence along the highway now in use, leading from said Doshe's Store to Ione City, crossing Sutter Creek in said Ione City at the place where said highway now crosses; running thence to the said Town of Jackson, along the route or line of survey made during the summer or fall of eighteen hundred and sixty-two, by J. V. H. Safford, or as near thereto as practicable, and that the grade of said turnpike road shall not exceed five and a half feet to the one hundred; also, said company shall build suitable bridges over Dry Creek, Sutter Creek, and all other bridges and culverts that may be necessary on said turnpike road; and that within three months after the passage of this Act, the said company shall commence, and within one year shall complete, the said turnpike road and bridges.

Conditions.

Acts made applicable.

SEC. 3. The Act of May twelfth, eighteen hundred and fifty-three, authorizing the formation of corporations for the construction of plank and turnpike roads, and the Acts amendatory thereof and supplementary thereto, are hereby extended and made applicable to said "Ione City and Jackson Turnpike Road Company," when not in conflict with the provisions of this Act; *provided*, that said company shall not be prohibited from erecting gates, charging and collecting toll, on that portion of said turnpike road leading from Doshe's Store to Ione City.

Proviso.

Conditions.

SEC. 4. The said turnpike road shall be constructed of sufficient width, and the said bridges of sufficient strength, to admit of the passage of the largest and heaviest sized teams, and said road and bridges shall be kept at all seasons of the year in good condition for travel by the largest or heaviest lumber and other teams. And the Board of Supervisors, upon a failure of said company to comply with the provisions of this section, may declare said turnpike road free, and it shall not be lawful for said company to collect tolls thereon until such time as said turnpike and bridges be fully repaired.

Tolls.

SEC. 5. The said company, upon the completion of five miles of said turnpike and the bridges thereon, commencing at said Doshe's Store, shall be authorized to charge and collect such rates of fare or toll as the Board of Supervisors of Amador County may establish, and upon the completion of the remainder of said turnpike road, shall be authorized to charge and collect such rates of fare or toll on the whole of said turnpike road as the said Board may annually fix; *provided*, such rates shall not be so reduced during the first ten years after the completion of said turnpike road, as to produce an income of less than fifteen per

Proviso.

cent per annum upon the cost of constructing said turnpike and bridges, over and above the expenses of collection and keeping said turnpike and bridges in repair; and *provided*, further, that no toll gate shall be established within one half mile of the point where said turnpike road crosses Sutter Creek.

SEC. 6. Said company shall keep at each end of said turnpike road, a sign board, which shall show the scale of prices and the regulations of the road. Signboard.

SEC. 7. Nothing in this Act shall be so construed as to deprive one Hoyt of any rights which he may have acquired from the Board of Supervisors of said County of Amador, for the construction of a bridge and collection of tolls thereon, near the "Q Ranch," on said road.

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

CHAP. LXXXV.—*An Act to amend an Act entitled an Act concerning District Attorneys, passed April twenty-ninth, eighteen hundred and fifty-one.*

[Approved March 21, 1863.]

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

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

Section 2. Before entering upon the duties of his office, he shall execute and file with the County Clerk a bond to the State in the sum of ten thousand dollars, which sum may be increased or diminished by the Board of Supervisors, conditioned for the faithful performance of his duties. Each District Attorney may appoint one or more Deputies, not to exceed two, who shall have the same power in all respects as their principal. The appointment shall be in writing, and be signed by the District Attorney, and shall be filed in the office of the Recorder of the County. He may revoke the appointment of any Deputy at will, by writing, filed in the same office. Each Deputy, before entering upon his duties, shall take the oath of office, which shall be indorsed on his appointment. The District Attorney may take from each of his Deputies a bond with sureties for the faithful performance of his duties; but the District Attorney, and the sureties on his bond, shall be liable for all the official acts of each Deputy; *provided*, such Deputy shall receive his compensation from his principal, and no additional fees or salary shall be allowed any District Attorney for such purpose; and, *provided*, further, that the provisions of this Act shall not apply to the City and County of San Francisco. Bond.  
Deputies.  
Oath.  
Bond.  
Liability of District Attorney.

SEC. 2. An Act authorizing the District Attorneys of the Counties of Mariposa and Sutter to appoint Deputies, approved February eleventh, eighteen hundred [and] sixty-two, is hereby repealed.

CHAP. LXXXVI.—*An Act to amend an Act entitled an Act granting certain powers to the Board of Education of the City and County of San Francisco, approved April twenty-sixth, eighteen hundred [and] fifty-eight.*

[Approved March 21, 1863.]

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

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

Powers  
conferred.

Section 2. The said Trustees shall be and are hereby empowered, in their discretion, to buy and lease real and personal property for the use of said department, and good and valid deeds and conveyances thereof to accept and receive, whenever it may be necessary for the actual use of any Public School of said city and county now established, or that may hereafter be established; *provided*, the lots to be purchased under the provisions of this section do not exceed four in number; and all conveyances made to the said Board of Education prior to January first, eighteen hundred [and] sixty-two, are hereby legalized and declared valid, and the property therein conveyed vested in the said Trustees in trust, as aforesaid; and the Board of Education of said city and county are hereby authorized to draw warrants, in the usual form, upon the School Fund, when requested so to do by said Trustees, for the purchase money or rent of any real or personal property so purchased or leased by said Trustees under this section; and the Auditor of said city and county is empowered and required to audit such warrants, and the Treasurer to pay the same out of said School Fund; but the total amount thereof shall not exceed the sum of twenty thousand dollars.

Duty of  
Auditor.

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

CHAP. LXXXVII.—*An Act to amend an Act entitled an Act concerning the Office of Controller, passed January nineteenth, eighteen hundred and fifty.*

[Approved March 21, 1863.]

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

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

Duties as to  
revenue, etc.

Section 3. He shall digest, prepare, and report to the Governor on the first Monday of November, annually, to be laid before the Legislature at the commencement of each regular session, a complete statement of the condition of the revenues, and the amount of the expenditures for the preceding fiscal year, a full and detailed statement of the public debt, an estimate of

the revenues and expenditures for the succeeding fiscal year, a tabular statement, showing separately the whole amount of each appropriation of money made by law, the amount paid under the same, and the balance unexpended, a tabular statement showing the amount of revenue chargeable to each county for the preceding year, the aggregate amount of each object of taxation, together with the tax due on the same, and shall report such plans as he may deem expedient for the support of the public credit, for promoting frugality and economy in the public offices, for lessening the public expenses, and generally for the better management and more perfect understanding of the fiscal affairs of the State.

CHAP. LXXXVIII.—*An Act to provide for the better keeping, protection, and disbursement of Public Moneys.*

[Approved March 24, 1863.]

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

SECTION 1. It shall be the duty of every officer intrusted by any law of this State with the collection of any of the public moneys of this State, or the public moneys of any county, or city and county, or township, or district, or municipal corporation, in this State, to pay over in coin such portion of said public moneys as he shall have received in coin, and in paper currency such portion thereof as he shall have received in said currency, to the officer or officers, person or persons, entitled by any law of this State to receive the same. Payment of moneys collected.

SEC. 2. It shall be the duty of every officer intrusted by any law of this State with the custody and disbursement of any of the public moneys of this State, or the public moneys of any county, or city and county, or township, or district, or municipal corporation, in this State, to keep and disburse in coin so much of said public moneys as he shall have received in coin, and in paper currency so much thereof as he shall have received in said currency. Same.

SEC. 3. All officers mentioned in sections one and two of this Act are hereby required to keep all public moneys, while the same are in their custody or under their control, in their own possession; and they are hereby forbidden and prohibited from placing the same, or any part thereof, in the possession of any banker or bankers, or banking firm, or any person or persons whomsoever, to be used by them for any purpose whatever for their own benefit, or for the benefit of any other person or persons; and they are further forbidden and prohibited from loaning, borrowing, or in any manner using said public moneys, or any part thereof, or permitting any other person or persons to use the same, or any part thereof, either with or without interest Duties of officers.

or other compensation, for any purpose whatever, except as provided by the laws of this State; and they are further forbidden and prohibited from changing or converting said public moneys, or any part thereof, from coin into any paper currency, or from paper currency into any other paper currency or coin.

Violations  
of Act.

SEC. 4. If any of the officers aforesaid shall violate any of the provisions of this Act, they shall be deemed guilty of felony, and upon conviction thereof in a Court of competent jurisdiction, shall be punished by imprisonment in the State Prison for a period not less than one year, nor more than five years, or by fine not less than five hundred dollars, nor more than ten thousand; *provided*, nothing in this Act shall be so construed as to prevent any of said officers, except the State Treasurer, from making special deposits for the safe keeping of the public moneys.

Penalties.

Proviso.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed; *provided*, that nothing in this Act contained shall be so construed as to release any officer herein named from any liability or penalty which he may have incurred under existing laws.

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

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CHAP. LXXXIX.—*An Act to repeal Section Second of an Act entitled an Act to provide for the Conveyance of Mining Claims, approved April thirteenth, eighteen hundred and sixty.*

[Approved March 26, 1863.]

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

SECTION 1. Section second of said Act is hereby repealed.

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CHAP. XC.—*An Act in relation to the Exempt Fire Company of the City and County of San Francisco.*

[Approved March 26, 1863.]

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

Powers of  
Supervisors.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered, in their discretion, to designate and set apart for the use of the Exempt Fire Company in said city and county, the building now occupied by the Manhattan Engine Company, Number Two, situated on Jackson street, near Montgomery, in said city and county; *provided*, a suitable building be first procured for the use of said



Manhattan Engine Company, Number Two, now occupying the building to be so set apart or designated for the use of the said Exempt Fire Company.

SEC. 2. Said Board of Supervisors are also authorized and empowered, in their discretion, to allow and order paid out of the General Fund in the Treasury of the City and County of San Francisco, a sum not to exceed eight thousand dollars, (\$8,000,) for repairs to such building, and for the purchase of apparatus for the Exempt Fire Company; and the Auditor is hereby directed to audit, and the Treasurer to pay, such sums as are authorized to be paid by this section.

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

CHAP. XCI.—*An Act to allow James E. Nuttman, Marcus Harlow, and their associates or assigns, to construct and maintain a Toll Road in the County of San Mateo.*

[Approved March 24, 1863.]

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

SECTION 1. The right to construct and maintain a toll road in San Mateo County is hereby granted to James E. Nuttman, Marcus Harlow, and their associates or assigns, for the period of twenty-five years from the passage of this Act; said road to begin at the point of intersection where the present County Road crosses the northern boundary line between San Mateo and San Francisco counties, and thence with said county road to the point where the same intersects with the southern boundary line of San Mateo County:

SEC. 2. The parties named in section one of this Act, their associates or assigns, shall, within one year from and after the passage of this Act, open, grade, and construct said road, to the width of at least thirty feet, and shall, at all times, keep and maintain the same in thorough repair, taking and receiving for the use of said road from the public such tolls as are hereinafter specified: For horse, mule, and rider, twenty-five cents; for each led or drove horse or mule, ten cents; for vehicle drawn by horse or mule, twenty-five cents; for vehicle drawn by two horses or mules, fifty cents; for vehicle drawn by four or more horses or mules, one dollar; for drove of cattle, per head, five cents; for sheep, hogs, or other animals, each, two cents; and said parties shall have the right to erect suitable toll gates, to collect the rates of toll above named, as soon as said road is completed to the San Bruno House.

SEC. 3. The said James E. Nuttman, Marcus Harlow, their associates or assigns, shall have the right to take, condemn, and appropriate such lands as may be necessary for the construction of said road or the right of way thereof, upon paying to the owners or claimants of said lands its ascertained value, according

to an Act of the Legislature of this State entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twenty-first, eighteen hundred and sixty-one.

Duration of franchise.

SEC. 4. The rights hereby granted shall continue for the term of twenty-five years from and after the passage of this Act; *provided*, however, that the Board of Supervisors of the County of San Mateo shall have the right, whenever they may deem it necessary for the public good to make said road free, to purchase the same from the owners thereof, at a value to be ascertained by the persons, one to be chosen by said Board of Supervisors, and the other by the owners of said road, and in case they cannot agree they shall have power to appoint a third party, and the appraisement of any two of said parties shall be considered the value of said road; and at any time after the completion of the same, should said Board of Supervisors pay to the owners of said road the amount of the value so ascertained, it shall operate as a complete extinguishment of the franchise herein granted.

County may purchase.

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

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CHAP. XCII.—*An Act to amend an Act entitled an Act concerning Roads and Highways in the County of Placer, approved April twenty-fourth, eighteen hundred and sixty-two.*

[Approved March 26, 1863.]

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

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

Tax receipts.

Section 28. The Board of Supervisors shall cause blank road tax receipts to be issued, numbered, and signed by the President of the Board, and countersigned by the Treasurer of said county; said receipts, when so prepared, shall be delivered to the Auditor of said county by the Treasurer of said county, and by him charged in a book kept for that purpose. The Auditor shall deliver such numbers of said tax receipts to the Collector or Collectors, from time to time, as may be required, and the Auditor and Collector or Collectors shall account for the same as so much cash.

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

CHAP. XCIII.—*An Act to require the County Judges of Colusa, Tehama, and Sutter, to reside at the County Seat.*

[Approved March 26, 1863.]

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

SECTION 1. The County Judges of Colusa, Tehama, and Sutter Counties, shall reside at the county seat.

SEC. 2. It shall not be lawful for the County Auditor to draw his warrant in favor of the County Judges of Colusa, Tehama, and Sutter Counties, for their salaries as such Judges, until section first of this Act shall have been complied with. Salaries of Judges.

SEC. 3. This Act shall take effect and be in force from and after the first Monday in January, eighteen hundred and sixty-four.

CHAP. XCIV.—*An Act concerning the Independent Order of Good Templars.*

[Approved March 26, 1863.]

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

SECTION 1. The Grand Lodge of the Independent Order of Good Templars, or any subordinate lodge thereof, which now is or may be hereafter incorporated under the laws of this State, may acquire and hold such property, real and personal, as may be deemed necessary to carry out the charitable purposes of said institution, and may sue and be sued, and shall have such other general powers as are granted to corporations under the law entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty. Corporate Powers.

CHAP. XCV.—*An Act fixing the Salary of the District Attorney of the County of Siskiyou.*

[Approved March 26, 1863.]

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

SECTION 1. The District Attorney of the County of Siskiyou shall receive for his services rendered in the discharge of the duties imposed upon him by law, one thousand five hundred dollars, and such fees as the statutes provide. Salary.

SEC. 2. All Acts and parts of Acts in conflict with this Act, particularly an Act entitled an Act fixing the salaries of Dis-

trict Attorneys of certain counties in this State, approved February twenty-eighth, eighteen hundred and fifty-nine, are hereby repealed, so far as they relate to the County of Siskiyou; provided, nothing in this Act shall be so construed as to effect the salary of the present incumbent. But this Act shall take effect and be in force from and after the expiration of the term for which the present incumbent was elected.

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CHAP. XCVI.—*An Act to change the name of Anderson Walker to Anderson Monroe Walker.*

[Approved March 26, 1863.]

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

Name  
changed.

SECTION 1. The name of the person heretofore known as Anderson Walker, an Attorney at Law, a resident of Gibsonville, Sierra County, in this State, is hereby changed to that of Anderson Monroe Walker.

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

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CHAP. XCVII.—*An Act to authorize the Board of Supervisors of the County of San Joaquin to take and subscribe One Hundred Thousand Dollars to the Capital Stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto.*

[Approved March 26, 1863.]

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

Special  
Election.

SECTION 1. It shall be the duty of the Board of Supervisors of the County of San Joaquin to order a special election to be held in said county, at the several places for holding elections therein, on or before the twelfth day of May, eighteen hundred and sixty-three, for the purpose of submitting to the qualified electors of said county the proposition for said Board of Supervisors to take and subscribe one hundred thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, by which a railroad communication shall be formed between Stockton and Copperopolis.

Notice.

SEC. 2. It shall be the duty of the said Board of Supervisors to cause notice of at least twenty days to be published in one or more newspapers printed and published in the said county, stating the proposition to be submitted to the said electors, and the time and manner of voting thereon. It shall be the further duty of said Board of Supervisors to cause ballots to be

prepared with the words "Subscription of one hundred thousand dollars to the Stockton and Copperopolis Railroad Company" printed thereon. Every ballot in favor of said proposition shall have the word "Yes," written or printed thereon, and every ballot against said proposition shall have the word "No," written or printed thereon. Said election shall be conducted in the same manner as other elections for county officers, and sealed returns shall be made of the vote cast on said proposition, within five days after the said election, and in the same manner as provided for in the case of the election of county officers, to the Clerk of said county, of the number of voters voting "Yes," and the number voting "No;" which returns shall be, on said fifth day, or on the sixth day following the day of said election, opened and counted in the same manner as the returns of the votes for county officers; and when so opened and counted, the result thereof shall be declared officially by the said Board of Supervisors, who shall, at the time prescribed for the opening and counting of the returns of said election, meet as a Board for that purpose, and for perfecting the subscription of stock as hereinafter provided.

Duty of  
Supervisors  
Ballots.

Election  
returns.

SEC. 3. If, at the said election, a greater number of the electors of said county, voting upon said proposition, shall vote "Yes" than shall vote "No," then, and in that event, is the Board of Supervisors of said county, in the name of said county, hereby authorized, empowered, and directed, immediately after the result of said election is so officially declared, to take and subscribe, for the use, benefit, and advantage of said county, to the capital stock of the Stockton and Copperopolis Railroad Company, a corporation duly organized under the laws of this State, on the eighth day of January, A. D. one thousand eight hundred and sixty-three, for the purpose mentioned in section one of this Act, stock to the amount of one hundred thousand dollars, and therefor to pledge the faith of said county for the payment of the same, in the manner hereinafter provided.

Subscription  
for stock.

SEC. 4. The said subscription shall be made by a committee of two members of said Board of Supervisors, to be appointed by an order of said Board for that purpose, and who shall perform that duty immediately thereafter.

Same.

SEC. 5. The said subscription shall be made, and so received, conditioned to be paid in the bonds of said county, issued as hereinafter directed, and not otherwise; and for such subscription said bonds shall be received at par, dollar for dollar.

Same.

SEC. 6. The said Board of Supervisors of said county, from time to time, as the payment of said subscription to such capital so subscribed shall be required to be made by the Board of Directors of said railroad company, not exceeding at any one time, however, an instalment of ten per cent upon the amount of said subscription, in the same manner and upon the same terms as other stockholders, shall, by order, direct the Chairman of said Board of Supervisors, the Auditor and Treasurer of said county, who, for that purpose, in addition to their other duties as such officers, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Loan Commissioners" of said county, as such Loan Commissioners, to issue bonds in the sums of five hundred and one thousand dollars, in

Issuance  
of bonds.

equal proportions, for such amount of such subscription to said capital stock as said Board of Supervisors may direct. Said bonds shall draw interest at the rate of seven per cent per annum from the date of their issue, and the principal thereof shall be made payable on a specified day, to be named in the bonds, which shall be fifteen years after the date of their issue, at the office of the Treasurer of said county; the interest accruing on said bonds shall be due and payable semi-annually, so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day, to be named in the coupons, at said Treasurer's office, as before provided for the payment of the principal of said bonds. Said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor and Treasurer of said county, as such officers, and ex officio Loan Commissioners, and when so signed, shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same, as such Clerk, in the presence of a quorum of such Board, at a meeting thereof; and it shall be the duty of said Board of Supervisors, to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by such Clerk; and upon the countersigning of said bonds, it shall be the duty of said Board of Supervisors to cause the seal of said county to be affixed to each bond, and appoint a committee of two of their number to deliver said bonds to the said railroad company to whom the same shall be issued; and it shall be the duty of such committee to take a receipt from the Secretary of said railroad company for the bonds so delivered by them, setting forth the number, dates, and amounts of the bonds so delivered, and report the same to the Board of Supervisors.

**Sec. 7.** Coupons for the interest shall be attached to each bond, so that the coupons may be removed without mutilation to the bond; said coupons shall be signed by the said Loan Commissioners. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, and deliver the same to the Clerk of said county, taking his receipt therefor, whose duty it shall be to write the word "cancelled" across said coupons, and file the same in his office, and make a report thereof at the next meeting of the Board of Supervisors.

**Sec. 8.** The bonds issued from time to time in payment of such stock subscription by virtue of the provisions of this Act, and at least an equal amount of any other funds that may be obtained by said company from other stockholders, or otherwise, or that may be furnished and supplied by the contractors who are or may be engaged in the construction of said road for said company, shall be expended from time to time, as the said bonds are required to be issued, in the actual construction of that portion of said company's road situated in the said County of San Joaquin to the extent and amount of the graduation and full preparation of said road for the superstructure thereof; and thereafter the said company may lay out and expend any balance or overplus of said bonds, if any there should be, after the graduation of said road in said county, as before stipulated, on

Interest.

Manner of signing bonds.

Coupons.

Proceeds of bonds to be expended in the county.

any portion of said road that they, the said company, may see proper, so that the same is applied in the construction and completion of said road. It shall be the duty of the Secretary and Chief Engineer of said company, from time to time, as the said bonds are required to be issued, to make reports, under oath, in writing, and lay the same before the said Board of Supervisors, of the progress of the work, and the amount thereof done and performed, as near as the same can be ascertained, on said road, and in each county through which the same is or shall be located. And if, after the issuance of such bonds in payment of the first instalment of ten per cent on such subscription, there should be, at any time, any failure or refusal in the expenditure of said bonds with the other funds, in the mode and manner provided by this section, in the construction of said road, then and in that event, the said Board of Supervisors may, at their option, withhold any farther payment on such subscription, and shall not thereafter be liable for any future calls for assessments thereon; and if so declared by said Board of Supervisors, the said subscription shall be held void and of no effect, and the said company shall be liable to said county for any amounts that may have been previously paid on such subscription at the time of such failure or refusal, recoverable at law in any Court having jurisdiction.

Duties of Supervisors

SEC. 9. It shall be the duty of said Board of Supervisors, previous to the making out of the duplicate of the general assessment list of the county, in each year, to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued hereunder; and previous to the making out of the duplicate of the general assessment list of said county in the year eighteen hundred and sixty-three, and for every year thereafter, until the said bonds issued under this Act shall be paid and liquidated, the said Board of Supervisors shall, should it be necessary, levy a tax, not exceeding fifteen cents on the one hundred dollars worth of taxable property of said county, for the purpose of raising a Fund for the liquidation of said bonds, which shall be styled a "Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for county purposes; and when collected, shall be paid unto the County Treasurer, who shall account for and deliver the same over to the said Loan Commissioners, to be by them applied:

Interest tax.

Loan Fund.

*First*—The interest tax, to the payment of the interest falling due on said bonds.

Application of funds.

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

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

Surplus.

SEC. 11. It shall be the duty of the said Loan Commissioners to make arrangements for the payment of the interest on said bonds when the same falls due, at least thirty days before the time of payment, and in the event said Interest Fund is insuffi-

Duty of Loan Commissioners.

cient, the said Treasurer shall draw on the Common or General Fund of said county for such purpose, and deliver the same to said Commissioners; and in the event that those Funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of said county.

Redemption  
of bonds  
from surplus

SEC. 12. Whenever, at any time, there shall be in said Loan Fund a sum of money amounting to three thousand dollars or upwards, the said Commissioners shall advertise, in a public newspaper published in said county, for a space of four weeks, for sealed proposals for the redemption of said bonds; and ten days from the expiration of the time for such publication, the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Loan Fund then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and, *provided*, should there be no proposals made for less than par value, then the payment of said Loan Fund on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give four weeks notice of the number of the bonds to be paid, after which time such bonds shall cease to draw interest; and, *provided*, whenever there may be sufficient moneys in such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of the said Commissioners to advertise, in like manner, for a space of four weeks, for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw interest. Any moneys remaining in said Loan Fund after the redemption of said bonds, shall be by the said Commissioners paid over to the County Treasurer, to be by him held subject to the order of said Board of Supervisors.

Proviso.

Cancellation  
of bonds.

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

Duty of  
County  
Clerk.

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

Penalties  
and liabilities  
of  
officers.

SEC. 15. The said Commissioners, and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall, in all things herein required of them, be subject to all the liabilities and penalties to which they are subjected on the performance of any other of the duties of their respective offices, and they shall, where the fees or salary is not fixed by law for the services herein required, be allowed by the Board of Supervisors a reasonable compensation therefor, to be paid by said county as other fees and salaries are paid; and the said Board of Supervisors may, and they are



hereby fully authorized so to do, require of each of said Commissioners such bonds and security for the performance of their duties herein required of them, as they, the said Board of Supervisors, shall deem proper; *provided*, however, that the penal sums of such bonds to each of said Commissioners shall not exceed five thousand dollars. The said Commissioners shall, when so required, execute the said bonds in the same manner as other official bonds are executed, and to be approved by said Board of Supervisors, and filed in the office of the County Clerk. Proviso.

SEC. 16. The said Board of Supervisors shall have authority to authorize a committee of any one or more of their number, or any other person, to cast all votes representing the capital stock so subscribed by them; and they shall, by order made for that purpose, have full power to sell, transfer, and assign the said capital stock, or any part thereof, so taken by them under the provisions of this Act, whenever, on submission to the qualified voters of said county, at any county or general election, of a proposition to sell the same, a majority of the votes cast thereat shall approve of such sale. Powers of Supervisors

SEC. 17. The Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all of the dividends, issues, and profits arising from such subscription to said capital stock, and shall set apart and transfer the same, together with the taxes that may be paid by said company to said county, from time to time, to the said Loan Fund, to be applied by the said Loan Commissioners to the payment of the interest on the bonds issued as herein provided, and the redemption of the principal thereof, in the manner provided by section twelve of this Act; and after the full payment of said bonds, and the interest on the same, the said dividends, issues, and profits arising from such stock subscription, shall be applied as follows: one third part thereof to the School Fund of said county, and the remaining two thirds to the General Fund. Same.

SEC. 18. The subscription of stock authorized by virtue of the provisions of this Act, shall be made by said Board of Supervisors on the books of said company, upon the express condition that the said county shall not be liable for any of the debts or liabilities of said company beyond the amount so subscribed; and this provision as to the liability of said county shall be a part of and expressly stipulated in all contracts made by said company for the construction and equipment of said road; and in case the said company shall fail or refuse to make such stipulation in all their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover from said company any previous payments that may have been made thereon at the time of such failure or refusal. And the said county shall never make any other or further subscription to the capital stock of said company than that provided for by this Act. Liability of County.

SEC. 19. This Act shall be taken and deemed a public Act and shall be in force and take effect from and after its passage.

CHAP. XCVIII.—*An Act to authorize the Board of Supervisors of the County of San Joaquin to take and subscribe Fifty Thousand Dollars to the Capital Stock of the "Big Tree and Carson Valley Turnpike Company, and to provide for the payment of the same."*

[Approved March 26, 1863.]

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

Special  
election.

SECTION 1. The Board of Supervisors of the County of San Joaquin shall order a special election to be held in said county, at the several places for holding elections therein, on or before the twelfth day of May next, for the purpose of submitting to the qualified electors of said county the proposition of authorizing the said Board of Supervisors to take and subscribe fifty thousand dollars to the capital stock of the "Big Tree and Carson Valley Turnpike Company," by which a turnpike communication shall be opened between the City of Stockton, in said county, and the eastern boundary of the State of California, by a line running from said city, through the County of Calaveras, to Carson Valley, Nevada Territory.

Election.

SEC. 2. Said Board of Supervisors shall cause notice of at least twenty days to be published in one or more newspapers printed and published in said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. Said Board shall also cause ballots to be prepared with the words "Subscription of fifty thousand dollars to the Big Tree and Carson Valley Turnpike" printed thereon. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against said proposition shall have the word "No" written or printed thereon. Said election shall be conducted in the same manner as other elections for county officers, and sealed returns shall be made of the vote cast on said proposition within five days after the said election, and in the same manner as provided for in case of the election of county officers, to the Clerk of said county, of the number of votes voting "Yes," and the number voting "No;" which returns, so made, shall on said fifth day be opened and counted in the same manner as the returns of the votes for county officers, and when so opened and counted, the result thereof shall be declared officially by said Board of Supervisors, who shall, at the time herein prescribed for the opening and counting of the returns of said election, meet as a Board for that purpose, and for perfecting the subscription of stock as hereinafter provided.

Ballots.

Returns of  
election.

Subscription

SEC. 3. If, at the said election, a greater number of the said electors of said county voting upon said proposition shall vote "Yes," than shall vote "No," then, and in that event, is the Board of Supervisors of said county, in the name of said county, hereby authorized, empowered, and directed, immediately after the result of said election is so officially declared, to take and subscribe for the use, benefit, and advantage of said county, to the capital stock of "The Big Tree and Carson Valley Turnpike Company," a corporation duly organized under the laws of this

State on the third day of April, A. D. eighteen hundred and sixty-two, for the purpose mentioned in section one of this Act, stock to the amount of fifty thousand dollars, and therefor to pledge the faith of said County of San Joaquin for the payment of the same in the manner hereinafter provided.

SEC. 4. The said subscription shall be made by a committee <sup>Subscription</sup> of two members of said Board of Supervisors, to be appointed by an order of said Board for that purpose, and who shall perform that duty immediately thereafter.

SEC. 5. The said subscription shall be made, and so received, <sup>Same.</sup> conditioned to be paid in the bonds of said county, issued as hereinafter directed, and not otherwise; and for such subscription, said bonds shall be received at par, dollar for dollar.

SEC. 6. The said Board of Supervisors of said county, from <sup>Issuance of bonds.</sup> time to time, as the payment of said subscription to such capital stock so subscribed shall be required to be made by the Board of Directors of said turnpike company, in the same manner and upon the same terms as other stockholders, shall, by order, direct the Chairman of said Board of Supervisors, the Auditor and Treasurer of said county, who for that purpose, in addition to their other duties as such officers, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Loan Commissioners" of said county, as such Loan Commissioners, to issue bonds, in the sums of one hundred dollars and five hundred dollars, in equal proportions, for such amount of such subscription to said capital stock as said Board of Supervisors may direct. Said bonds shall draw interest at the rate of ten per cent per annum from the date of their issue, and the principal thereof shall be made payable on a specified day, to be named in the bonds, which shall be fifteen years after the date of their issue, at the office of the Treasurer of said county; the interest accruing on said bonds shall be due and payable semi-annually so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day, to be named in coupons, at said Treasurer's office, as before provided for the payment of the principal of said bonds. Said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor and Treasurer of said county, as such officers, and ex officio Loan Commissioners, and when so signed, shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same, as such Clerk, in the presence of a quorum of such Board, at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by such Clerk; and upon the countersigning of said bonds, it shall be the duty of said Board of Supervisors to cause the seal of said county to be affixed to each bond, and appoint a committee of two of their number to deliver said bonds to the said turnpike company, to whom the same shall be issued, and said committee shall take a receipt from the Secretary of said turnpike company for the bonds so delivered by them, setting forth the number, dates, and amounts of the bonds so delivered, and report the same to the Board of Supervisors.

Coupons.

SEC. 7. Coupons for the interest shall be attached to each bond, so that the same may be detached without mutilation to the bond; said coupons shall be signed by the said Loan Commissioners. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, indorse the word "cancelled" on the backs thereof, and deliver the same to the Clerk of said county, taking his receipt therefor, whose duty it shall be to file the same in his office, and make a report thereof at the next meeting of the Board of Supervisors.

Special tax.

SEC. 8. It shall be the duty of said Board of Supervisors, previous to the making out of the duplicates of the general assessment list for said county, in each year, so long as said bonds shall be outstanding and unpaid, to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued under the provisions of this Act; and previous to the making out of the duplicate of the general assessment list of said county in the year eighteen hundred and sixty-eight, and for every year thereafter, until the said bonds issued under this Act shall be paid and liquidated, the said Board of Supervisors shall, should it be necessary, levy a tax, not exceeding twenty cents on the one hundred dollars worth of taxable property of said county, for the purpose of raising a Fund for the liquidation of said bonds, which shall be styled a "Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for county purposes; and when collected, shall be paid unto the County Treasurer, who shall account for and deliver the same over to the said Loan Commissioners, to be by them applied:

*First*—The interest tax, to the payment of the interest falling due on said bonds.

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

Surplus in Interest Fund.

SEC. 9. Should there be collected, as such interest tax, in any one year, a sum greater than is required to pay the annual interest on said bonds issued under this Act, then the said Loan Commissioners shall pass over such surplus into the said Loan Fund.

Payment of interest.

SEC. 10. It shall be the duty of said Loan Commissioners to make arrangements for the payment of the interest on said bonds when the same falls due, at least thirty days before the time of payment; and in the event said Interest Fund is insufficient, the said Treasurer shall draw on the Common or General Fund of the said county for such purpose, and deliver the same to such Commissioners; and in the event that those Funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of the county.

Surplus in Loan Fund.

SEC. 11. Whenever, at any time, there shall be in said Loan Fund a sum of money amounting to four thousand dollars or upwards, the said Commissioners shall advertise, in a public newspaper published in said county, for a space of four weeks, for sealed proposals for the redemption of said bonds; and ten

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

Proviso.

SEC. 12. Whenever any bonds shall have been paid and redeemed by the said Commissioners, they shall mark the same "cancelled," over their signatures as Commissioners, and immediately deliver the same to the County Clerk, taking his receipt therefor, and the said Clerk, upon the receipt of such cancelled bonds, shall file the same in his office.

Cancellation of bonds.

SEC. 13. The County Clerk shall open with the said Commissioners an "Interest Tax Account," and a "Loan Fund Account," and shall balance and settle the same quarterly, on the first Mondays of April, July, October, and January, of each year.

Duty of County Clerk.

SEC. 14. The said Commissioners, and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall, in all things herein required of them, be subject to all the liabilities and penalties to which they are subjected on the performance of any other of the duties of their respective offices, and they shall, where the fees or salary is not fixed by law for the services herein required, be allowed by the Board of Supervisors a reasonable compensation therefor, to be paid by said county as other fees and salaries are paid; and the said Board of Supervisors may, and they are hereby fully authorized so to do, require of each of said Commissioners such bonds and security for the performance of their duties herein required of them, as they, the said Board of Supervisors, shall deem proper; *provided*, however, that the penal sums of such bonds, to each of said Commissioners, shall not exceed eight thousand dollars. The said Commissioners shall, when so required, execute the said bonds in the same manner as other official bonds are executed, and to be approved by said Board of Supervisors, and filed in the office of the County Clerk.

Liabilities of officers.

Bonds of officers.

SEC. 15. The said Board of Supervisors shall have authority to empower one or more of their number, or any other person or persons, to cast any or all vote or votes representing the

Powers of Supervisors.

Powers of  
Supervisors

capital stock subscribed by said Board of Supervisors. The said turnpike company shall, on demand, issue and deliver to the said Board of Supervisors, for the use and benefit of said county, certificates of full paid stock in said turnpike company equal in amount to the amount of the county bonds that said Board of Supervisors have or shall have delivered to said turnpike company. The said Board of Supervisors shall have power to sell or cause to be sold the said turnpike company stock at public auction in the City of Stockton, in the said County of San Joaquin, or at the City and County of San Francisco, after the time and place of sale shall have been advertised by publication once a week, for the period of at least four weeks, in two newspapers of general circulation, one published in said City of Stockton, and the other in said City of San Francisco. The proceeds of such sale or sales of stock, after the payment of the expenses of sale, shall be paid into the Loan Fund, to be used and appropriated as in this Act provided.

Same.

SEC. 16. The Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all of the dividends, issues, and profits arising from such subscription to said capital stock, and shall set apart and transfer the same, together with the taxes that may be paid by said company to said county from time to time, to the said Loan Fund, to be applied by the said Loan Commissioners to the payment of the interest on the bonds issued as herein provided, and the redemption of the principal thereof in the manner provided by section eleven of this Act; and after the full payment of said bonds and the interest on the same, the said dividends, issues, and profits, arising from such stock subscription shall be applied as follows: one third part thereof to the School Fund of said county, and the other two thirds to the General Fund.

Conditions of  
subscription.

SEC. 17. The subscription of stock authorized by virtue of the provisions of this Act shall be made by said Board of Supervisors on the books of said company, upon the express condition that the said county shall not be liable for any of the debts or liabilities of said company beyond the amount so subscribed; and this provision as to the liability of said county shall be a part of and be expressly stipulated in all contracts made by said company for the construction of said turnpike road; and in case said company should fail or refuse to make such stipulation in all of their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover of said company any previous payments that may have been made thereon at the time of such failure or refusal. And the said county shall never make any other or further subscription to the capital stock of said company than that provided for by this Act.

SEC. 18. This Act shall take effect and be in force from and after its passage.

CHAP. XCIX.—*An Act providing for the time of holding Court in the Sixteenth Judicial District.*

[Approved March 27, 1863.]

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

SECTION 1. There shall be held, in the counties composing the Sixteenth Judicial District of this State, terms of Court as follows :

In the County of Calaveras, on the first Monday in February, Calaveras. May, August, and November.

In the County of Amador, on the first Monday in March, June, Amador. September, and December.

And in the County of Mono, on the first Monday in April, Mono. July, and October.

SEC. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

SEC. 3. This Act shall take effect from and after the first day of April, eighteen hundred and sixty-three.

CHAP. C.—*An Act to provide a Special Fund for the construction of the State Capitol Building, at the City of Sacramento.*

[Approved March 27, 1863.]

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

SECTION 1. An annual ad valorem tax, of five cents on each Special tax. one hundred dollars worth of all taxable property in this State, is hereby levied for the purpose of creating a special Fund, to be denominated the "Capitol Fund;" and the levy, assessment, and collection of said annual tax shall be performed in the same manner and at the same time as the ad valorem tax for State purposes is levied, assessed, and collected; *provided*, that in the year one thousand eight hundred and sixty-three, the levy shall be made on the first Monday in April. This Act shall remain in full force and effect until the State Capitol building is finished; also, until the grounds around the same are graded and fenced.

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

CHAP. CL.—*An Act to better define the Boundaries of the County of Sierra, to collect certain Taxes, to transfer certain Records, and to legalize certain Civil Actions determined and pending in the Counties of Sierra and Plumas.*

[Approved March 27, 1863.]

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

**Boundaries.** SECTION 1. The boundaries of the County of Sierra shall be as follows, namely: beginning at a point in the middle of the Middle Branch of the Yuba river, ten miles from its mouth; running thence in a northwesterly direction to a point on the North Branch of Yuba river, known as Cut-Eye Foster's Bar; thence westerly to a point on the dividing ridge between the waters of Feather and Yuba rivers, known as the Lexington House, leaving said house in Yuba County; thence northerly along the centre of said ridge to a point known as Pilot's Peak; thence southeasterly along the centre of said ridge to a point due west from a point about one mile below the outlet of Gold Lake, known as the Falls; thence due east to the eastern boundary line of the State; thence southerly along said boundary line to the northeast corner of Nevada County; thence westerly, following the northerly line of Nevada County, to the place of beginning.

**Boundary Commissioners.** SEC. 2. The County Surveyors of Sierra and Plumas Counties are hereby appointed Commissioners to run the boundary line between the counties above named. The said Commissioners shall, on or before the first Monday in June, eighteen hundred and sixty-three, proceed to run said boundary line as provided for in this Act, and shall establish along the line, at convenient distances, such monuments or marks as may be easily distinguished and followed; and shall also, at the completion of said work, make out and forward to the Surveyor-General of this State a copy of their field notes and maps. The said Commissioners shall receive a compensation to be fixed by the Board of Supervisors, and payable out of the Treasury of their respective counties, which compensation shall not exceed ten dollars per day for the time actually employed.

**Compensation.** SEC. 3. That portion embraced in what is known as Sierra Valley, is hereby created into a new township, to be known and designated as Township Number Ten. The Board of Supervisors shall appoint two Justices of the Peace, and two Constables, one of which Constables shall be known and designated as Constable and Collector; said officers shall qualify and give bonds as provided by law, and shall hold their offices until the next general election for township officers in Sierra County, and until their successors are elected and qualified.

**New township.** SEC. 4. The property assessed in the year Anno Domini one thousand eight hundred and sixty-two, and the taxes thereon, in the Territory known as Gold Lake Valley and Sierra Valley, embraced within the boundaries of Sierra County, as described in section one of this Act, and uncollected by the Sheriff of Plumas County, are hereby declared due and payable to the

**Unpaid taxes.**



County of Sierra, and the Tax Collector of Sierra County is hereby authorized to collect the same in the manner prescribed by law.

SEC. 5. All records of deeds and mortgages of lands and real estate in Sierra Valley, or Gold Lake Valley, heretofore recorded in Sierra, or Plumas County, shall be valid for all the purposes of such records; *provided*, that within one year after this Act shall take effect, all such records shall be made in the county in which the land or real estate so conveyed or mortgaged is situated. Records.

SEC. 6. All civil actions heretofore determined or now pending in Sierra or Plumas County, either of the parties to which are residents of Sierra Valley, or the subject matter of which actions is real estate situated in said Sierra Valley, shall be deemed and hold to have been brought in the proper county; *provided*, that the venue of any such action now pending in either of said counties may, on motion of either party thereto, be changed to the county having jurisdiction thereof. Civil actions.

SEC. 7. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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

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CHAP. CII — *An Act to repeal a portion of an Act entitled an Act to provide for a Railroad within the City and County of San Francisco, approved April seventeenth, eighteen hundred and sixty-one.*

[Approved March 28, 1863.]

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

SECTION 1. So much of section seven of an Act entitled an Act to provide for a railroad within the City and County of San Francisco, passed April seventeenth, eighteen hundred and sixty-one, as requires the owners of the franchise by said Act granted to surrender the route therein described from the intersection of Market and Second streets, through Sansome to Jackson street, and from Sansome to Montgomery street, and providing that upon such surrender, such franchise, so far as it relates to Sansome street, shall utterly cease and determine, as a condition of the right therein granted to the owners of said franchise, of changing the route therein described, so as to pass from Market street, through Montgomery street, to Jackson street, is hereby repealed, and the said condition is abrogated and released. Condition abrogated.

SEC. 2. This Act shall take effect immediately.

CHAP. CIII.—*An Act supplementary to an Act to provide for Street Railroads within the City and County of San Francisco, approved April seventeenth, eighteen hundred and sixty-one, and to an Act to grant to certain persons the right of way for a Railroad Track within the corporate limits of the City and County of San Francisco, and to run Horse Cars thereon, approved April seventeenth, eighteen hundred and sixty-one.*

[Approved March 28, 1863.]

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

Franchise  
extended.

SECTION 1. The right is hereby granted to the North Beach and Mission Railroad Company, being the assigns of the parties named in the two Acts to which this is a supplement, to construct a railroad, with a single or double track, upon Pacific street, from Battery street to Dupont street, and upon Dupont street, from Pacific street to Broadway, and to connect the same with their tracks upon Battery and Broadway; *provided*, that said company relinquish their right to run upon Kearney street, from Pacific street to Broadway, and upon Broadway, from Kearney street to Dupont street; also, to construct a railroad, with a single or double track, upon Folsom street, from Stuart street to First street, and to connect the same with their tracks upon Folsom street and First street; and the said extension or change of route shall be subject to all the conditions of the Acts to which this is a supplement; *provided*, that the time within which the entire road shall be completed, be and is hereby extended to the period of eighteen months from and after the passage of this Act, and that any portion of the original Acts conflicting with this section be and the same is hereby repealed; and, *provided*, further, that if, hereafter, any franchise shall be granted to any person or persons, to construct and maintain a horse railroad through or upon Pacific street, or upon Dupont street, such person or persons, their associates and assigns, shall have the right to run their cars over such portions of the track of said North Beach and Mission Railroad Company as they may have constructed on portions of Pacific and Dupont streets by virtue of this Act, by paying to said North Beach and Mission Railroad Company one half of the cost of construction and maintenance of that portion of the track of said North Beach and Mission Railroad Company required for use by them on said Pacific and Dupont streets, and thereafter any other person or company obtaining a franchise to run over the streets named in this proviso, may do so upon paying to the persons or company already entitled to run upon said tracks a pro rata share of the cost of construction and maintenance thereof.

Proviso.

CHAP. CIV.—*An Act supplementary to and amendatory of an Act entitled an Act to provide for a Railroad within the City and County of San Francisco, approved April twenty-fifth, eighteen hundred and sixty-two.*

[Approved March 23, 1863.]

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

SECTION 1. The right is hereby granted to the Central Railroad Company of San Francisco, said company being the assignee of the grantees named in the Act to which this is supplementary, and the holders and owners of all and singular the rights, privileges, and franchises therein granted, at any time within six months from the passage of this Act, to change their said route, as prescribed and set forth in said Act, so as to pass from the intersection of Dupont and Sutter streets along and upon Dupont street to Post street, and along and upon Post street to Stockton street, by surrendering their route from the intersection of Dupont and Sutter streets, through Sutter street to Stockton street, and along Stockton street to Post street. The right is also hereby granted to said Central Railroad Company, in case they shall determine to construct their branch from Taylor street through Turk street, instead of Geary street, as by the Act to which this is supplementary they are permitted to do, to construct and maintain their road from the intersection of Turk and Fillmore streets, through Fillmore street to Post street, and along and upon Post street from Fillmore street to the Lone Mountain Cemetery, upon surrendering the right to lay their track through Steiner or Scott streets, from Turk street; and upon such surrender the franchise, so far as it relates to the portions of streets so surrendered, shall cease and determine, and the right and franchise of said company to use the routes which by this Act they are permitted to adopt in lieu thereof, shall be the same as by said Act was conferred upon the grantees therein named in respect to the route therein set forth. The right is also hereby granted to said company to lay a single track through Jackson street, from Davis street to Sansome street, and with the consent of the Omnibus Railroad Company, to use their track on Sansome street, from Jackson street to Washington street, and to run horse cars thereon, the same as they, the said Central Railroad Company, may by their franchise run such cars on other portions of their route.

SEC. 2. The proviso in section one of said Act is hereby repealed.

SEC. 3. If, hereafter, any franchise shall be granted to any person or persons to construct and maintain a horse railroad through Post or Fillmore streets, or through Jackson street from Davis to Sansome streets, such person or persons, their associates and assigns, shall have the right to run their cars over such portions of the track of said Central Railroad Company as they may construct on Post, Fillmore, or Jackson streets, by virtue of this Act, upon paying to said Central Railroad Company one half of the cost of construction and maintenance of

that portion of the track of said Central Company so constructed on Post, Fillmore, or Jackson streets, and thereafter any other person or persons, or company, obtaining a franchise to run upon the same streets mentioned in this section, may do so upon paying to the companies or persons already entitled to run upon said track or tracks a pro rata share of the cost of construction and maintenance thereof.

CHAP. CV.—*An Act to grant the right to J. Waldron Calder and others to lay Water Pipes, for the purpose of supplying the Town of Aurora with Pure Water.*

[Approved March 28, 1863.]

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

**Franchise.** SECTION 1. J. Waldron Calder, Frank A. Baker, Levi B. Calder, H. Cordes, their associates, and successors, shall have and possess all the rights, privileges, franchises, and immunities hereinafter mentioned, upon condition that they and their associates shall, within the time hereinafter specified in this Act, incorporate themselves under the general incorporation laws of this State, and shall be subject to all the restrictions in such laws made and provided, shall adopt the name of the "Esmeralda Water Company," and shall fulfil the further conditions hereinafter mentioned.

**Time of existence.** SEC. 2. The said Esmeralda Water Company shall, for and during the period of fifteen years next ensuing the approval of this Act, have and possess the right of laying water pipes in the Town of Aurora, County of Mono, for the purpose of supplying said town with good and pure water for the use of its inhabitants.

**Rights of company.** SEC. 3. The said company shall have the authority to make the necessary excavations in the public streets of said town for the purpose of laying water pipes therein, and to re-open the said excavations, for replacement or repair of said pipes; *provided*, that the streets of said town are not thereby obstructed to an unnecessary degree, or for an unnecessary period of time, while such excavations are being made.

**Conditions.** SEC. 4. The said J. Waldron Calder, Frank A. Baker, Levi B. Calder, and H. Cordes, with their associates, shall, within six months after the passage of this Act, proceed to organize themselves under the general incorporation laws of this State, and shall then be liable for all the duties and obligations, and subject to all the penalties, in such general incorporation laws made and expressed.

**Same.** SEC. 5. The said company shall, within the period of nine months from and after the approval of this Act, commence the necessary excavations and works for supplying said town with good and pure water, and said works shall be completed, and a

supply of water furnished to the inhabitants of said town by such works, within the period of two years thereafter.

SEC. 6. The rates to be charged for water by said company shall be such as may be determined, in accordance with the provisions of the law in such cases made and provided; and for a failure on the part of such grantees, their successors, or assigns, to comply with the several conditions and requirements of this Act, the franchise herein granted shall cease and determine.

CHAP. CVI.—*An Act to authorize the construction of a Wagon Road up City Creek Cañon into Little Bear Valley, in San Bernardino County.*

[Approved March 23, 1863.]

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

SECTION 1. Jerome M. Benson and Samuel Pine, or their associates or assigns, are hereby authorized to construct a wagon road, not to exceed eighty feet in width, in San Bernardino County, from the mouth of City Creek Cañon, thence up said cañon, and across the Sierra Nevada range of mountains, to Little Bear Valley; and the said grantees, or their assigns, shall be authorized to collect tolls on said road for a period of twenty years from and after the time of its completion.

SEC. 2. The Board of Supervisors of San Bernardino County shall, from time to time, regulate the tolls to be collected on said road.

SEC. 3. Said road shall be surveyed and completed within twelve months from and after the passage of this Act, and shall not hinder or obstruct nor interfere with any other travelled road in said county.

SEC. 4. The Act of May twelfth, eighteen hundred and fifty-three, authorizing the construction of plank and turnpike roads, and the Act of April twenty-second, eighteen hundred and fifty-three, to provide for the incorporation of wagon road companies, are made applicable to this Act, except so far as they may conflict with the provisions of this Act.

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

CHAP. CVII.—*An Act to confer certain Powers upon the Board of Education of the City of Stockton, and for the Transfer of certain moneys from the School Fund of San Joaquin County to the School Fund of the City of Stockton.*

[Approved March 28, 1863.]

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

Examination  
of Teachers.

SECTION 1. The City of Stockton is hereby exempted from the provisions of all Acts and parts of Acts which require an examination of Teachers employed or to be employed in the Schools of said city by the Board of Examination of the County of San Joaquin. All such examinations shall hereafter be made by the Board of Education of the City of Stockton, or by such persons as said City Board shall designate for the purpose, and at such times as they shall appoint.

Transfer  
of funds.

SEC. 2. It is hereby made the duty of the Auditor of the County of San Joaquin, upon the first Monday of each month, and at such other times as he may see proper, to certify, in duplicate, to the Superintendent of Schools of said county, the amount of Common School moneys at that time in the County Treasury, and the amount received during the previous month. The County Superintendent shall, upon the receipt of said certificates, indorse upon one of them the amount of said moneys to which the Common Schools in the City of Stockton are entitled. The certificate, so indorsed, shall at once be returned to the said Auditor, who shall direct upon the same the County Treasurer to pay the sum designated upon said certificate to the legal custodian of the School Fund of said city.

Duty of  
County  
Treasurer.

SEC. 3. The Treasurer of said County of San Joaquin is hereby required to pay the sum directed by the Auditor, as above provided; and when said moneys are placed in the said City School Fund, they shall be used in precisely the same manner as moneys raised by city School taxes in said city.

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

SEC. 5. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

CHAP. CVIII.—*An Act to grant the right to construct a Turnpike Road from the Town of Fiddletown to Pokerville, in the County of Amador.*

[Approved March 28, 1863.]

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

Franchise.

SECTION 1. Thomas Horrell and T. A. Howard, together with such associates as they may admit, shall take, have, and enjoy, all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon condition that they

and their associates shall incorporate themselves under the general law of the State regulating corporations, and providing for the incorporation of turnpike roads, and shall adopt the name of the "Fiddletown and Pokerville Turnpike Road Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

SEC. 2. The said company shall have full power to build and maintain a public turnpike road from the Town of Fiddletown to Pokerville, in the County of Amador, and have and enjoy all the rights and privileges and immunities thereunto appertaining, and shall have the right of way, which is hereby granted and ceded to the said company, for the term of twenty years, and the State enters into these covenants, and grants these rights and privileges, upon express condition that within one month from the passage of this Act the said company shall commence, and within eight months complete, the said turnpike road; *provided*, that this road shall not interfere with or obstruct the present county road or roads now in use leading from Fiddletown to Pokerville, in said county.

Term of franchise.

Proviso.

SEC. 3. The same rights as are now extended by the laws of this State to plank and turnpike roads are hereby extended to the said Fiddletown and Pokerville Turnpike Road Company, the damages to be ascertained and paid in the same manner as they are by plank and turnpike road companies.

Rights of company.

SEC. 4. The said turnpike shall be constructed of sufficient width to admit of the passage of the largest and heaviest sized teams; and said road shall be kept at all seasons of the year in good condition for travel by the largest or heaviest lumber and other teams; and the Board of Supervisors of said county, upon a failure of said company to comply with the provisions of this section, may declare said turnpike road free, and it shall not be lawful for said company to collect tolls thereon until such time as said turnpike road shall be fully repaired.

Conditions.

SEC. 5. The said company, upon the completion of said turnpike road, shall be authorized and empowered to charge and collect such rates of fare or toll as the Board of Supervisors of the County of Amador may annually fix.

Tolls.

SEC. 6. The said company shall keep at each end of the said turnpike road a sign board, which shall show the scale of prices, and the regulations of the road.

Sign board.

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

CHAP. CIX.—*An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved March 28, 1863.]

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

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

Merchandise  
license.

Section 78. Every person who has a fixed place of business, who may deal in goods, wares, or merchandise, wines, or distilled liquors, whether sold on commission or otherwise, except the agricultural productions of this State, when sold by the producers thereof, and except such as are sold by Auctioneers at public sale, under license, according to law, shall pay quarterly an amount of money for license, as required by the class in which such person is placed by the Tax Collector of the county, under the provisions of the succeeding section; *provided*, always, that nothing herein contained shall be construed to extend to Physicians, Surgeons, Apothecaries, or Chemists, as to any wines or spirituous liquors which they may use in the preparation or compounding of medicines.

Proviso.

SEC. 2. All laws or parts of laws conflicting herewith are hereby repealed.

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

CHAP. CX.—*An Act to authorize the Board of Supervisors of the County of El Dorado to subscribe Two Hundred Thousand Dollars to the Capital Stock of the Placerville and Sacramento Valley Railroad Company, and to provide for the payment of the same, and other matters relating thereto.*

[Approved March 28, 1863.]

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

Duty of  
Supervisors

SECTION 1. It shall be the duty of the Board of Supervisors of the County of El Dorado, at the general election in the year one thousand eight hundred and sixty-three, to submit to the qualified electors of said county, the proposition for the Board of Supervisors of said county to subscribe two hundred thousand dollars to the capital stock of the Placerville and Sacramento Valley Railroad Company, by which a railroad communication shall be formed between the City of Placerville, in said county, and the Town of Folsom, in said County of Sacramento.

Section.

SEC. 2. It shall be the duty of said Board of Supervisors to cause a notice of the submission of said proposition to the



electors of said county, to be published for a space of at least fifteen days prior to said election in some newspaper printed and published in said county. Said notice shall state the proposition to be submitted to said electors, and the time and manner of voting thereon. Said Board of Supervisors shall also <sup>Ballots.</sup> cause ballots to be prepared, and circulated at the several precincts in said county prior to said election, with the words "Subscription of two hundred thousand dollars to the capital stock of the Placerville and Sacramento Valley Railroad Company," printed thereon. Every ballot in favor of said proposition shall have the word "Yes," written or printed thereon; and every ballot against said proposition shall have the word "No," written or printed thereon.

SEC. 3. It shall be the duty of the officers of said election, <sup>Returns of election.</sup> at each and all of the precincts in said county, to make a correct count of all the votes cast on said proposition, and include the same in their returns; and it shall be the duty of the Board of Supervisors, at the same time the other votes cast at the said election are canvassed by them, to count said votes, and declare the result thereof.

SEC. 4. If, at said election, a majority of the electors of said <sup>Subscription</sup> county, voting upon said proposition, shall vote "Yes," then, and in that event, the said Board of Supervisors are hereby authorized and directed, in the name of said county, and for its use and benefit, to subscribe two hundred thousand dollars to the capital stock of the said Placerville and Sacramento Valley Railroad Company, and pledge the faith of the county for the payment of the same; *provided*, that said subscription shall be made by <sup>Proviso.</sup> said Board of Supervisors, and accepted by said Placerville and Sacramento Valley Railroad Company, payable in the bonds of said county, and not otherwise, to be issued as hereinafter provided, and to be received by said railroad company in payment of said subscription at par, dollar for dollar.

SEC. 5. Said <sup>Subscription</sup> subscription shall be made by a member of said Board of Supervisors, who shall be appointed by an order of said Board for that purpose. Said appointment shall be made immediately after the votes cast at said election shall have been canvassed, as provided in section three of this Act; and it shall be the duty of the member so appointed to make said subscription immediately thereafter.

SEC. 6. The said Board of Supervisors, from time to time, <sup>Issuance of bonds.</sup> as the payment of said subscription shall be required to be made by the Board of Directors of said Railroad Company, not exceeding, however, at any one time, an instalment of ten per cent upon the amount of said subscription, in the same manner and upon the same terms as other stockholders, shall, by an order entered upon their journal, direct the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, (who, for that purpose, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Railroad Commissioners" of said county,) as such Railroad Commissioners, to issue bonds, in sums of five hundred dollars and one thousand dollars, in equal proportions, for the amount of such instalment of ten per cent upon the amount of said subscription, so as aforesaid required to be paid by said Board of Directors of said rail-

- Interest.** road company. Said bonds shall bear interest at the rate of ten per cent per annum from the date of their issue, and the principal thereof shall be made payable on a day certain, to be specified in said bonds, which shall be not less than twelve nor more than fifteen years from their date, as the Board of Supervisors may, by an order entered upon their journal, direct, and shall be payable at the office of the Treasurer of said county. The interest upon said bonds shall be due and payable semi-annually, so long as the same are outstanding and unpaid, and shall be made payable on a day certain, to be specified in coupons attached to said bonds, at the office of said Treasurer, as before provided for the payment of the principal of said bonds.
- When payable.**
- Duties of officers.** Said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, as such officers and ex officio Railroad Commissioners, and when so signed, shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same, as such Clerk, in the presence of a quorum of said Board of Supervisors, at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by said Clerk; and upon the countersigning of said bonds, said Board of Supervisors shall cause the seal of said county to be affixed to each bond, and appoint one of their number to deliver said bonds to the Secretary of the said Placerville and Sacramento Valley Railroad Company, whose duty it shall be to give a receipt therefor, specifying the number, date, and amount of each bond so delivered, which receipt shall be delivered to the Clerk of said county, and by him filed in his office. Said bonds shall be drawn payable to the order of the Placerville and Sacramento Valley Railroad Company, and shall be made payable, both principal and interest, in United States coin, and may be transferred by said company by a written or printed transfer upon the back thereof, signed by the President and Secretary of the Board of Directors of said company.
- Coupons.** SEC. 7. Coupons for the interest shall be attached to each of said bonds, so that the same may be removed without mutilation to the bond; and each of said coupons shall be signed by said Railroad Commissioners. When the County Treasurer shall pay any interest upon any of the bonds issued under the provisions of this Act, it shall be his duty to detach the coupons for the interest so paid, and deliver the same to the Clerk of said county, taking his receipt therefor; and it shall be the duty of said Clerk to file said coupons in his office, and make a report thereof to the said Board of Supervisors at their next meeting.
- Special interest tax.** SEC. 8. It shall be the duty of said Board of Supervisors, at the same time other county taxes are levied by them in each year, to levy a tax, to be styled the "Railroad Interest Tax," sufficient to raise the amount of interest required to be paid each year on the bonds issued under the provisions of this Act; and at the same time other county taxes are levied by them in the year eighteen hundred and sixty-six, and for every year thereafter, until all the bonds issued under this Act shall have been paid and liquidated, the said Board of Supervisors, should

it be necessary, shall levy a tax, not exceeding twenty-five cents on the one hundred dollars worth of taxable property within said county, for the purpose of raising a Fund for the payment of said bonds, to be styled the "Railroad Fund." Said taxes shall be levied and collected in the same manner as general taxes for county purposes, and, when collected, shall be paid to the County Treasurer, who shall account for and deliver the same over to said Railroad Commissioners, whose duty it shall be to apply the same as follows:

Railroad Fund.

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

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

SEC. 9. If there shall be collected as such Railroad Interest Tax, in any one year, a sum greater than is required to pay the annual interest on the bonds issued under the provisions of this Act, it shall be the duty of the said Railroad Commissioners to transfer such surplus to the said Railroad Fund.

Surplus in Interest Fund.

SEC. 10. It shall be the duty of said Railroad Commissioners to make arrangements for the payment of the interest on said bonds at least thirty days before the same falls due; and in the event said Interest Fund shall be insufficient to meet such payment, the said Board of Supervisors shall, by an order entered upon their journal, direct the Auditor of said county to draw a warrant upon the Treasurer of said county, payable out of the General Fund of said county, for such deficit; and such warrants shall be paid by said Treasurer in preference to all other warrants drawn upon the General Fund; and in the event there shall be no money in the General Fund of said county with which to pay said warrants, at the time of their presentation, it shall be the duty of the said Railroad Commissioners to sell such warrants upon such terms as are reasonable and fair, and pay the proceeds of such sale into said Interest Fund; and in the event these sources prove inadequate, the said Railroad Commissioners are hereby authorized and directed to make such contracts and arrangements as may be necessary for the payment of said interest, and the protection of the faith and credit of said county. The warrants mentioned in this section shall be drawn payable to the order of the said Railroad Commissioners.

Duty of Railroad Commissioners.

SEC. 11. Whenever, at any time, there shall be in said Railroad Fund a sum of money amounting to two thousand dollars or upwards, the said Railroad Commissioners shall advertise, in a public newspaper published in said county, for the space of four weeks, for sealed proposals for the redemption of said bonds; and ten days from the expiration of the time for such publication, said Commissioners shall open said proposals, and shall pay and liquidate, as far as the Railroad Fund then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be redeemed and liquidated; *provided*, the same shall not be more than the par value thereof; and, *provided*, that, should there be no proposals made for less than par value, the payment of said Railroad Fund on hand shall be made on said bonds according to the number of their issue, of which payment said Commis-

Redemption of bonds with surplus

Proviso.

sioners shall give four weeks notice, to be published in some newspaper published in said county, specifying the numbers of the bonds to be paid, after which time such bonds shall cease to draw interest; and, *provided*, whenever there may be moneys in said Railroad Fund sufficient for the extinguishment of the outstanding bonds issued under the provisions of this Act, it shall be the duty of said Commissioners to advertise in like manner, for the space of four weeks, for the redemption of all of said bonds, after which time said bonds shall cease to draw any interest. All moneys remaining in said Railroad Fund after all of said bonds shall have been redeemed, shall be paid by said Commissioners to the County Treasurer, who shall pay one third thereof into the School Fund, and the residue into the General Fund of said county.

**Cancellation**

SEC. 12. Whenever any bonds shall have been paid and redeemed by said Commissioners, they shall mark the same "cancelled," over their signatures as Commissioners, and shall immediately deliver the same to the County Clerk, taking his receipt therefor, and the said Clerk shall file said cancelled bonds in his office.

**Liabilities of officers.**

SEC. 13. The said Commissioners, and all other officers herein mentioned, shall be liable on their official bonds for the faithful performance of all of the duties required of them under the provisions of this Act, and shall in all things herein required of them, be subject to all the liabilities and penalties to which they are subjected in the performance of any other of the duties of their respective offices; and said Commissioners and other officers shall receive no other fees or compensation for the services required of them under the provisions of this Act than such as are allowed by law for the performance of the duties of their respective offices.

**Powers of Supervisors**

SEC. 14. The said Board of Supervisors shall have authority to authorize a committee of any one or more of their number, or any other person or persons, to cast all votes representing the capital stock so subscribed by them at all meetings of the stockholders of the said Placerville and Sacramento Valloy Railroad Company; and they shall, by order made and entered upon their journal for that purpose, have full power to sell, transfer, and assign said capital stock, or any part thereof, so taken by them under the provisions of this Act, whenever, on a submission to the qualified electors of said county, at any county, or general, or special election, of a proposition to sell the same, a majority of those voting upon said proposition shall vote in favor thereof.

**Rights and powers of Supervisors.**

SEC. 15. Said Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to the stock of said railroad company, and shall receive all of the dividends, issues, and profits arising from the capital stock so subscribed by them; and it shall be their duty to set apart and transfer all such dividends, issues, and profits, together with all taxes which may be, from time to time, paid to said county by said railroad company, to the said Railroad Fund, to be applied by the said Railroad Commissioners to the payment of the interest and principal of the bonds issued under the provisions of this Act, in the manner provided by section eleven of this Act; and after

the full payment of all of said bonds, both principal and interest, the said dividends, issues, and profits, arising from said stock subscription, shall be applied as follows: one third part thereof to the School Fund of said county, and the remaining two thirds to the General Fund of said county.

SEC. 16. The subscription of stock authorized by virtue of the provisions of this Act, shall be made by said Board of Supervisors on the books of said railroad company, upon the express condition that the said county shall not be liable for any of the debts or liabilities of said company beyond the amount so subscribed, and this provision as to the liability of said county shall be a part of and expressly stipulated in all contracts made by said company for the construction and equipment of said road; and in case the said company shall fail or refuse to make such stipulation in all of their said contracts, the said Board of Supervisors shall have power to declare said subscription void and of no effect, and may recover, by action brought in the name of said county, in any Court of competent jurisdiction, from said company, any previous payments that may have been made thereon at the time of such failure or refusal. And said county shall never make any other or further subscription to the capital stock of said company than that provided for by this Act.

Liability of county.

Powers of Supervisors.

SEC. 17. No bonds shall be issued under the provisions of this Act until all that portion of said railroad lying in Sacramento County shall have been graded and put in a condition to receive the ties and iron.

Restriction.

SEC. 18. The said Board of Supervisors may and shall refuse to make the stock subscription provided for by this Act unless the City of Placerville shall, in pursuance of some law now passed, or hereafter to be passed, subscribe the sum of one hundred thousand dollars to the capital stock of said railroad company.

Condition.

SEC. 19. It shall be the duty of said Board of Supervisors to cause this Act to be published for the space of two weeks in some newspaper published in said county; and such publication shall be completed at least one week prior to the election mentioned in the first section of this Act.

Publication of Act.

SEC. 20. This Act shall be taken and deemed a public Act, and shall be in force and take effect from and after its passage.

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CHAP. CXI.—*An Act granting to F. K. Bechtel, and others, the right to erect Gas Works and lay Gas Pipes, for the purpose of supplying the Town of Aurora with illuminating gas.*

[Approved March 23, 1863.]

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

SECTION 1. F. K. Bechtel, John S. Mayhugh, D. C. Crooker, their associates, and successors, shall have and possess all the rights, privileges, franchises, and immunities, hereinafter mentioned, upon condition that they and their associates shall,

Grantees.

within the time hereinafter specified in this Act, incorporate themselves under the general laws of this State, and shall adopt the name of the Aurora City Gas Company, and shall abide by and fulfil the further conditions hereinafter mentioned.

**Franchise.** SEC. 2. The said Aurora City Gas Company shall, for and during the period of twenty years next ensuing the approval of this Act, have and possess the privilege of supplying the Town of Aurora, in the County of Mono, and State of California, and the inhabitants, residents, and people of said place, with illuminating gas.

**Rights of company.** SEC. 3. The said company shall have the authority to erect within the town limits of Aurora, the necessary buildings, works, and machinery, for the manufacture or production of illuminating gas; to make the necessary excavations in the public streets of said town for the purpose of laying gas pipes therein, and to re-open the said excavations for the replacement or repair of said pipes; *provided*, that the streets of said town shall not be obstructed to an unnecessary degree, or for an unnecessary period of time while such pipes are being laid.

**Conditions.** SEC. 4. The said F. K. Bechtel, John S. Mayhugh, D. C. Crooker, and their associates, shall, within nine months after the approval of this Act, proceed to organize themselves under the general Act of incorporation, as provided in section one of this Act, and shall then be liable for all the duties and obligations, and subject to all the penalties in such general Act of incorporation made and expressed.

**Same.** SEC. 5. The said company shall, within the period of fifteen months from and after the approval of this Act, commence the construction of the works necessary for the manufacture or production of illuminating gas, and shall, within the period of three years from and after the approval of this Act, complete the same.

**Same.** SEC. 6. After the said gas works shall have been completed, the said company shall furnish the Town of Aurora, free of charge, the first year, five lights; the second year, ten lights; and thereafter, fifteen lights; and the said light shall be furnished at such places as the authorities of said town may direct; the lamp-burners and the lamp-posts to be provided by the proper authorities of said town.

**To give bonds.** SEC. 7. For the faithful performance of the terms of this grant, on the part of the grantees, their associates, or assigns, a bond to the Treasurer of said County of Mono, in the sum of fifteen hundred dollars, with two or more sufficient sureties, to be approved by said Treasurer, shall be executed within three months from and after the passage of this Act, by the said grantees, their associates, or assigns, and shall be filed in the office of the said Treasurer; and upon the forfeiture of said bond by the non-performance of the terms of the grantees, as specified in this Act, it shall be the duty of the District Attorney for the County of Mono, to bring an action for the amount thereof, and upon recovery to have the amount of said bond, with costs of suit, paid into the Treasury of said county; and in case said bond shall not be executed, approved, and filed, as provided in this Act, or in case of the non-performance of any of the terms and conditions of this Act, by said grantees, their associates, and

assigns, required to be performed, then the franchises and privileges herein granted shall utterly cease and determine.

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CHAP. CXII.—*An Act concerning Redemptions of Real Estate in certain cases.*

[Approved March 28, 1863.]

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

SECTION 1. No real estate shall be redeemed from any sale made under execution for taxes, unless the amount of redemption money which the law requires to be paid is paid in the same kind of money which the law requires to be paid for taxes; and all purchasers of real estate, when such real estate is sold on a judgment for taxes, shall pay the purchase money in the same kind of currency in which taxes are required to be paid.

Payment by  
Redemp-  
tioners.

SEC. 2. This Act shall take effect immediately.

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CHAP. CXIII.—*An Act to exempt certain property belonging to the Esmeralda Rifle Company from taxation.*

[Approved March 28, 1863.]

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

SECTION 1. That certain lot of land, with the improvements thereon, situate, lying, and being in the town of Aurora, Mono County, California, at the northwest corner of Spring and Silver streets, in said town of Aurora, fronting (80) eighty feet on Silver street, and running back, same width, one hundred feet on Spring street, and known as "Armory Hall," is hereby exempted from the payment of any and all taxes, assessed or to be assessed, for State, county, or city purposes; *provided*, that such exemption shall continue no longer than said lot and premises are held for the use and benefit of said Rifle Company.

Exemption.

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

CHAP. CXIV.—*An Act to authorize the Board of Supervisors of Sonoma County to appropriate money for a Map.*

[Approved March 28, 1863.]

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

SECTION 1. The Board of Supervisors of the County of Sonoma are hereby authorized and empowered, and it is hereby made their duty, to contract with A. B. Bowers for the completion and publication of his map of said county, and to pay for the same the sum of five thousand dollars, on or before the delivery to them of twenty copies of the aforesaid map.

SEC. 2. This Act shall take effect immediately.

CHAP. CXV.—*An Act concerning Roads and Highways in the Counties of Shasta and Trinity.*

[Approved March 28, 1863.]

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

Public  
Highways.

SECTION 1. All roads in the Counties of Shasta and Trinity are hereby declared to be public highways which are now used as such and have been declared such by order of the Court of Sessions, or Board of Supervisors, or which may hereafter be declared such by said Board, in accordance with the provisions of this Act.

Act  
applicable.

SEC. 2. The sections from one to twelve, inclusive, of an Act entitled an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, are hereby made applicable to the Counties of Shasta and Trinity, and the said counties are hereby exempted from the operation of the remaining sections of said Act.

Road  
Districts.

SEC. 3. For all purposes of this Act, the townships as now established shall be Road Districts, within the meaning of this law, and they may be changed, divided, created, or more distinctly defined, by the Board of Supervisors, at any time considered necessary, and every such Road District shall have one Road Overseer.

Road  
Overseers.

SEC. 4. Such Road Overseers shall be elected at the general election in the year eighteen hundred and sixty-three, and at the general election every two years thereafter, who shall qualify and take their office on the first Monday in November subsequent to their election, and shall hold the same for the period of two years from the date of their qualification, and the Board of Supervisors shall have power and it shall be their duty to fill by appointment any vacancy that may occur in the



office of Road Overseer in any District of said counties for either fractional or full term.

SEC. 5. Any person appointed or elected Road Overseer, before entering upon the duties of his office, shall take and subscribe the usual oath of office, and shall execute a bond to The People of the State of California, with two or more sufficient sureties, in a sum not less than double the probable amount of road money that will come into his hands, to be fixed on by the Board of Supervisors, and shall be conditioned on the faithful performance of the duties of the office, and the payment into the County Treasury of such money as he shall be required to do by the provisions of this Act.

Bond and  
oath of  
Overseers.

SEC. 6. At the session of the Board of Supervisors for levying State, county and other taxes, the said Board shall levy upon all able bodied male persons, except Indians, between the ages of twenty-one and sixty years, a road poll tax of not less than two, nor more than four dollars per annum, which tax shall be paid in labor, as hereinafter provided, at the rate of two dollars per day; *provided*, that any person liable to perform road duty, may pay the same, when called upon by the Road Overseer, in cash; and said Board of Supervisors shall at the same session levy a property tax for road purposes, upon all taxable property in said counties, of not less than five nor more than twenty cents on each one hundred dollars, which said property tax shall be assessed and collected at the same time, and in the same manner, and by the same officers, as other property taxes; *provided*, that when any person shall perform more labor on the highways in any one year than is required by this Act, the Overseer of the District in which said labor shall be performed, shall receipt to such person for the extra amount of labor so performed, and said receipt shall be good and receivable for road dues for any subsequent year.

Road  
poll tax.

Proviso.

SEC. 7. It shall be the duty of the Collector to keep a separate account of the road tax collected in each Road District; and of the Treasurer to keep the moneys so collected in the several Districts in separate Funds. These Funds of the several Road Districts shall be under the control of the Board of Supervisors, who may disburse the same for the construction of bridges, the opening or improvement of roads of general utility to such counties, or may in their discretion transfer them to the Road Overseers, to be expended by them in the improvement of the roads; each Fund in the District where it was collected. The Board of Supervisors shall draw money from the Road Fund by drawing their order on the Treasurer, and said orders shall specify the particular Fund from which they are to be paid; *provided*, that in no instance shall the Board of Supervisors draw their orders to exceed the amount in the Road Fund upon which said orders are drawn.

Duty of  
Collector.

Duties of  
Supervisors

SEC. 8. The Road Overseers shall warn and require all persons in their respective Districts who by this Act are liable to road duty, to perform such labor on the roads and highways of the Districts as is herein required, and they shall notify such persons of the time when, and the place where, such service must be performed, and shall superintend and direct such labor; and the Overseers shall cause all the roads and highways of

Duties of  
Overseers.

Duties of  
Overseers.

their respective Districts to be kept clear of obstructions, and in good repair; shall cause banks to be graded, bridges and causeways to be made, and the same to be kept in condition for the accommodation of travel, and shall cause guide boards to be erected at the intersections of roads, where the convenience of the travelling public may require the same; and shall have full power to contract for labor and material necessary and proper for accomplishing these objects; *provided*, that his expenditures shall not exceed the means at his command to pay for the same.

SEC. 9. To enforce the collections of the tax due from any person who, on the requirement of the Road Overseer, shall have neglected, failed, or refused to do the labor or pay the money, as required by this Act, the Overseer may seize so much of any and every species of property, right, possession, or claim whatever, belonging to such person so liable and neglecting or refusing to pay such road tax, as will be sufficient to pay the same and cost of seizure, which shall be as hereinafter provided, and may sell the same at any time and place, on giving verbal notice one hour previous to such sale; and any person indebted to another liable to road tax, who shall neglect or refuse to pay the same, shall be liable for the tax of such other person, after service on him by the Overseer of a notice stating the name of the person so liable and owing road tax, and may deduct the amount thereof from such indebtedness. The Overseer, after deducting the tax for which such property was sold, and the costs of sale, which shall be three dollars in each case, shall return the surplus, if any, to the owner of the property. A delivery of the possession of the property by the Overseer, to any purchaser at any such sale, shall be a sufficient title in the purchaser, without the execution of a deed therefor by the Overseer.

Receipts  
for taxes.

SEC. 10. The Board of Supervisors shall cause proper blank receipts for road taxes to be printed, and shall require the Clerk of the Board to sign a number equal to the probable number of persons in the county liable to pay road poll tax, and to issue the same to the Overseers of the Road Districts of the county; and the Clerk of the Board shall charge to the Overseers, in a book kept for that purpose, the receipts which he shall deliver to them respectively; and when any person shall perform the labor on the highways, or in lieu thereof shall pay the money as required by this Act, the Road Overseer of the District shall deliver to him a road poll tax receipt, with the blanks properly filled, thereby showing whether such tax was paid in labor or cash.

Duties of  
Overseers.

SEC. 11. On the first Monday in November in each year, the Road Overseers shall file their accounts, duly verified, with the Clerk of the Board of Supervisors, for settlement; said accounts shall contain a list of the names of all persons in their respective District liable to perform service on the roads, the names of the persons who have performed such labor, and of those who, in lieu thereof, have paid the amount of their poll tax in cash. They shall also contain a statement of the sums of money paid out, to whom paid, and for what purpose; and each Overseer shall state in his account the number of days he has been occupied in the discharge of the duties of his office; and all moneys

still remaining in his hands, after deducting his per diem, he shall pay into the County Treasury, and take the receipt of the Treasurer for the same; and he shall file, together with his accounts, all receipts which he may have received from the Treasurer for moneys paid into the Treasury, and also all road tax receipts which remain in his hands unsold; and the Board of Supervisors shall examine the accounts of the Road Overseers, and finding them to be correct, and that the persons who have paid road tax, together with the tax receipts returned, are equal to the whole number of receipts issued to them, respectively, shall order the Clerk of the Board to balance their account.

SEC. 12. When any Road Overseer shall pay any money into the County Treasury, it shall be the duty of the Treasurer to place it to the credit of the District of which the person so paying is Overseer; and the Treasurer shall pay money out of the Road Funds on orders drawn by the Board of Supervisors.

Of Treasurer  
of county.

SEC. 13. Road Overseers shall receive pay for their services on the roads at the rate of four dollars per day, and for the collecting of the road tax from persons who refuse or neglect to work on the roads, ten per cent on the amount collected; *provided*, that for the time spent in seizing and selling property for the forcible collection of said tax, the Overseer shall not receive pay per diem. And the Board of Supervisors may draw their orders on the Treasurer, in favor of any Overseer who may have a balance due him on settlement, for the amount of such balance, payable out of the Fund of the Districts of which such person is Overseer. Any Overseer neglecting, failing, or refusing to perform any of the duties prescribed by this Act, besides being liable to be removed, shall be deemed guilty of a misdemeanor, and on conviction thereof before any Justice of the Peace in the county, shall be fined in any sum not exceeding two hundred dollars, for which fine his official bond shall be liable, and when collected shall be paid into the County Treasury, and placed in the Road Fund of his District; *provided*, that if, through the negligence of any Road Overseer, the road poll tax of any person, liable to pay the same, shall not be collected, said Overseer's official bond shall be liable for said tax; and it shall be the duty of the Board of Supervisors to collect the same, and pay it into the Treasury, and the Treasurer shall place the same with the Road Fund of the District for which said person is Overseer.

Pay of  
Overseers.

Neglect of  
duty and  
penalties.

SEC. 14. Any person or persons, company, or corporations, who shall obstruct any public highway, either by placing an obstruction therein, or by digging a canal or ditch, or deepening the waters of any stream, and not bridge the same the full width of the road within twelve hours, or sooner, if possible, by placing good and substantial timbers across the same, not exceeding six feet apart, and planking the same with plank, not less than three inches in thickness, unless permission shall have been granted by the Road Overseer of the District to build the bridge of a less size, but in no case to be less than sixteen feet in width, or shall neglect or refuse to keep such bridge across such ditch, canal, or stream, in good repair, shall be liable to prosecution for a misdemeanor; and it shall be the duty of the Road Overseer of the District to prosecute for such offence on behalf of

Obstructing  
highways.

**Penalties.** the county; and the party offending, on conviction, shall be liable to a fine of not less than ten nor more than two hundred dollars, with costs of suit, to be collected as other fines; and he or they shall be further liable, at the suit of the Road Overseer of the District, in the sum of five dollars for each day such obstructions remain after being notified to remove or remedy the same; and whenever any public highway is injured by the breaking of any water ditch, or canal, the owners thereof shall be liable for all damages occasioned to said road by said breaking; and it is made the duty of the Road Overseer in said District to prosecute said owners for all such damages; and all moneys collected under the provisions of this section shall be paid into the Road Fund of said District where such obstruction has been placed.

SEC. 15. All Acts and parts of Acts in conflict with this Act, so far as they apply to the Counties of Shasta and Trinity, are hereby repealed

CHAP. CXVI.—*An Act to provide for the construction of a Wagon Road from Sonora, Tuolumne County, to Aurora, Mono County.*

[Approved March 31, 1863.]

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

**Commissioners.**

SECTION 1. There shall be chosen by the Boards of Supervisors of the Counties of Mono, Tuolumne, Stanislaus, and San Joaquin, as hereinafter provided in section twenty and twenty-one, Commissioners, to be known and designated as the "Sonora and Mono Road Commissioners;" the persons so chosen as Commissioners shall have and exercise the powers hereinafter conferred upon them, and shall hold their office during the pleasure of the Board of Supervisors by whom they may have been respectively chosen. Before entering upon the duties of their office, each of said Commissioners shall enter into a bond in the sum of five thousand dollars, with two or more sufficient sureties, that he will faithfully perform all the duties required of him under the provisions of this Act, and will, immediately after his receipt of the same, pay over and deliver to the person or persons entitled thereto, any money or bonds which may come into his possession or under his control as Commissioner. Said bonds shall be approved by the Board of Supervisors appointing the Commissioner, and shall be filed in the office of the County Clerk.

**Bonds.**

**Powers and duties.**

SEC. 2. It shall be the duty of said Road Commissioners to cause to be located, improved, and constructed, a wagon road, from the City of Sonora, in the County of Tuolumne, passing thence, by way of Strawberry Flat, across the Sierra Nevada Mountains, to Aurora, in the County of Mono. Said Commissioners shall have full power, and they are hereby authorized to employ such Surveyor, or Engineer, and other assistants, as they may deem advisable to advance the economical construc-

tion of the road, to make contracts, and to do all acts and things necessary to be done for its most feasible location and speedy completion.

SEC. 3. The amount of money which shall be expended by said Commissioners in the survey, location, and construction of said road, shall not exceed the sum which may be realized from the issuance and sale of county bonds, as hereinafter provided for; and any indebtedness contracted by the said Commissioners, or either of them, beyond the amount which may be realized from the issuance and sale of said bonds, shall be in no wise a legal charge or claim against either of the counties hereinafter named.

Amount of  
moneys to be  
expended.

SEC. 4. The Commissioners shall each receive five dollars per day for each day's service when actually in session as a Board of Commissioners, and for each day while actually engaged upon the route of said road, and twenty-five cents per mile, mileage, for each mile necessarily travelled in going to and from their several places of residence to Sonora, when called together. The correctness of their several accounts for services and mileage shall be determined by the Board, and shall be paid in like manner as other expenses incurred in the construction of said road.

Pay of Com-  
missioners.

SEC. 5. The said Commissioners, or either of them, shall not be in any manner interested in any contract or undertaking entered into by the Board, either for supplies, materials, or otherwise, in the construction or improvement of said road. Any violation of this section shall be deemed a misdemeanor, and upon conviction thereof before any competent tribunal, each Commissioner so convicted shall be fined in any sum not less than five hundred dollars nor more than five thousand dollars; which said fine shall be paid into and form a part of the Sonora and Mono Road Fund of such county or counties as may be represented by the Commissioner so convicted.

Restrictions  
upon Com-  
missioners.

Penalties for  
violations of  
restrictions.

SEC. 6. The Commissioners chosen under the provisions of this Act, shall meet at the City of Sonora, on the first Monday of May, A. D. eighteen hundred and sixty-three, or as soon thereafter as convenient, and organize for the transaction of business. As soon as possible thereafter they shall determine upon the route, and proceed to locate said road; and they may cause the same to be constructed by contract, or otherwise, as they may deem advisable. In the event that said Commissioners determine that said road or any portion thereof shall be constructed by contract, it shall be their duty to have prepared plans and specifications of the character, grade, and dimensions of all such portions of said road as they propose to construct by contract; and when such plans and specifications shall have been fully prepared and settled, they shall advertise for at least ten days, in some newspaper in each of the Cities of Sonora and Stockton, for sealed proposals for constructing such parts of the road as they may designate, stating the time within which each contract shall be fulfilled, and the mode and manner of payment upon said contract, and whether the same be in cash or the bonds of said counties.

Meetings  
and duties  
of Commis-  
sioners.

SEC. 7. All proposals shall specify the rates at which the work will be done, payable in cash, or at what rates payable in

Proposals.

the bonds which may be issued under this Act. All payments in bonds shall be made of the bonds of the several counties, in the proportion that the whole amount of bonds to be issued by the several counties shall bear to the amount to become due any one contractor for work or materials done or furnished towards the construction of the road aforesaid.

Award of  
contracts.

SEC. 8. On the day appointed in said advertisement, the said Commissioners shall meet in the City of Sonoma, to which place all proposals are required to be forwarded, and shall publicly open and compare all proposals, and shall award each contract to the lowest responsible bidder or bidders; *provided*, that in considering proposals for which the bonds of said counties will be received, the cash value of said bonds shall not be computed at a greater discount than fifteen per cent; and, *provided*, further, that no proposals shall be considered as the basis of any contract, unless accompanied by a written undertaking in double the amount of the contract price, guaranteed by two or more responsible sureties, conditioned for the faithful performance of the work, the sufficiency of which undertaking shall be determined by the Commissioners.

Commission-  
ers to keep  
record of acts

SEC. 9. The Commissioners shall keep a record of all their proceedings when in session as a Board, and shall also keep and preserve a minute account of all expenses, liabilities, and contracts, that may be incurred or entered into by them, on account of the survey, location, or construction of said road. And they shall, on the last Saturday in each month, make report to the Board of Supervisors of the several counties joining in the construction of the road, of all claims and accounts of every nature whatsoever, which may have been approved by them, during the last preceding month, for services rendered or materials furnished towards the construction of the road aforesaid, which report shall be verified by the Commissioners making the same. They shall also, at the same time, certify to the Board of Supervisors of said counties, the proportion of such claims, accounts, and liabilities, for which each county is liable to said date; said amounts to bear the same proportion to the whole amount of indebtedness then accrued, that the whole amount of bonds to be issued by the several counties shall bear to the total amount of bonds to be issued by all the counties.

Issuance  
of bonds by  
Mono, Tuol-  
umne, San  
Joaquin, and  
Stanislaus  
Counties.

SEC. 10. For the purpose of paying the expenses incurred in the location and construction of the road aforesaid, it shall be the duty of the several Boards of Supervisors of the counties named in section one of this Act, and they are hereby required to cause to be issued the bonds of said counties, respectively, for any amount not to exceed the sum of fifteen thousand dollars for the County of Mono, fifty thousand dollars for the County of Tuolumne, fifty thousand dollars for the County of San Joaquin, twenty thousand dollars for the County of Stanislaus. Said bonds shall be issued upon the order of the Board of Supervisors of their respective counties, and shall be signed by the President of the Board of Supervisors, and attested by the Clerk of the Board, with the county seal affixed, and countersigned by the County Treasurer. The bonds shall be issued in denominations of one, two, three, four, and five hundred dollars, in all not to exceed the foregoing respective apportionments

of one hundred and thirty-five thousand dollars. Said bonds shall all be made payable on the first day of June, A. D. one thousand eight hundred and seventy-three. They shall be consecutively numbered as issued, and shall bear interest at the rate of ten per cent per annum, each having coupons attached for said interest. Said coupons shall be consecutively numbered, signed, and attested, as the bonds are. The bonds and coupons shall be made payable at the office of the County Treasurer of the county in which they may be issued, or at such other place as may be designated by the Board of Supervisors ordering their issue; in either of which cases the place where they shall be made payable shall be specified in the bond and the coupons thereto attached. When payable at the office of the County Treasurer, they shall, on due presentation at maturity, be paid by the County Treasurer; and when payable at any other place, they shall, on due presentation for payment, be paid by such person or persons as the County Treasurer shall, before their maturity, have authorized to pay the same. Coupon Number One shall be for the amount of interest due upon the bond from its date till the first day of December, one thousand eight hundred and sixty-three, and shall be payable on said last mentioned day; and the balance of the coupons shall be for six months interest each, being payable, successively, on the first day of June and the first day of December thereafter until said bonds mature.

Coupons and bonds.

When and where payable.

Sec. 11. The Board of Supervisors of each of the counties which may unite in the construction of the road aforesaid, so often as there shall be certified to them by the Road Commissioners, an amount of money or bonds to be due from their respective counties, shall cause to be issued bonds sufficient to meet such demands, unless prior to such notice of the Road Commissioners, bonds shall have been issued by such Board of Supervisors to the amount apportioned to such county in section ten of this Act. It shall be lawful for any Board of Supervisors to cause to be issued for their respective counties, at their discretion, except as above mentioned, the bonds herein provided for, and they may convert the same into cash; *provided*, that no bonds shall be disposed of at a discount of more than fifteen per cent. The proceeds of all bonds issued under the provisions of this Act shall be used and applied to the payment of the necessary expenses of building and improving the road above mentioned, and for no other purpose whatsoever. And for the payment of the bonds so issued, the several Counties of Mono, Tuolumne, San Joaquin, and Stanislaus, shall each become liable to the amount of the principal and interest of the bonds issued by each, respectively, according to their face.

Duties of Boards of Supervisors

Liabilities.

Sec. 12. It shall be the duty of the County Treasurer and the Board of Supervisors of each of the counties in which bonds may be issued under the provisions of this Act, to keep a correct record of all bonds so issued, showing the number, date, amount of each, and to whom issued; and all duties required to be performed by County Treasurers, and Clerks, under this Act, shall be deemed a part of their official duties, and neither of such

Record of bonds.

officers shall be allowed any compensation for services so rendered.

Payment of interest and redemption of bonds.

Sec. 13. On or before the first Mouday of February, in each and every year, the County Treasurers of the several counties in which bonds have been issued under the provisions of this Act, shall present to the Board of Supervisors of their respective counties a certified statement of the amount required to pay the yearly interest on all the bonds then outstanding, and also, the amount required to redeem, in each year, the one tenth part of the first principal of all the bonds issued as herein provided.

Road debt tax.

Sec. 14. In addition to the taxes now authorized by law to be levied in the counties of Mono, Tuolumno, Stanislaus, and San Joaquin, the Board of Supervisors of each of said counties are hereby authorized and required to levy in each and every year a special tax, to be known as the "Road Debt Tax," sufficient for the purpose of paying the yearly interest on said bonds, and for their liquidation, as contemplated in section thirteon of this Act. The manner of levying and collecting said tax shall be the same as provided by law for levying and collecting other taxes, State and county. The Treasurers of their respective counties shall keep said taxes, when paid to them, separate and apart from all other moneys in the Treasury, and shall designate the same as the "Sonora and Mono Road Fund," no portion of which shall be used for any other purpose whatsoever than the payment of the bonds aforesaid, and the accruing interest thereon; *provided*, that for the present year, the tax to be levied may be levied and assessed at a special meeting of the Board of Supervisors of said counties, respectively, to be held for that purpose.

Redemption of bonds by Treasurer.

Sec. 15. On the first day of June, eighteen hundred and sixty four, and annually thereafter, it shall be [the] duty of the Treasurers of the several counties in which bonds have been issued under the provisions of this Act, from the money in their hands in the "Fund" mentioned in the last preceding section, to redeem the one tenth part of the first principal of said bonds, or such an amount of said bonds as the money in their hands in said "Fund" will redeem, at the lowest value at which they may be proposed to be liquidated, after advertising for two weeks immediately preceding said first day of June, by publication in some newspaper in his county, if any be there printed, for sealed proposals for the redemption of said bonds. At the time and place specified in the publication, the Treasurer shall, in the presence of such persons as choose to be present, open all proposals, and accept the lowest bids for the surrender of said bonds; *provided*, that no bonds shall be redeemed at a greater sum than par value. The bids being equal, the preference shall be given to the smallest amount of bonds; the bids and amount of bonds being equal, each shall be accepted pro rata, or as nearly so as possible. No bid, unless accompanied by the bonds proposed to be surrendered, shall be accepted by the Treasurer. If any bonds issued in either of the counties aforesaid be made payable at any other place than the office of the County Treasurer of such county, it shall be the duty of the Treasurer of such county, prior to the maturing of said bonds, or of any of the coupons attached thereto, to make arrangement

Bids.



with some suitable person or party for their payment and redemption at maturity, and for the return to his office of all the bonds and coupons so paid and redeemed.

SEC. 16. Whenever any County Treasurer shall pay or cause to be paid any bond or coupon under the provisions of this Act, he shall indorse on said bond or coupon so paid the date of redemption, and from whom redeemed, and the amount paid to redeem the same; he shall preserve in his office all bonds and coupons redeemed, and shall keep a record of the same, giving the number, date, and amount of each, and from whom received, and across each of the bonds and coupons so redeemed he shall write the words "Cancelled by me," and sign his name thereto as Treasurer.

Duties of  
County  
Treasurer.

Cancellation

SEC. 17. The Boards of Supervisors of the several counties that may join in the construction of the road aforesaid, shall have power and they are hereby authorized to levy and collect tolls of all persons or parties travelling, teaming, or freighting over said road; the rate of said tolls so levied to be fixed and agreed upon by the concurrent action of said Boards of Supervisors.

Tolls.

SEC. 18. The bonds that are required to be issued by the Board of Supervisors of the several Counties of Stanislaus and San Joaquin under this Act, shall not be issued unless upon a submission of the proposition to issue said bonds to the electors of each of said counties, at a special election to be called for that purpose. A majority of the electors voting on said proposition in said counties shall be in favor of issuing said bonds; and the provisions of this Act shall only apply to the Counties of Mono and Tuolumne, and such other of the counties first mentioned in this section, in which a majority of said electors shall be in favor of issuing such bonds.

Election in  
Stanislaus  
and San  
Joaquin  
Counties.

SEC. 19. To give full force and effect to this Act, it shall be and is hereby made the duty of the Boards of Supervisors of the said Counties of Stanislaus and San Joaquin, to submit to the qualified electors of their respective counties, at a special election to be held for that purpose on or before the twelfth day of May next, the proposition to issue the bonds provided to be issued under this Act. Those voting on said proposition shall have written or printed on their ballot "Sonora and Mono Road Bonds—Yes," or "Sonora and Mono Road Bonds—No." The Board of Supervisors in each of said counties shall determine the places of holding the polls for such special election, shall appoint the Judges and Inspectors, and shall give at least ten days notice of the same. Such election shall be conducted in the same manner as general State elections, and the ballots cast shall be returned, counted, and canvassed, in the same manner as the ballots at the general election for State and county officers; and the result of such election, in each of said counties, shall be entered on the records of the Board of Supervisors of the county.

Same.

Ballots.

SEC. 20. If the result of such election in San Joaquin County shall be favorable to the issue of such bonds, then the Board of Supervisors of said county shall immediately choose some person to serve as Road Commissioner under the provisions of this Act, and shall forthwith certify such action to the Board of

Duties of  
Supervisors.

Supervisors of Tuolumne County. If the result of the election in Stanislaus County shall be favorable to the issue of such bonds, then the Board of Supervisors of said county shall immediately choose some person to serve as Road Commissioner under the provisions of this Act, and shall forthwith certify such action to the Board of Supervisors of Tuolumne County.

Result of election and duties of Supervisors.

SEC. 21. In the event that San Joaquin County alone of the counties mentioned in section eighteen, shall elect to issue bonds, and shall choose a Commissioner, or in the event that San Joaquin County, together with Stanislaus County, shall have elected to issue bonds and choose Commissioners, then it shall be the duty of the several Boards of Supervisors of the Counties of Mono and Tuolumne, and they are hereby required, on or before the twentieth day of May next, or as soon thereafter as may be, to each choose some suitable person to serve as Commissioner under the provisions of this Act; but in the event that the County of Stanislaus alone shall elect to issue bonds as heretofore provided, then it shall be optional with the Boards of Supervisors of the Counties of Mono and Tuolumne as to whether they will each choose a Commissioner, issue bonds, and proceed to construct the road.

Validity of acts of Commissioners.

SEC. 22. If, under the provisions of the last two preceding sections, three Commissioners be chosen, the acts of any two of them, acting jointly and in accordance with the provisions of this Act, shall be, in all respects, as effectual and binding as if done and performed by all of such Commissioners. If four Commissioners be chosen, three shall unite in the making of all contracts provided for in section eight, and in the making of monthly reports and apportionments, as provided for in section nine, of the expenditures incurred in the construction of said road.

Merced County.

SEC. 23. The Board of Supervisors of the County of Merced shall cause to be submitted to the voters of said county, at the next general election for State and county officers, the question of issuing the bonds of said county, in the amount of twenty thousand dollars, for the purpose of aiding in the construction of said road mentioned in this Act. Those voting on said proposition shall have written or printed on their ballots the words "Sonora and Mono Road Bonds—Yes," or "Sonora and Mono Road Bonds—No." The Board of Supervisors shall canvass said votes, and immediately certify the result to the Board of Supervisors of Tuolumne County. If a majority of the votes so polled shall be in favor of the issuing of said bonds, the Board of Supervisors shall immediately appoint a Commissioner, who shall act with the Commissioners heretofore mentioned, and the said Commissioner, Board of Supervisors, and County Treasurer of Merced County, shall be governed in all respects relating to the said "Sonora and Mono Wagon Road," by the provisions of this Act, and shall issue and redeem their county bonds the same as the other counties mentioned herein.

Act repealed.

SEC. 24. An Act entitled an Act to authorize the County Auditor of the Counties of Mono, Tuolumne, and San Joaquin, to issue certain bonds, and provide for the construction of a

road herein named, approved April twenty-fifth, one thousand eight hundred and sixty-two, is hereby repealed.

SEC. 25. This Act shall take effect and be in force from and after its passage.

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CHAP. CXVII.—*An Act to amend an Act, entitled an Act concerning the Receipts and Expenditures of the State, passed February seventh, eighteen hundred and fifty-seven.*

[Approved March 31, 1863.]

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

SECTION 1. Section three of the above entitled Act is hereby amended so as to read as follows :

Section 3. All officers or others to whom contingent ex-  
penses are allowed, shall annually, in the month of December, make a statement in writing to the Governor, verified under oath, of the manner in which the various contingent funds allowed them have been expended during the year ending November the thirtieth next preceding, specifying the items; and all officers, as above named, going out of office previous to the said time of making said statement, shall make the same up to the time of their going out of office.

Reports upon  
contingent  
expenses.

SEC. 2. Section six of the above entitled Act is hereby amended so as to read as follows :

Section 6. Between the first and fifteenth days of December in each year, the State Controller shall present, in writing, to the Governor, a specific statement of the warrants on the Treasury drawn by him during the year ending the thirtieth day of November preceding, showing the date of the warrant, the service or liability for the payment of which the warrant is drawn, the time when such service was performed, as the liability accrued, out of what appropriation drawn, and its amount.

Duty of  
Controller.

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CHAP. CXVIII.—*An Act for the relief of purchasers of Swamp and Overflowed, Salt Marsh, and Tide Lands.*

[Approved March 31, 1863.]

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

SECTION 1. All interest due and unpaid, or that may become due within one year after the passage of this Act, on all Swamp and Overflowed, Tide, and Marsh Lands, which have been sold under the provisions of any Act providing for the sale of said Swamp and Overflowed, Tide, and Marsh Lands of this State, is hereby remitted; *provided*, that there shall not, in any case, be

Remission  
of interest.

**Proviso.** more than one year's interest remitted by virtue of this Act on any of the said lands; but all subsequent payments shall be due on the same day and month of the year in which they would have been due, had not one year's interest been remitted.

**SEC. 2.** All laws and parts of laws in conflict or inconsistent with the provisions of this Act are hereby suspended for one year, and this Act shall take effect from and after its passage.

**CHAP. CXIX.**—*An Act authorizing the Board of Supervisors for Los Angeles County to make a special appropriation for work and labor to be done upon the Santa Anna Eagle and Marble Mines Road.*

[Approved March 31, 1863.]

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

Appropriation authorized.

**SECTION 1.** The Board of Supervisors of Los Angeles County are hereby empowered and directed to make a special appropriation of the sum of one thousand dollars, for the purpose of opening and improving the road leading from the Santa Anna Eagle Coal and Marble Mines, to a point on the west bank of the Santa Anna River, in front of the old mill of Prudencia Yorba.

Trustee.

**SEC. 2.** And William G. Dryden is hereby made a Trustee for the disbursement of said appropriation, to determine when the work shall be done, and procure the same to be done at the most reasonable cost, at his discretion; and the County Treasurer of said county is hereby authorized, upon the presentment of the warrant of the County Auditor in favor of said Trustee, to pay, out of the Road Fund of his said county, the sum of one thousand dollars from any moneys in said Fund not specially before appropriated.

**SEC. 3.** All Acts or parts of Acts in conflict with this Act for this special appropriation are hereby repealed. This Act to take effect from and after its passage.

**CHAP. CXX.**—*An Act granting the right to construct and maintain a Bridge across the American River, near Rattlesnake Bar, in the Counties of Placer and El Dorado.*

[Approved March 31, 1863.]

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

Franchise.

**SECTION 1.** The right to erect and construct, and to have, enjoy, and maintain, for twenty years, a public toll bridge across the American River, near Rattlesnake Bar, in the Counties of

Placer and El Dorado, is hereby granted unto William Gwynn, together with such associates as he may admit, and their assigns, upon the terms and conditions hereinafter mentioned.

SEC. 2. Said bridge shall be a wire suspension bridge, and shall be constructed of the best and most durable material, and shall be completed within six months after the passage of this Act. Conditions.

SEC. 3. The said William Gwynn and his associates are authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of the County of El Dorado may fix, annually; *provided*, that nothing in this Act shall be so construed as to exempt the owners of this franchise from the payment of license, as required by the laws of this State. Tolls.

SEC. 4. Said William Gwynn and his associates may regulate and determine the speed of travel, riding, or driving, upon said bridge, and may require the speed to be not faster than a walk. Notice of such regulation shall be kept posted upon some conspicuous part of each end of said bridge, and for each violation of said regulation, the parties offending may be fined in any Court of competent jurisdiction, in any sum not less than ten nor more than fifty dollars; *provided*, also, that parties violating such regulations shall be liable for any actual damage sustained by reason of such violation. Rights of company.

SEC. 5. No ferry or toll bridge shall be established within one mile immediately above or below said bridge, unless it be required by public convenience.

SEC. 6. It is also further provided that nothing in this Act contained shall in anywise diminish the rights and privileges which said William Gwynn and his associates now possess and enjoy under the laws concerning ferries and toll bridges. Proviso.

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

CHAP. CXXI.—*An Act authorizing the Construction of a Wagon Road over the Coast Range of Mountains, in the County of San Luis Obispo.*

[Approved March 31, 1863.]

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

SECTION 1. P. A. Forrester, or his assigns, are hereby authorized to construct a wagon road, not to exceed the width of eighty feet, commencing at a point on the Pacific Coast, at or in the vicinity of the Bay of San Simeon, in San Luis Obispo County, and running across the Coast Range of Mountains, to a point on the Salinas River, as may be determined upon by said Forrester or his assigns. Franchise.

SEC. 2. Said road shall be completed at any time within two years after the passage of this Act.

SEC. 3. The Act of May twelfth, eighteen hundred and fifty-three, authorizing the formation of corporations for the construction of plank or turnpike roads, and the Act of April Acts made applicable.

twenty-second, eighteen hundred and fifty-three, to provide for the incorporation of wagon road companies, are made applicable to this Act, except so far as they may conflict with the provisions hereof.

SEC. 4. The franchise herein granted shall cease and determine within twenty years after the passage of this Act.

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CHAP. CXXII.—*An Act to change the Name of Victor Desere to William Henry Roberts.*

[Approved March 31, 1863.]

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

SECTION 1. It shall be lawful for the person heretofore known as Victor Desere, of Shasta County, in this State, to change his name to William Henry Roberts.

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CHAP. CXXIII.—*An Act to amend an Act entitled an Act in relation to Public Roads in the County of El Dorado, and to the Road Fund of said County, approved February twenty-seventh, eighteen hundred and sixty-two.*

[Approved March 31, 1863.]

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

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

Powers and  
duties of  
Road  
Overseers.

Section 7. It shall be the duty of each Road Overseer to procure from the Auditor as many road tax receipts as there are inhabitants in his township liable to pay road tax, and he shall visit all such persons during the months of October, November, December, January, February, March, April, May, and June, and collect from each of them the sum of two dollars for the current year, and from and after the first day of October, the sum of two dollars and fifty cents. Upon the payment of this sum, he shall give such person a road tax receipt, writing thereon, with ink, the date and name of the person paying the same, and signing thereto his name. If any person liable to pay road tax shall fail or refuse to pay the same upon demand, the Road Overseer may enforce the collection thereof in the same manner in all respects as is provided for in the collection of poll taxes by sections sixty-six and sixty-seven of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one.

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

CHAP. CXXIV.—*An Act to transfer certain Funds.*

[Approved April 1, 1863.]

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

SECTION 1. The sum of six thousand dollars is hereby transferred from the Legislative Fund, and the same is hereby appropriated as follows: Four thousand dollars to pay the contingent expenses of the Assembly, and two thousand dollars to pay the contingent expenses of the Senate. Transfer.

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

CHAP. CXXV.—*An Act to authorize the County of Placer to subscribe to the Capital Stock of the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters relating thereto.*

[Approved April 2, 1863.]

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

SECTION 1. It shall be the duty of the Board of Supervisors of the County of Placer, who shall, for that purpose, and to order publication of notice, meet on the seventh day of April, one thousand eight hundred and sixty-three, to order a special election to be held in said county at the several places for holding elections therein, on the second Tuesday in May, eighteen hundred and sixty-three, for the purpose of submitting to the qualified voters of said county the proposition for said Board of Supervisors to take and subscribe two hundred and fifty thousand dollars to the capital stock of the "Central Pacific Railroad Company of California," by which a railroad shall be constructed from the navigable waters of the Sacramento River to the eastern boundary line of the State, running through the County of Placer, by way of Clipper Gap, Illinoistown, and Dutch Flat. Special election.

SEC. 2. It shall be the duty of the said Board of Supervisors to cause notice of at least twenty days to be published in one or more newspapers printed and published in said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. Each of the electors voting at said election shall have written or printed on his ballot the words "Central Pacific Railroad Subscription—Yes," or "Central Pacific Railroad Subscription—No." Notice. Ballots.

SEC. 3. Said election shall be conducted in the same manner as other elections for county officers, and sealed returns shall be made of the vote cast on said proposition within five days after Returns of election.

said election, in the same manner as provided for in case of the election of county officers, to the Clerk of said county, of the number of votes voting "Yes," and the number voting "No," which returns shall be on said fifth day opened and counted in the same manner as the returns of the votes for county officers; and when so opened and counted, the result thereof shall be declared officially by the said Board of Supervisors, who shall, at the time prescribed for the opening and counting of the returns of said election, meet as a Board for that purpose, and for perfecting the subscription of stock as hereinafter provided.

**Subscription** SEC. 4. If, at the said election, a greater number of the electors of said county voting upon said proposition shall vote "Yes" than shall vote "No," then, and in that event, is the Board of Supervisors of said county, in the name of said county, hereby authorized, empowered, and directed, immediately after the result of said election is so officially declared, to take and subscribe, for the use, benefit, and advantage of said county, to the capital stock of the "Central Pacific Railroad Company of California," a corporation duly organized under the laws of this State, for the purpose mentioned in section one of this Act, stock to the amount of two hundred and fifty thousand dollars, and therefor to pledge the faith of said county for the payment of the same in the manner hereinafter provided.

**Same.** SEC. 5. The said subscription shall be made by the Chairman of the said Board of Supervisors, or in case of his neglect or inability to act, by any member of said Board appointed by the Board for that purpose, and who shall perform that duty immediately thereafter.

**Bonds.** SEC. 6. The said subscription shall be made and so received conditional to be paid in the bonds of said county, issued as hereinafter directed, and not otherwise; and for such subscription, said bonds shall be received at par, dollar for dollar.

**Duties of Supervisors.** SEC. 7. The said Board of Supervisors of said county, from time to time, as the payment of said subscription to such capital stock so subscribed shall be required to be made by the Board of Directors of the said railroad company, not exceeding at any one time, however, an instalment of ten per cent upon the amount of said subscription, in the same manner and upon the same terms as other stockholders, shall, by order, direct the Chairman of said Board of Supervisors, the Auditor and Treasurer of said county, who, for that purpose, in addition to their other duties as such officers, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Railroad Commissioners" of said county, as such Railroad Commissioners, to prepare and issue bonds in the sum of five hundred dollars each, for the amount of such subscription to said capital stock. Said bonds shall draw interest at the rate of eight per cent per annum from the date of their issue, and the principal thereof shall be made payable on a specified day, to be named in the bonds, which shall be twenty years from the date of their issue, at the office of the Treasurer of said county. The interest on said bonds shall be due and payable semi-annually so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day, to be named in coupons, at the said Treasurer's office, as before provided for the payment of the

**Railroad Commissioners.**

**Issuance of bonds.**

**Coupons.**



principal of said bonds; both principal and interest of said bonds to be payable in United States gold coin, dollar for dollar. Said bonds shall be signed by the Chairman of the said Board of Supervisors, the Auditor and Treasurer of said county, as such officers, and ex-officio Railroad Commissioners, and when so signed, shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same as such Clerk, in the presence of a quorum of such Board, at a meeting thereof. And it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by such Clerk; and upon the countersigning of said bonds, it shall be the duty of said Board of Supervisors to cause the seal of said county to be affixed to each bond, and appoint a committee of two of their number to deliver said bonds to the said railroad company to whom the same shall be issued; and it shall be the duty of such committee to take a receipt from the Secretary of said railroad company for the bonds so delivered to them, setting forth the number, dates, and amounts of the bonds so delivered, and report the same to the Board of Supervisors.

Interest,  
and how  
payable.

Delivery of  
bonds.

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

Coupons.

SEC. 9. The bonds issued from time to time in payment of such stock subscription by virtue of the provisions of this Act, and at least an equal amount of any other funds that may be obtained from other stockholders, or otherwise, shall be expended from time to time, as the said bonds are required to be issued, in the actual construction of that portion of said company's road situated in the said County of Placer, to the extent and amount of the graduation and full preparation of said road for the superstructure thereof. It shall be the duty of the Secretary and Chief Engineer of said company, from time to time, as the said bonds are required to be issued, to make reports, under oath, in writing, and lay the same before the Board of Supervisors, of the progress of the work, and the amount thereof done and performed, as near as the same can be ascertained, on said road in said County of Placer. And if, after the issuance of such bonds in payment of the first instalment of ten per cent on such subscription, there should be at any time any failure or refusal in the expenditure of said bonds, with other funds, in the mode and manner provided by this section, in the construction of said road, then, and in that event, the said Board of Supervisors may, at their option, withhold any further payment on such subscription, and shall not thereafter be liable to any future calls for assessments thereon; and if so declared by said Board of Supervisors, the said subscription shall be held void and of

Duty of  
Secretary  
and Chief  
Engineer of  
railroad  
company.

no effect, and the said company shall be liable to said county for any amounts that may have been previously paid on such subscription at the time of such failure or refusal, recoverable at law in any Court having jurisdiction.

**Interest tax.** SEC. 10. It shall be the duty of said Board of Supervisors to levy a tax each year, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on the bonds issued under the provisions of this Act; and in the year eighteen hundred and sixty-eight, and every year thereafter until the said bonds issued under this Act shall have been paid and liquidated, the said Board of Supervisors shall, should it be necessary, levy a tax, not exceeding twenty-five cents on the hundred dollars worth of taxable property of said county, for the purpose of raising a Fund for the liquidation of said bonds, which shall be called a "Railroad Fund." The taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected, shall be paid to the County Treasurer, who shall account for and deliver the same over to the said "Railroad Commissioners," to be by them applied:

**Railroad Fund.**

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

*Second*—The "Railroad Fund," to the redemption of said bonds, as hereinafter provided.

**Surplus in Interest Fund.**

SEC. 11. If there shall be collected as such interest tax, in any one year, a sum greater than is required to pay the annual interest on said bonds issued under the provisions of this Act, then the said "Railroad Commissioners" shall pass over such surplus into the "Railroad Fund."

**Payment of interest.**

SEC. 12. It shall be the duty of said Railroad Commissioners to make arrangements for the payment of the interest on said bonds when the same falls due, at least thirty days before the time of payment; and in the event the said Interest Fund is insufficient, the said Treasurer shall draw on the General Fund of the said county for such purpose, and deliver the same to said Commissioners; and in the event that those funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of said county.

**Redemption of bonds.**

SEC. 13. Whenever, at any time, there shall be in the said Railroad Fund a sum of money amounting to three thousand dollars, or upwards, the said Commissioners shall advertise in a public newspaper published in said county, for a space of four weeks, for sealed proposals for the redemption of said bonds; and ten days from the expiration of the time for such publication, the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Railroad Fund then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be more than the par value thereof; and, *provided*, should there be no proposals made for less than par value, then the payment of said Railroad Fund on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give four weeks notice of the number of the bonds to be paid, after which time such

bonds shall cease to bear interest; and, *provided*, whenever there may be sufficient in said Railroad Fund for the extinguishment of the bonds issued under the provisions of this Act, it shall be the duty of the said Commissioners to advertise in like manner, for the space of four weeks, for the redemption of all outstanding bonds issued under this Act, after which time said bonds shall cease to draw interest. Any moneys remaining in said Railroad Fund after the redemption of said bonds, shall be, by the said Commissioners, paid over to the County Treasurer, to be by him held subject to the order of the Board of Supervisors.

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

SEC. 15. The County Auditor shall open with said Commissioners an "Interest Tax" account, and a "Railroad Fund" account, and shall balance the same quarterly, on the first Monday of January, April, July, and October. Duty of Auditor.

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

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

SEC. 18. The Board of Supervisors shall have all the rights and powers appertaining to other subscribers to such capital stock, and shall receive all of the dividends, issues, and profits arising from such subscription to said capital stock, and shall set apart and transfer the same, together with the taxes that may be paid by said company to said county from time to time, Bonds of. Provide.

Powers of Supervisors

Same.

to the said Railroad Fund, to be applied by the said Railroad Commissioners to the payment of the interest on the bonds issued as herein provided, and the redemption of the principal thereof, in the manner provided in section thirteen of this Act; and after the full payment of said bonds, and the interest on the same, the said dividends, issues, and profits, arising from such stock subscription, shall be applied as follows: one half thereof to the School Fund of the county; the other half to the General Fund.

Liability of  
County.

SEC. 19. The subscription of stock authorized by virtue of the provisions of this Act shall be made by the said Board of Supervisors, on the books of said company, upon the express condition that the said county shall not be liable for any of the debts or liabilities of said company beyond the amount so subscribed; and this provision as to the liability of said county shall be a part of and be expressly stipulated in all contracts made by said company for the construction and equipment of said road; and in case the said company shall fail or refuse to make such stipulation in all of their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover from said company any previous payments that may have been made thereon at the time of such failure or refusal. And the said Board of Supervisors shall never make any other or further subscription to the capital stock of said company than that provided for by this Act.

Conditions.

SEC. 20. This Act shall be taken and deemed a public Act and shall be in force and take effect from and after its passage.

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CHAP. CXXVI.—*An Act to amend an Act entitled an Act concerning Passengers arriving in the Ports of this State, approved May third, eighteen hundred and fifty-two.*

[Approved April 2, 1863.]

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

SECTION 1. Section twelve of an Act entitled an Act concerning passengers arriving in the ports of this State, approved May third, eighteen [hundred] and fifty-two, is hereby amended so as to read as follows:

Commis-  
sioner.

Section 12. 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 Immigration," who shall, in the City of San Francisco, discharge all the duties required by this Act. He shall hold his office for four years, and before entering upon his duties, he shall file in the office of the Secretary of State a bond, with sufficient 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 twenty per cent on all moneys collected by him and paid into the State Treasury under this Act. He shall

Term of  
office.

Commission

approve all bonds and administer all oaths and affirmations required in the discharge of his duties. Whenever it shall appear to said Commissioner that the Master or Commander of any vessel has not made a full and correct report, as provided by this Act, it shall be his duty to inquire into the same, and for that purpose may require the attendance of witnesses before him, in the same manner as provided before District Courts in civil cases. Depositions so taken may be read as evidence on the trial of any suit commenced for any penalty or forfeiture accruing under the provisions of this Act, in the same manner and with the like effect as if regularly taken in such suit.

Powers of  
Commissioner.

SEC. 2. The office of Superintendent of Immigration is hereby abolished, and all the duties and functions heretofore devolving upon that officer shall be performed by the Commissioner of Immigration created by this Act.

Office of Su-  
perintendent  
abolished.

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

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

CHAP. CXXVII.—*An Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases, passed May first, Anno Domini eighteen hundred and fifty-one.*

[Approved April 2, 1863.]

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

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

Section 509. A person charged with an offence may be admitted to bail, before conviction, as a matter of right, in all cases except as specified in section five hundred and ten.

Bail.

CHAP. CXXVIII.—*An Act amendatory of and supplemental to an Act entitled an Act to provide for the establishment, maintenance, and protection of Public and Private Roads, approved May sixteenth, eighteen hundred and sixty-one, so far as said Act applies to the County of Contra Costa.*

[Approved April 3, 1863.]

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

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

Section 13. At the session of the Board of Supervisors for levying State, county, and other taxes, or at some meeting on

Road taxes.

**Road taxes.** or before the first Monday of June in each year, the said Board shall levy upon each able bodied man, except Indians, between the age of twenty-one and fifty years, a road poll tax of two dollars, and upon all taxable property in the county, a tax for road purposes, of not more than twenty cents upon the hundred dollars, which sum shall be levied and collected as all other taxes; *provided*, that for the years beginning on the first Monday of March, eighteen hundred and sixty-three, and the first Monday of March, eighteen hundred and sixty-four, the Board of Supervisors in the County of Contra Costa may levy a tax, not exceeding sixty cents on the hundred dollars, on all taxable property, for road purposes in said county, which sum shall be levied and collected as all other taxes (and the Assessor, in cases where he has already made his assessment, shall enter the tax opposite the name of the party so assessed, and when liable to pay a road poll tax, the figure one, as required by this Act;) and all able bodied men, except Indians, who have resided three months in the State, and ten days in the Road District, shall pay the road poll tax herein provided for; and all moneys received or collected for such taxes or assessments shall constitute the County Road Fund. In order to enable the Board of Supervisors to levy the poll tax heretofore specified, and to provide for the collection of the same, the Assessor or Assessors in the County of Contra Costa shall prepare in his tax list or assessment roll a separate column, headed "Road Poll," in which he shall place against the name of every person liable to pay a road poll tax the figure one. All taxes and assessments, with the exceptions hereinafter provided, shall be collected by the Tax Collector of the county in the same manner as other State and county taxes, and placed in the County Treasury to the credit of the Road Fund.

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

**Election of Road Master.** Section 15. At the general election in the year eighteen hundred and sixty-three, and every two years thereafter, the qualified electors in each Road District shall elect some citizen of said Road District as Road Master for said District for the term of two years from the date of his election; and it shall be the duty of the Clerk of the Board of Supervisors to notify the person so elected of his election, and he shall thereupon, or within ten days thereafter, qualify, by taking an oath before some person authorized to administer oaths, that he will faithfully and impartially perform the duties devolved upon him by law as Road Master; *provided*, that the Board of Supervisors, at any regular meeting, shall fill any vacancy existing in the office of Road Master in the county. It shall be the duty of the Road Master to have the care and general supervision of the public roads within his District, to maintain them in as good repair, and to erect such necessary bridges and culverts, as the means at his command will permit, and he shall also, by direction of the Supervisors, cause suitable guide boards to be erected at the intersection of important roads. He shall oversee and direct the labor and money expended upon the roads, and see that teams, plows, scrapers, and other implements are furnished for the road service. And when any bridge or culvert shall be broken

**Duties.**

or injured so as to be impassable or dangerous, or when any road, from any cause, shall be impassable, the Road Master may call out a sufficient number of persons living in the vicinity to repair said road or culvert, and for any services done shall issue to the party a certificate as hereinafter provided; and upon the completion of any road service required of any person, unless such service can be paid in cash with money collected for road poll taxes, or by poll tax receipts, the Road Master shall make out and deliver to such person a certificate for the labor at the rate of two dollars per day of not less than ten hours, together with such sums as may be justly due for the use of teams and utensils. All claims for services done, teams or materials furnished, and certified to by Road Masters, shall be audited by the Board of Supervisors, and upon approval, they shall order a warrant for the amount of each claim to be drawn upon the Road Fund. In order to carry out the intentions of this Act, the Road Master shall be authorized to take for the use of the road service, any timber, earth, gravel, rock, or other material, growing or being in any uninclosed or uncultivated lands in the vicinity of a public road, except he shall not cut down any tree which has been planted or preserved as a shade or ornamental tree; and upon application of the owner thereof, he shall make such allowance therefor as he may deem just, and shall give to such owner a certificate of the amount due for such property, and upon the presentation of such certificate, and the approval of the Board of Supervisors, they shall order a warrant to be drawn for the amount, payable out of the County Road Fund. The Road Master may also, with the consent of the Board of Supervisors, make contracts for the purchase of lumber or other materials for building bridges or culverts, for grading roads, or any other necessary work upon the highways within his District; but no such contract shall be made, when the amount to be expended will probably exceed three hundred dollars, without at first giving at least thirty days notice of the proposed letting of such contract, by posting the notice thereof as required for the notices specified in the first section of this Act, or publishing the same four successive weeks in some newspaper published in the county, which notice shall set forth the services or the amount of material required, when and where proposals will be received and opened, and where specifications, if any, may be received and examined; also stating what particulars must enter with the proposals, and the character and time of the payments proposed to be made. Upon the day set forth in such notice for opening the proposals, all the proposals filed in reference to the matter of such notice, shall be opened by the Board of Supervisors, or their Clerk, in connection with the Road Master of the District within which the proposed improvements are located, and the proposals of the lowest responsible bidder shall be received; *provided*, that the Board of Supervisors may refuse all the proposals, if they deem such action advisable. All payments for the fulfillment of any contract for the purposes heretofore specified, shall be made by drafts drawn on the County Road Fund, by order of the

Payment for  
labor, etc.

Contracts.

Proposals.

Board of Supervisors. In case of the construction or reparation of a bridge crossing a stream which is the boundary of two counties, the Road Masters and Supervisors of the several Districts and counties connected by said bridge, shall have and exercise a joint duty and authority over the erection and reparation of said bridge, and the expense thereof shall be equally divided between said counties.

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

Road Master  
to report.

Section 16. On or before the first Monday in August, each Road Master shall prepare a full statement of the labor performed in his District, tools, teams, implements, or materials hired or purchased, the amount of road poll tax paid, either in labor or cash, and by whom paid; the amount of cash paid out, to whom, and for what paid; also the amount, certified to, for labor done, or for tools, teams, implements, or materials furnished, and to whom such certificates have been issued; also the number of days service by him actually and necessarily performed in the discharge of his official duty; all of which particulars shall be verified by his oath. The Road Masters shall be allowed for all services performed in discharge of their duties, such per diem as the Board of Supervisors may deem just, not to exceed two dollars per day. And each Road Master shall have charge of and be held responsible for all tools and implements purchased for and belonging to his District, and his statement shall embrace an inventory of the same, a duplicate of which, together with all such tools, utensils, and other property, he shall deliver to his successor, or to some person designated by the Supervisors to receive them.

Compensa-  
tion.

Collection of  
road taxes.

SEC. 4. The Road Masters of the several Road Districts in said County of Contra Costa are hereby authorized and required, under the direction of the Board of Supervisors, to collect, either in money or labor, any or all road poll taxes payable by persons in their respective Districts; and all road poll taxes not so paid shall be collected by the Tax Collector of the county. All moneys collected by the Road Masters for road poll taxes, shall be expended in repairs of roads in their respective Districts. And the Board of Supervisors shall provide road poll tax receipts for distribution to the Road Masters, prescribing the rules for using and accounting for such road poll tax receipts.

Collection  
of taxes.

SEC. 5. If so ordered by the Board of Supervisors, it shall be the duty of the Road Masters, upon entering into office, or at such time as may be most convenient and suitable for such purpose, to proceed to collect the road poll tax, either in money or labor, from any person liable to said tax he may find in his District; and for all the purposes of this Act, the Road Master is hereby authorized to administer oaths and affirmations. Upon any person who may be liable, refusing, upon demand upon himself or his Agent, to pay the road poll tax, either in money or labor, it shall be the duty of the Road Master to enforce the collection of the same in money, by seizing so much of any species of personal property, debts, or choses in action whatsoever of the delinquent; and if none such can be found, then by levying upon and seizing so much of the real property of the delin-



quent as will be sufficient to pay such tax and cost of seizure and sale, and shall and may sell the personal property at any time and place upon giving a verbal notice of one hour previous to such sale, and shall and may sell the realty in the manner prescribed for Sheriff's sales under execution; and any person indebted to another liable to pay such tax, shall be liable to pay the same for such other person, after service upon him by the Road Master of a written notice, stating the name or names of the person or persons liable and owing said tax; and the party paying is hereby authorized to deduct the amount thereof from such indebtedness. The Road Master, after deducting the tax for which property was sold, and such fees and costs as would accrue to the Sheriff for like services, shall return the surplus to the owner of the property. A delivery of the possession of personal property after sale by the Road Master to any purchaser shall be a sufficient title thereof; or, if required by the purchaser, the Road Master shall execute a bill of sale. The Road Master may also demand of each employer a statement, under oath, touching his indebtedness to the laborers employed by him who are liable to pay the road poll tax; and if it shall appear, upon such statement being made, that such employer is indebted to any person liable to pay the road poll tax in an amount equal to said tax due by him, the Road Master may demand payment of said taxes from such employer; and if such employer refuses or neglects to pay the same, or to make a statement of his indebtedness under oath, the said Master, in his own name, may proceed to collect the amount from him by suit; and in all suits under this Act, the Road Master shall be a competent witness.

SEC. 6. This Act shall take effect immediately, and all Acts and parts of Acts inconsistent therewith so far as relates to the County of Contra Costa, are hereby repealed.

CHAP. CXXIX.—*An Act concerning Trade Marks and Names.*

[Approved April 3, 1868.]

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

SECTION 1. When a person who has complied with the provisions of section two of this Act uses any peculiar name, letters, marks, device, figures, or other trade mark or name, stamped, cast, or engraved upon, or in any manner attached to, or connected with, any article, or with the covering or wrapping thereof, manufactured or sold by him, to designate it as an article of a peculiar kind, character, or quality, or as an article manufactured or sold by him, or if such trade mark or name be so connected with any bottle, box, cask, or other thing used for holding such article, it shall be unlawful for any other person, without his consent, to use said trade mark or name, or any similar trade mark or name, for the purpose of representing

Collection  
of taxes.

Counterfeit-  
ing trade  
mark.

any article to have been manufactured or sold by the person rightfully using such trade mark or name, or to be of the same kind, character, or quality, as that manufactured or sold by the person rightfully using such trade mark or name.

Claim to be filed in office of Secretary of State.

SEC. 2. Any person wishing to secure the exclusive use of any such trade mark or name, under the provisions of this Act, shall file his claim to the same and a copy or description of such trade mark or name with the Secretary of State.

Fee for filing

SEC. 3. The Secretary of State shall keep a record of all trade marks or names filed in his office, with the date when filed, and name of claimant, for public examination. A fee of five dollars shall be paid to the Secretary of State, at the time of filing each copy and description of any trade mark or name, by the party claiming the use and benefit of the same. It is hereby made the duty of the Secretary of State to pay all fees accruing under this section into the State Library Fund.

Violations of Act.

SEC. 4. Any person violating the provisions of the first section of this Act shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not less than five days, nor more than thirty days, or by both such fine and imprisonment; and he shall be further liable to any party aggrieved by such violation for all damages actually incurred, to be recovered as a debt in any court of competent jurisdiction.

Penalties.

Counterfeiting.

SEC. 5. It shall be unlawful for any person to counterfeit any trade mark or name, or to have or use a counterfeit trade mark or name, or sell any article bearing or having in any way connected with it, a counterfeit trade mark or name which has been filed according to section two of this Act, knowing it to be such, or having good and sufficient reason to know it to be such. Every alteration or imitation of any trade mark or name which has been filed according to section two of this Act, which shall be made, applied, or used, or which shall cause any trade mark or name, with such alteration or imitation, to resemble any genuine trade mark or name, so as to be calculated or likely to deceive, shall be deemed to be a counterfeit trade mark or name, within the meaning of this Act, and every act of making, applying, or otherwise using any such alteration or imitation as aforesaid, done by any person, such person shall be deemed to be guilty of counterfeiting a trade mark or name, or knowingly using a counterfeit trade mark or name, within the meaning of this Act. Every person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof, shall be punished as provided in section four of this Act.

Penalties.

SEC. 6. Every person who shall have or use any cask, bottle, vessel, case, cover, label, or other thing, bearing or having in any way connected with it the trade mark or name of another which has been filed, according to section two of this Act, for the purpose of disposing of any article, with intent to deceive or defraud, other than that which said cask, bottle, vessel, case, cover, label, or other thing, originally contained or was connected with by the owner of said trade mark or name, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished as provided in section four of this Act.

SEC. 7. Every person who shall aid, or abet, or counsel in, or procure the commission of any offence which is by this Act made a misdemeanor, shall be deemed and held to be guilty of a misdemeanor, and shall be subject to the penalties provided in section four of this Act. Penalties.

SEC. 8. This Act shall not be so construed as to permit any person to file, without authority from the owner, any trade mark or name owned or previously used by another person, nor in any way to interfere with, hinder, prevent, or restrain, the importation or sale, by any person, of genuine articles of merchandise, having or belonging thereto genuine trade marks or names, manufactured or sold in other States or countries. Construction of Act.

SEC. 9. Any person who has first adopted and used a trade mark or name, whether within or beyond the limits of this State, shall be considered its original owner, and the ownership may be transferred in the same manner as personal property, and shall be entitled to the same protection by suits at law as other personal property. Trade mark. Original owner.

SEC. 10. Every person filing with the Secretary of State, as provided in section two of this Act, his claim to any trade mark or name, shall have attached to the copy and description thereof his affidavit, duly certified to by any officer authorized by the laws of this State to take acknowledgements of conveyances, setting forth that he (or the firm or corporation of which he is a member) is the exclusive owner or agent of the accompanying trade mark or name. Claim. Affidavit to be attached.

SEC. 11. Any Court of competent jurisdiction may restrain, by injunction, any use of trade marks or names in violation of any section of this Act. Injunction.

SEC. 12. No person, otherwise competent as a witness, shall be disqualified or excused from testifying as a witness, either before a Grand Jury or a Petit Jury, or otherwise, concerning any offence mentioned in this Act, on the ground that his testimony may criminate himself; but such testimony shall be reduced to writing, and no indictment or prosecution shall afterwards be brought against him for said offences concerning which he has testified as a witness. Evidence on trial.

SEC. 13. Any witness called to give testimony on behalf of the State, before any Grand Jury, or before any Court of Justice, shall be required to give such testimony, which shall be reduced to writing, and such witness shall not be liable to suffer any punishment or forfeiture for any offence against the provisions of this Act so disclosed. Same.

SEC. 14. An Act entitled an Act concerning trade marks, passed May eighteenth, eighteen hundred and sixty-two, is hereby repealed. Act repealed

SEC. 15. This Act shall take effect and be in force from and after the first day of May, one thousand eight hundred and sixty-three.

CHAP. CXXV.—*An Act amendatory of and supplementary to an Act entitled an Act to regulate Proceedings in Criminal Cases, approved May first, one thousand eight hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto.*

[Approved April 3, 1863.]

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

SECTION 1. Section fourteen of an Act entitled an Act to regulate proceedings in criminal cases, approved May first, one thousand eight hundred and fifty-one, is amended so as to read as follows:

Conviction.

SECTION 14. No person can be convicted of a public offence unless by the verdict of a jury, accepted and recorded by the Court, or upon a plea of guilty, or upon judgment against him upon a demurrer to the indictment in the case, mentioned in section two hundred and ninety-three.

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

Threat to commit offence.

SECTION 20. A complaint may be laid before any of the Magistrates mentioned in section one hundred and three, that a person has threatened to commit an offence against the person or property of another.

SEC. 3. Section thirty-one of said Act is amended so as to read as follows:

Prosecution of bond.

SECTION 31. Upon the District Attorney's producing evidence of such conviction to the County Court of the county, the Court shall order the bond to be prosecuted, and the District Attorney shall thereupon commence an action on the same, in the name of The People of this State.

SEC. 4. Section eighty-one of said Act is amended so as to read as follows:

Judgment.

SECTION 81. Upon a conviction, the Court shall immediately, or at such other time as the Court may appoint, pronounce judgment that the defendant be removed from office; but, to warrant a removal, the judgment must be entered upon the minutes, assigning therein the causes of such removal.

Removal from office.

SEC. 5. Section one hundred and seventy-seven of said Act is amended so as to read as follows:

Indictment.

SECTION 177. All public offences prosecuted in the District Court and County Court, must be prosecuted by indictment, except as provided in the next section.

SEC. 6. Section one hundred and seventy-nine of said Act is amended so as to read as follows:

Indictments, etc., to be found in County Court.

SECTION 179. All accusations against district, county, and township officers, and all indictments, must be found in the County Court.

SEC. 7. Section two hundred and sixteen of said Act is amended so as to read as follows:

Grand Jury.

SECTION 216. The Grand Jury may, at all reasonable times, ask the advice of the Court, or the Judge thereof, and of the District Attorney. Unless his advice be asked, the Judge of the Court shall not be permitted to be present during the ses-

sions of the Grand Jury. The District Attorney of the county shall be allowed, at all times, to appear before the Grand Jury for the purpose of giving information or advice relative to any matter cognizable by them, and may interrogate witnesses before them, whenever they or said District Attorney shall deem it necessary. Except the District Attorney, no person shall be permitted to be present before the Grand Jury, besides the witnesses actually under examination, and no person shall be permitted to be present during the expressions of their opinions, or giving of their votes upon any matter before them.

SEC. 8. Section two hundred and twenty-six of said Act is amended so as to read as follows:

Section 226. The bench warrant upon presentment shall be substantially in the following form:

County of \_\_\_\_\_. The People of the State of California, to any Sheriff, Constable, Marshal, or Policoman, in this State: Bench warrant.

A presentment having been made on the \_\_\_\_\_ day of \_\_\_\_\_, eighteen \_\_\_\_\_, to the County Court of the County of \_\_\_\_\_, charging C. D. with the crime of \_\_\_\_\_, (designating it generally;) you are therefore commanded forthwith to arrest the above named C. D., and take him before E. F., a Magistrate of this county; or, in case of his absence or inability to act, before the nearest or most accessible Magistrate in this county.

Given under my hand, with the seal of said Court affixed, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. eighteen \_\_\_\_\_.

[SEAL.] By order of said Court,  
G. H., Clerk.

SEC. 9. Section two hundred and thirty-eight of said Act is amended so as to read as follows:

Section 238. It may be substantially in the following form:

The People of the State of California against A. B., in the County Court of the County of \_\_\_\_\_, at its \_\_\_\_\_ term, A. D. eighteen \_\_\_\_\_. The said A. B. is accused by the Grand Jury of the County of \_\_\_\_\_, by this indictment, of the crime of, (giving its legal appellation, such as murder, arson, or the like, or designating it as a felony or misdemeanor.) committed as follows: The said A. B., on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. eighteen \_\_\_\_\_, at the county of \_\_\_\_\_, (stating the act or omission constituting the offence, in the manner prescribed in this chapter, according to the forms mentioned in the next section, where the same are applicable.) Indictment.

SEC. 10. Section two hundred and sixty-three of said Act is amended so as to read as follows:

Section 263. The bench warrant upon the indictment shall, if the offence be a felony, be substantially in the following form:

County of \_\_\_\_\_. The People of the State of California to any Sheriff, Constable, Marshal, or Policeman, in this State: Bench warrant upon indictment.

An indictment having been found on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. eighteen \_\_\_\_\_, in the County Court of the County of \_\_\_\_\_, charging C. D. with the crime of \_\_\_\_\_, (designating it generally;) you are therefore commanded forthwith to arrest the above named C. D., and bring him before that Court to answer said indictment; or if the Court has adjourned for the

term, that you deliver him into the custody of the Sheriff of the County of \_\_\_\_\_.

Given under my hand, with the seal of said Court affixed, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. eighteen \_\_\_\_\_.

[SEAL.]

By order of said Court,

E. F., Clerk.

SEC. 11. Section three hundred and nine of said Act, as amended by section one of an Act entitled an Act to amend an Act to regulate proceedings in criminal cases, approved May first, one thousand eight hundred and fifty-one, approved February fourteenth, one thousand eight hundred and sixty, is amended so as to read as follows :

Indictments  
—where  
tryable.

Section 309. When an indictment is found in the County Court for treason, misprison of treason, murder, or manslaughter, it shall be transmitted by the Clerk to the District Court of the county for trial; except when the indictment is found against a person holding the office of District Judge.

SEC. 12. Section three hundred and ten of said Act is amended so as to read as follows :

Same.

Section 310. All indictments found against a County Judge shall also be transmitted to the District Court of the county for trial.

SEC. 13. Section three hundred and eleven of said Act is amended so as to read as follows :

Arraign-  
ment and  
trial.

Section 311. Upon the filing in the District Court of an indictment transmitted from the County Court, the defendant shall be arraigned and the same proceedings had in the District Court as are required by this Act upon indictments tried in the County Court.

SEC. 14. Section three hundred and fourteen of said Act is amended so as to read as follows :

Change of  
venue.

Section 314. If the Court be satisfied that the representation of the defendant is true, an order shall be made for the removal of the action to the County Court of a county which is free from a like objection; or if the indictment has been transmitted to the District Court of the county from the County Court, then the order of removal shall be made to the District Court of a county which is free from a like objection.

SEC. 15. Section three hundred and twenty of said Act is amended so as to read as follows :

Indictment  
for felony  
or misde-  
meanor.

Section 320. If the indictment be for a felony, the defendant must be personally present at the trial; but if for misdemeanor, the trial may be had in the absence of the defendant; *provided*, if his presence be necessary, for the purpose of identification, the Court may, upon application of the District Attorney, by an order or warrant to that effect, require the personal attendance of the defendant at the trial; the defendant shall also be personally present when judgment is pronounced, if the Court may deem it necessary.

SEC. 16. Section four hundred and four of said Act is amended so as to read as follows :

Jury rooms.

Section 404. A room shall be provided by the Board of Supervisors of each county for the use of the jury upon their retirement for deliberation, with suitable furniture, fuel, lights, and stationery. If the Board of Supervisors neglect, the Court may

order the Sheriff to do so, and the expenses incurred by him in carrying the order into effect, when certified by the Court, shall be a county charge.

SEC. 17. Section four hundred and forty of said Act is amended so as to read as follows :

Section 440. When a verdict has been rendered against the defendant, the Court may, upon his application, set the same aside, and order a new trial, in the following cases only : Grounds for new trial.

*First*—When the trial has been had in his absence, if the indictment be for a felony.

*Second*—When the jury has received any evidence out of Court other than that resulting from a view as provided in section three hundred and ninety.

*Third*—When the jury has separated without leave of the Court, after retiring to deliberate upon their verdict, or been guilty of any misconduct tending to prevent a fair and due consideration of the case.

*Fourth*—When the verdict has been decided by lot, or by any means other than a fair expression of opinion on the part of all the jurors.

*Fifth*—When the Court has misdirected the jury in a matter of law, or has erred in the decision of any question of law arising during the course of the trial.

*Sixth*—When the verdict is contrary to law or evidence.

*Seventh*—When new evidence is discovered, material to the defendant, and which he could not, with reasonable diligence, have discovered and produced at the trial. When a motion for a new trial is made upon the ground of newly discovered evidence, the defendant must produce at the hearing, in support thereof, the affidavits of the witnesses by whom such evidence is expected to be given, and if time is required by the defendant to procure such affidavits, the Court may postpone the hearing of the motion for such length of time as, under all the circumstances of the case, may seem reasonable.

SEC. 18. Section four hundred and fifty-three of said Act is amended so as to read as follows :

Section 453. The bench warrant shall be substantially in the following form :

County of \_\_\_\_\_. The People of the State of California, to any Sheriff, Constable, Marshal, or Policeman, in this State : Bench warrant after conviction.

A. B., having been, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. eighteen hundred and \_\_\_\_\_, duly convicted in the County Court, or District Court, (as the case may be,) of the County of \_\_\_\_\_, of the crime of \_\_\_\_\_ (designating it generally;) you are therefore commanded forthwith to arrest the abovenamed A. B. and bring him before that Court for judgment; or if the Court has adjourned for the term, that you deliver him into the custody of the Sheriff of the County of \_\_\_\_\_.

Given under my hand, with the seal of said Court affixed, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. eighteen hundred and \_\_\_\_\_.

[SEAL.]

By order of the Court,

E. F., Clerk

SEC. 19. Section four hundred and eighty-one of said Act, as

amended by an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to regulate proceedings in criminal cases, passed May first, one thousand eight hundred and fifty-one, approved April twenty-second, one thousand eight hundred and fifty-eight, is amended so as to read as follows :

**Appeal.** Section 481. The party aggrieved in a criminal action, whether that party be The People or the defendant, may appeal as follows :

*First*—To the County Court, from a final judgment of a Justice's, Recorder's, or other inferior Municipal Court.

*Second*—To the Supreme Court, from a final judgment of the District Court, or County Court, in all criminal cases amounting to a felony, on questions of law alone; also, from an order of the District Court, or County Court, granting or refusing a new trial, or which affects a substantial right in a criminal case amounting to felony, on questions of law alone.

SEC. 20. Section four hundred and ninety-eight of said Act is amended so as to read as follows :

**Appearance of defendant.** Section 498. The defendant need not appear in the Appellate Court; except when a new trial has been granted in the County Court, and his personal presence is necessary for the purpose of identification.

SEC. 21. Section five hundred and twenty-three of said Act is amended so as to read as follows :

**Bail.** Section 523. The bail must be put in by a written recognizance, executed by two sufficient sureties, (with or without the defendant, in the discretion of the Court or Magistrate,) and acknowledged before the Court or Magistrate, in substantially the following form :

**Form of bond.** "An indictment having been found on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. eighteen \_\_\_\_\_, in the County Court of the County of \_\_\_\_\_, charging A. B. with the crime of \_\_\_\_\_, (designating it generally,) and he having been duly admitted to bail in the sum of \_\_\_\_\_ dollars, we, C. D. and E. F., of \_\_\_\_\_, (stating their place of residence,) hereby undertake that the above named A. B. shall appear and answer the indictment above mentioned, in whatever Court it may be prosecuted, and shall at all times render himself amenable to the orders and processes of the Court, and if convicted shall appear for judgment and render himself in execution thereof; or, if he fail to perform either of these conditions, that we will pay to The People of the State of California the sum of \_\_\_\_\_ dollars (inserting the sum in which the defendant is admitted to bail.)"

SEC. 22. Section six hundred and thirty-two of said Act is amended so as to read as follows :

**New trial.** Section 632. A new trial can be granted only in the following cases :

*First*—When the trial has been had in his absence; *provided*, if he shall voluntarily absent himself, with full knowledge that a trial is being had, a new trial shall not be granted on account of such voluntary absence.

*Second*—When the jury has received any evidence out of Court.

*Third*—When the jury have separated without leave of the Court, after having retired to deliberate upon their verdict, or



been guilty of any misconduct tending to prevent a fair and due consideration of the case.

*Fourth*—When the verdict has been decided by lot, or by any means other than a fair expression of opinion on the part of all the jurors.

*Fifth*—When there has been error in the decision of the Court given on any question of law arising during the course of the trial.

*Sixth*—When the verdict is contrary to law or evidence.

*Seventh*—When new evidence is discovered material to the defendant, and which he could not, with reasonable diligence, have discovered and produced at the trial; but when a motion for a new trial is made upon this ground, the defendant must produce at the hearing the affidavits of the witnesses by whom such newly discovered evidence is expected to be given.

SEC. 23. All criminal actions and proceedings pending in the Courts of Sessions on the first day of January, in the year one thousand eight hundred and sixty-four, shall be and the same are hereby transferred to the County Courts; all criminal actions and proceedings for fighting a duel and killing or wounding any person therein, or for arson, shall be and the same are hereby transferred to the County Courts, which County Courts shall have full and complete jurisdiction over the same; and no action or proceeding shall abate by reason of the abolition of the Courts of Sessions.

Transfer of criminal actions.

SEC. 24. Sections three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, eighteen, nineteen, twenty, and twenty-one, of this Act, shall take effect and be in force on and after the first day of January, in the year one thousand eight hundred and sixty-four.

Sections to take effect.

CHAP. CXXXI.—*An Act concerning Roads and Highways in the County of Tuolumne.*

[Approved April 3, 1863.]

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

SECTION 1. The sections from one to twelve, inclusive, and sections seventeen, nineteen, and twenty, of an Act entitled an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, are hereby made applicable to the County of Tuolumne, and the said county is hereby exempted from the operation of the remaining sections of said Act.

Sections of Act applicable.

SEC. 2. At the session of the Board of Supervisors of Tuolumne County, for levying State, county, and other taxes, the said Board shall levy, upon each able bodied man, except Indians, between the age of twenty-one and fifty years, a road poll tax of three dollars per annum, payable in cash, and upon all taxable property in the county, a tax for road purposes, of not more than

Road poll tax

Road  
property tax.

twenty-five cents upon each one hundred dollars, which shall be levied and collected as all other taxes; and for the purpose of carrying out the provisions of this section, so far as the same relates to the levy of the taxes herein provided for, for the year beginning on the first Monday in March, eighteen hundred and sixty-three, the Board of Supervisors are hereby authorized and required to levy said taxes, which may be done at any time, either at a special meeting of the Board for that purpose, or at a regular meeting thereof, as the necessity of the case may require; and the District Assessors, in cases where they have already made their assessment, shall place in a separate column, opposite the name of the party so assessed, when liable to pay a road poll tax, the figure one, as required by this Act; and all able bodied men, except Indians, who have resided three months in the State, and ten days in the Road District, shall pay the road poll tax herein provided for; and all moneys received or collected for such taxes or assessments shall constitute the County Road Fund. The road poll tax shall be collected by the same officers, in the same manner, and under the same provisions as are now or may be hereafter provided by law in Tuolumno County for the collection of other poll tax or of foreign miners' license tax. In order to enable the Board of Supervisors to levy the poll tax heretofore specified, and to provide for the collection of the same, the District Assessors of the county shall prepare, in their tax lists or assessment rolls, a separate column, headed "Road Poll," in which he shall place against the name of every person liable to pay a road poll tax the figure one.

Duties of  
officers.

Road  
Districts.

SEC. 3. The Road Districts shall be the same as the Supervisor Districts of the county, subject to such alterations as the Board of Supervisors may determine, and each Supervisor shall be and act as the Road Commissioner in his District.

Road Com-  
missioners  
and their  
powers.

SEC. 4. Each Road Commissioner shall have power to appoint one or more Road Masters in his respective District, to hold office during the pleasure of the Supervisor who may have, respectively, appointed them; *provided*, that the Board of Supervisors, if they deem it more advantageous to the county, may divide the roads in such manner as to them may seem proper, and advertise in one or more newspapers in the county, for twenty days, that they will receive proposals for the maintaining and keeping in good order the County Roads, specifying each division in the advertisement; and such contract, if made, to be for such period as the Board may determine. The Board shall have the power to reject all bids, if, in their judgment, the interest of the county requires it.

SEC. 5. Any person whose proposal may be accepted, shall file a good and sufficient bond, in double the amount of the price agreed upon, to be approved by the Board of Supervisors.

SEC. 6. All payments for the fulfilment of any contract for the purposes heretofore specified, shall be made by drafts drawn on the County Road Fund, by order of the Board of Supervisors.

Collectors  
of taxes.

SEC. 7. It shall be the duty of each District Tax Collector and Treasurer to keep their books in such manner as to show how much road tax has been received, how much paid out, and how much is on hand; and the Treasurer shall pay all road

moncy out upon warrants drawn upon the Road Fund, by order of the Board of Supervisors, and in no other manner.

SEC. 8. The Road Masters shall each receive for their services while in actual employment such compensation as the Board of Supervisors may deem just, not to exceed five dollars per day; *provided*, that the Board of Supervisors may limit the time to be occupied by each Road Master in the performance of the duties of his office in his District, and also limit the amount to be expended in each District. Pay of Road Masters.

SEC. 9. This Act shall not be applicable to the incorporated cities and towns in Tuolumne County, only so far as relates to the assessment of the tax on property for road purposes. Cities and towns exempted.

SEC. 10. This Act shall take effect from and after its passage, and all Acts or parts of Acts in conflict with the provisions of this Act are hereby made inapplicable to the County of Tuolumne.

CHAP. CXXXII.—*An Act to authorize Married Women to execute Powers of Attorney.*

[Approved April 3, 1863.]

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

SECTION 1. A married woman may make and execute powers of attorney for the sale, conveyance, or encumbrance of her real or personal estate; *provided*, her husband joins in the execution of the instrument, and the same be acknowledged and certified in the manner heretofore provided by law for the conveyance of her real estate. Execution of power of attorney.

SEC. 2. Any conveyance executed under and by virtue of such power of attorney, shall be executed, acknowledged, and certified, in the same manner as if the persons making such powers of attorney were unmarried. Acknowledgment, etc.

SEC. 3. A married woman shall have the right to revoke such power of attorney by any revocation thereof made and executed by her, and acknowledged and certified in the manner that conveyances by married women are required to be acknowledged and certified; and it shall not be necessary, for the validity of such revocation, that her husband shall join in the execution thereof. Revocation.

SEC. 4. All powers of attorney heretofore made and executed by any married woman, with her husband, and acknowledged and certified in the manner provided in section one of this Act, and all conveyances heretofore and hereafter executed under and by virtue of such powers of attorney, and acknowledged and certified in the manner provided in section two of this Act, shall be valid and binding; *provided*, that no rights already vested in third persons shall be affected by anything in this section contained. Validity of powers of attorney. Proviso.

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

CHAP. CXXXIII.—*An Act explanatory of and supplementary to an Act entitled an Act to amend an Act entitled an Act to provide Revenue for the support of the Government of this State, approved April tenth, eighteen hundred and sixty-two.*

[Approved April 3, 1863.]

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

Term of  
office.

SECTION 1. Nothing in said Act to which this is supplementary shall be construed so as to abridge the terms of office of the several officers in the counties of this State whose election and terms of office were determined by section one hundred and eleven of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one.

CHAP. CXXXIV.—*An Act to authorize the Common Council of the City of Placerville to issue certain Bonds for the relief of the Fire Department of said city.*

[Approved April 3, 1863.]

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

Common  
Council  
authorized.

SECTION 1. The Common Council of the City of Placerville are hereby authorized to issue bonds of said city to the amount of six thousand dollars, and no more, for the relief and benefit of the Fire Department of said city. Said bonds shall be made payable within five years from the date of their issue, and shall draw interest at the rate of one per cent per month, payable semi-annually. Said bonds, both principal and interest, shall be payable at the office of the Treasurer of said city.

Amount.

SEC. 2. Said Common Council may, by an order to that effect entered upon their journal, determine the number of said bonds and the amount of each, and the time and manner of the payment of the same; *provided*, the aggregate amount of said bonds shall not exceed said sum of six thousand dollars, and the time of payment shall not exceed said period of five years.

Form of  
bonds and  
necessary  
signature.

SEC. 3. Said bonds shall be signed by the Mayor and Treasurer of said city, in their official capacity, and shall be countersigned by the Clerk of said Council, in the presence of a quorum thereof, and when so signed and countersigned, said Clerk shall affix to each of said bonds the seal of said city. Coupons for the interest shall be attached to each of said bonds, in such a manner that the same can be removed without mutilation to the bond. Said coupons shall each be signed by the Mayor, Treasurer, and Clerk of said city, in their official capacity.

Payment of  
interest.

SEC. 4. When the Treasurer shall pay any interest on said bonds, he shall carefully separate the coupons for the interest

so paid from the bond, and shall file the same with the Clerk of said city, taking his receipt therefor, and said Clerk shall report the same to the Common Council at their next meeting. When said Treasurer shall pay any of said bonds, he shall file the same with the Clerk of said city, taking his receipt therefor, and said Clerk shall report the same to the Common Council at their next meeting. Said Common Council shall thereupon <sup>Cancellation</sup> cause said coupons and bonds to be marked "Cancelled," and filed in the office of said Clerk.

SEC. 5. Said bonds shall be apportioned among the companies <sup>Apportionment.</sup> of said Fire Department as follows: To Confidence Engine Company, Number One, two thousand seven hundred and fifty dollars; to Neptune Engine Company, Number Two, two thousand two hundred and fifty dollars; to Young America Engine Company, Number Three, one thousand dollars.

SEC. 6. An Act entitled an Act supplementary to an Act entitled an Act to incorporate the City of Placerville, approved March the seventh, eighteen hundred and fifty-nine, approved May sixth, eighteen hundred and sixty-one, is hereby repealed.

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

CHAP. CXXXV.—*An Act to amend an Act entitled an Act concerning the Office of Controller, passed January nineteenth, eighteen hundred and fifty.*

[Approved April 3, 1863.]

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

SECTION 1. Section fifteen of the above entitled Act is hereby amended so as to read as follows:

Section 15. The office of Controller shall be open for the <sup>Office hours.</sup> transaction of business every day in the year, except Sunday, New Year's Day, Fourth of July, Christmas Day, Thanksgiving Day, and the days on which the General Election and Special Judicial Election are held, from ten o'clock A. M., to four o'clock P. M.

CHAP. CXXXVI.—*An Act in relation to the collection of Poll Taxes in the City and County of San Francisco.*

[Approved April 3, 1863.]

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

SECTION 1. The Tax Collector of the City and County of San <sup>Fees.</sup> Francisco is hereby authorized to retain the fees and per cent-

ages allowed by law for the collection of poll taxes, for the purpose of paying his Deputies who collect the same.

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

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

[Approved April 4, 1863.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to appropriate, allow, and order paid, the sums of money, and to exercise the powers following:

*First*—To allow and order paid out of the General Fund, to II. Deuel, for repairs made on the County Jail of said city and county, not to exceed one hundred and six dollars.

*Second*—To allow and order paid out of the General Fund to Michael Miles, for arching cisterns' tops in said city and county, not to exceed the sum of one thousand dollars.

*Third*—To allow and order paid out of the General Fund, not to exceed twenty-five hundred dollars, for repairs to the Hall of Records of said city and county.

*Fourth*—To allow and order paid out of the General Fund, a sum not to exceed three thousand dollars in any year, for the celebration in said city and county of the Anniversary of our National Independence.

*Fifth*—To allow and order paid out of the General Fund, for the election expenses of said city and county, not to exceed seventy-five dollars for each Election District for each election in said city and county.

*Sixth*—To allow and order paid out of the General Fund, not to exceed eight thousand dollars per annum, in addition to the sum now allowed by law, for cleaning the streets, sewers, crosswalks, and highways of said city and county.

*Seventh*—To allow and order paid out of the General Fund, a sum not to exceed twenty thousand dollars for the current year, and ten thousand dollars annually thereafter, for the erection and construction of hydrants and cisterns in said city and county.

*Eighth*—To allow and order paid out of the General Fund, not to exceed six thousand dollars annually, for rent of buildings for hose and engine companies in said city and county.

*Ninth*—To allow and order paid out of the General Fund, not to exceed four thousand dollars per month, for the entire expenses of the Fire Department of said city and county.

*Tenth*—To allow and order paid out of the General Fund, not to exceed sixteen thousand dollars, for the purchase of the lot

and buildings now occupied by the Monumental Engine Company of said city and county, and three feet front, by a sufficient depth, of land in addition and adjoining thereto; the judgments against the members of said company, and each of them, heretofore obtained in the District Court of the Twelfth Judicial District of the State of California, in and for said city and county, in the cases of James W. Morse vs. The City and County of San Francisco et als., Daniel W. Coit vs. The City and County of San Francisco et als., and J. B. Thomas vs. The City and County of San Francisco et als., to be satisfied of record upon the completion of said purchase, and all claims of damages against said defendants, and each of them, to be released.

Payment  
of certain  
judgments.

*Eleventh*—To appropriate the sum of five thousand dollars, in payment of so much money agreed to be paid by said city and county to John W. Dwinelle, and Delos Lake, pursuant to the terms of a contract in that behalf, bearing date on November tenth, in the year eighteen hundred and sixty-two, for conducting certain special litigation in behalf of said city and county; which said contract is hereby confirmed, and the said Board of Supervisors are hereby authorized to appropriate, and allow the Auditor of said city and county to audit, and the Treasurer of said city and county to pay, the sums of money so appropriated and allowed by said Board in discharge of such contract, as fast as they become due, out of the General Fund of said city and county.

Counsel fees.

*Twelfth*—To allow and order paid out of the General Fund, not to exceed the sum of three thousand one hundred and twelve and thirty-seven one-hundredths dollars, for repairs made and dry goods furnished to the City and County Hospital, as follows, that is to say: To Jansen, Bond & Co., not to exceed two thousand and fifty-nine and forty-nine hundredths dollars; to G. A. Lloyd, not to exceed five hundred and seventeen and fifty-three hundredths dollars; to David Mulvain, not to exceed five hundred and thirty-five and thirty-five hundredths dollars.

Repairs and  
dry goods.

*Thirteenth*—To allow and order paid out of the General Fund, not to exceed the sum of five thousand dollars per month, for the support of the indigent sick, and the contingent expenses of the City and County Hospital of said city and county; and out of the same Fund, not to exceed the sum of six thousand dollars for any one year, for the support of the Small Pox Hospital of said city and county.

Indigent  
sick and  
County  
Hospital.

Small Pox  
Hospital.

*Fourteenth*—To allow and order paid out of the General Fund, to the Clerk of the Auditor of said city and county, the sum of one hundred and twenty-five dollars per month; to the Clerk of the City and County Attorney of said city and county, the sum of one hundred and twenty-five dollars per month; to the Clerk of the District Attorney of said city and county, the sum of one hundred and twenty-five dollars per month; and to the Clerk of the Treasurer of said city and county, the sum of one hundred and twenty-five dollars per month; to the Clerk of the Mayor of said city and county, the sum of one hundred and twenty-five dollars per month; and to the Clerk of the Board of Supervisors of said city and county, the sum of two hundred

Salaries of  
Clerks.

dollars per month, in lieu of the salaries at present allowed by law to said Clerks.

Fire tele-  
graphs.

*Fifteenth*—To appropriate, allow, and order paid out of the General Fund, not to exceed the sum of ten thousand dollars, for the purchase of a lot in said city and county, and the erection of a bell tower thereon; or at the discretion of said Board of Supervisors, for the establishment of a system of fire telegraphs in said city and county, and the construction of the necessary works therefor.

Pay of  
Police.

*Sixteenth*—To increase the salary of each member of the police force of said city and county twenty-five dollars per month, and to diminish the same again at pleasure to the present salary of said police force; which said increase of salary, if made, shall be paid as the salaries of the police force are now paid, and out of the same Fund.

Deputy  
Recorder.

*Seventeenth*—To allow and order paid out of the General Fund, the sum of one hundred and fifty dollars per month, as a salary for an additional Deputy in the office of the Recorder of the said city and county.

Hospital  
buildings.

*Eighteenth*—To improve and enlarge the present City and County Hospital buildings and property, in said city and county, and if by them deemed expedient, to that end to purchase and receive additional land in said city and county, and to allow and order paid out of the General Fund, and for the purposes mentioned in this section, such sums of money as in the aggregate shall not exceed the sum of twenty-five thousand dollars.

Repairs of  
Hospital.

*Nineteenth*—To allow and order paid out of the General Fund, not to exceed six thousand dollars, for repairs to the City and County Hospital; and also, out of said Fund, not to exceed the sum of twelve thousand dollars, to furnish said Hospital.

Jail.

*Twentieth*—To improve, alter, and enlarge the present Jail building and property of said city and county, and if by them deemed expedient, for that purpose to purchase and receive additional land in said city and county, and to allow and order paid out of the General Fund, sums not to exceed the aggregate sum of twenty thousand dollars, for the purposes mentioned in this section.

Grading  
Union  
Square.

*Twenty-First*—To allow and order paid out of the General Fund, to such person or persons as in the judgment of said Board of Supervisors may be equitably entitled to the same, a sum not to exceed eight hundred dollars, for work done in grading Union Square.

Counsel fees.

*Twenty-Second*—To allow and order paid out of the General Fund, a sum not to exceed five hundred dollars, for Counsel fees in the case of *E. Minturn vs. E. W. Burr*, which shall be in full for all legal services rendered in said suit.

Purchase of  
lot and  
building.

*Twenty-Third*—To allow and order paid out of the General Fund, a sum not to exceed fifty thousand dollars, for the purchase of a lot and building adjoining the City Hall in said city and county, and for repairs thereon.

District  
Attorney.

*Twenty-Fourth*—To allow and order paid out of the General Fund, a sum not to exceed five thousand dollars per annum, to the District Attorney of said city and county, in lieu of the salary now allowed to him by law.



*Twenty-Fifth*—To allow and order paid out of the General Fund, a sum not to exceed twenty-five hundred dollars, for the completion of the engine house of Knickerbocker Fire Engine Company, Number Five, in said city and county. Engine houses.

*Twenty-Sixth*—To prescribe by order the time and place of sale, and to cause to be sold at public auction, after advertisement twenty days, in two or more daily papers printed in said city and county, the lot and building on the corner of Brenham Place and Washington Street, in said city and county, known as the "Hall of Records;" also, such engine houses and lots in said city and county, not exceeding six in number, as said Board may deem it expedient to sell; and upon such sale or sales, the Mayor of said city and county is hereby empowered to sign, seal, execute, and deliver to the purchaser or purchasers thereof, such deed or deeds as may be necessary to perfect such sale or sales; and the money received for such sale or sales as may be made by virtue hereof, shall be paid to the Treasurer of said city and county, and by him placed in the General Fund of said city and county. Sale of Hall of Records.

*Twenty-Seventh*—To allow and order paid out of the General Fund, a sum not to exceed fifty thousand dollars, for the purchase of a lot and building for a Hall of Records, and for repairs thereon, or for the purchase of a lot and erection of a building for that purpose. Purchase of Hall of Records.

*Twenty-Eighth*—To purchase lots and erect engine houses for such fire company or companies as said Board may deem proper and advisable to remove from their present location to other parts of the city and county, and for such purpose to allow and order paid out of the General Fund such sum or sums of money as may be required; *provided*, that all sums expended under this provision shall not exceed twenty-five thousand dollars in addition to such sums as may be received for engine houses and lots sold as in this Act provided; and, *provided*, further, that no fire company shall be required to remove from their present location until a suitable and proper building shall be provided for such company. Lots for engine houses, etc.

*Twenty-Ninth*—To transfer, by order, from the General Fund to the School Fund of said city and county, sixty thousand dollars; *provided*, the Board of Education of said city and county shall first notify said Board of Supervisors, by resolution, that the amount of taxation for the fiscal year eighteen hundred and sixty-three-four, for school purposes, shall not exceed twenty cents on each one hundred dollars of the assessed value of property. Proviso.

*Twenty-Ninth*—To transfer, by order, from the General Fund to the School Fund of said city and county, sixty thousand dollars; *provided*, the Board of Education of said city and county shall first notify said Board of Supervisors, by resolution, that the amount of taxation for the fiscal year eighteen hundred and sixty-three-four, for school purposes, shall not exceed twenty cents on each one hundred dollars of the assessed value of property. Transfer of funds.

SEC. 2. The Auditor of said city and county is hereby directed and empowered to audit and allow, as aforesaid, and the Treasurer thereof to pay, as aforesaid, all sums of money that may be allowed or ordered to be paid under the provisions hereof. Duty of Auditor and Treasurer.

SEC. 3. The amounts which by this Act are authorized to be paid shall be the only amounts to be paid for the respective purposes for which they are authorized to be paid under the provisions hereof, except when otherwise expressly provided in this Act, and excepting an allowance of two thousand dollars per Restriction.

annum heretofore provided by law for inclosing, improving, and regulating all public grounds in said city and county.

SEC. 4. All Acts and parts of Acts inconsistent herewith are hereby repealed.

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

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CHAP. CXXXVIII.—*An Act to provide for the election of two additional Supervisors in the County of Alameda.*

[Approved April 6, 1863.]

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

Townships  
named.

SECTION 1. The Townships of Brooklyn and Alameda, in the County of Alameda, shall be entitled to and have power to elect in the manner provided by law, one Supervisor for each township.

SEC. 2. Whenever the Board of Supervisors of said county shall have created a new township from adjacent portions of the territory of the Townships of Eden and Washington, including in said new township the village of Alameda, then said new township shall have power to elect one Supervisor in manner provided by law.

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

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CHAP. CXXXIX.—*An Act creating the Office of Bailiff of the Supreme Court.*

[Approved April 6, 1863.]

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

Office  
created.

SECTION 1. The office of Bailiff of the Supreme Court is hereby created, and vested with all the powers and authority belonging or appertaining to the office of Sheriff.

Power.

SEC. 2. The Justices of the Supreme Court are hereby authorized and empowered to appoint a Bailiff to serve in said Court and discharge the duties of said office, who shall be subject to removal at the pleasure of the appointing power.

Salary.

SEC. 3. The salary of the office hereby created shall be nine hundred dollars per annum.

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

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

CHAP. CXL.—*An Act to exempt from Taxation certain Property of the Society of California Pioneers.*

[Approved April 6, 1863.]

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

SECTION 1. That certain lot of land lying in the City of San Francisco, State of California, and situate at the northeast corner of Montgomery and Gold streets, in said city, now occupied by the building known as the "Hall of the Society of California Pioneers," with all the improvements thereupon, is hereby exempted from the payment of any and all taxes, assessed or to be assessed, for State, city, and county purposes; *provided*, that such exemption shall continue only during such period of time as the said lot and improvements are held for the use and benefit of the said Society of California Pioneers; and that this Act may be at any time repealed.

Property exempt.

CHAP. CXLI.—*An Act for the better protection of the Treasury of the County of Placer.*

[Approved April 6, 1863.]

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

SECTION 1. The Board of Supervisors of the County of Placer, together with the County Judge and District Attorney of said county, are hereby constituted a Board of Examiners of the books of the Treasurer of the County of Placer, and of the money in the Treasury of the said county.

Board of Examiners.

SEC. 2. It shall be the duty of the said Board, as often as it may be deemed proper, to examine the books of the Treasurer, the accounts and vouchers in his office, and to count the moneys in the Treasury belonging to the various Funds of said county of Placer; and for the purpose of discharging the duties imposed upon it by this Act, the said Board is hereby authorized to demand, and the Treasurer is hereby required to furnish the said Board, without delay, such information as it may demand, touching the books, papers, vouchers, or matters pertaining to or cognizable in his office; *provided*, that the counting of the moneys in the Treasury shall take place at least once in each month of every year without the said Board giving the Treasurer any previous notice of the hour or day of the said counting.

Duties.

SEC. 3. It shall be the duty of the Treasurer to permit the said Board of Examiners to examine the books and papers in his office, and to permit the moneys in the Treasury to be counted, whenever the said Board may wish to make said count-

Duty of Treasurer.

ing or examination, without delaying said counting or examination on any pretence whatever.

Powers of  
Board of  
Examiners.

SEC. 4. A majority of said Board shall be competent to discharge the duties imposed on said Board by this Act; and each member thereof shall be authorized, in matters connected with said examinations or countings, to administer oaths or affirmations; and said Board, once in each month, shall file in the office of the County Recorder of said county a statement, under oath, of the amount of moneys in the Treasury of the said county after actually counting the same, and said statement shall be published in such newspaper as shall be designated by the said Board within the County of Placer.

Violations  
of Act.

SEC. 5. Any violations of the provisions of this Act by the Treasurer, shall be deemed a misdemeanor, and upon conviction thereof in a Court of competent jurisdiction, the party convicted shall be sentenced to imprisonment in the County Jail for a term not exceeding two years, and to a fine not less than five hundred dollars nor more than five thousand dollars; and whenever any indictment under this Act shall be found against said Treasurer, said indictment shall temporarily suspend the indicted officer from his office until his final acquittal, and said office shall be temporarily filled by appointment from the Board of Supervisors; and any final conviction obtained under this Act, shall *ipso facto* vacate the office held by the party so convicted, which shall be filled in the manner provided by law.

Penalties.

Duty of  
District  
Attorney.

SEC. 6. Should it appear at any time to the Board of Examiners that there is a deficit of moneys in the Treasury, or in any of the Funds thereof, then the District Attorney of the county shall immediately institute proceedings against the Treasurer and the sureties on his official bond, for the recovery of such deficit.

SEC. 7. Drafts, checks, certificates of deposit, and other commercial paper, shall not be considered money.

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

CHAP. CXI<sup>II</sup>.—*An Act to amend an Act entitled an Act to authorize the Funding of the Unfunded Debt of the City of San José, and provide for the payment of the same, approved April twenty-first, eighteen hundred and fifty-eight.*

[Approved April 6, 1863.]

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

SECTION 1. Section eight of an Act entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same, approved April twenty-first, eighteen hundred and fifty-eight, is hereby amended so as to read as follows:

Duty of Com-  
missioners.

Section 8. Each member of the Board of Commissioners shall be entitled to receive the sum of two hundred dollars per

annum for his services under this Act, but no other compensation.

SEC. 2. Section one of an Act entitled an Act supplementary to and amendatory of an Act entitled an Act to authorize the funding of the unfunded debt of the City of San José, and to provide for the payment of the same, approved April twenty-first, eighteen hundred and fifty-eight, approved March seventh, eighteen hundred and fifty-nine, is hereby repealed. Section repealed.

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

CHAP. CXI.III.—*An Act to amend an Act entitled an Act concerning the Office of Surveyor-General, passed April seventeenth, eighteen hundred and fifty.*

[Approved April 6, 1863.]

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

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

Section 1. The Surveyor-General shall reside and keep his office at the seat of government, which office shall be open for the transaction of business every day in the year, except Sundays, New Year's Day, Fourth of July, Christmas Day, Thanksgiving Day, and the days on which the General Election and Special Judicial Elections are held, from the hour of ten o'clock in the forenoon to the hour of four o'clock in the afternoon. He shall not leave the State, except in the performance of his official duties, without leave of absence from the Legislature. Official residence.

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

Section 9. He shall deliver to the Governor, annually, on or before the first Monday of November, his report, which shall contain: Duties of.

*First*—An accurate statement of the progress he may have made in the execution of the surveys enjoined on him by law.

*Second*—Plans and suggestions for the improvement of the internal navigation of the State, and for the construction and improvement of roads, turnpikes, railroads, canals, and aqueducts; also, plans and suggestions for the planting, preservation, and increase of forests of timber trees, for draining of marshes, prevention of overflows, and the irrigation of arable lands by means of reservoirs, canals, artesian wells, or otherwise.

*Third*—An estimate of the aggregate quantity of land belonging to the State, and the best information he may be able to obtain as to the characteristics of the same.

*Fourth*—An estimate of the aggregate quantity of all land used for or adapted to tillage and grazing within this State, and each county of the State, together with the county within which the same may be located.

Duties of.

*Fifth*—An estimate of the aggregate number of horses, sheep, and swine within the State, and each county of the State.

*Sixth*—An estimate of the aggregate quantity of rye, maize, potatoes, grapes, and other agricultural productions of the preceding year, together with his views as to the presence, cause, and remedy of any diseases or other malady preventing full and perfect productions.

*Seventh*—An estimate of the aggregate quantity of all mineral lands within the State, and each county of the State, and the quantity and value of each mineral produced during the preceding year, together with a description of the localities in which such minerals may be found.

*Eighth*—All facts which may be within his personal knowledge, or which he may learn from reliable sources, and which may, in his opinion, be calculated to promote the full development of the resources of the State.

SEC. 3. Section twelve of the above entitled Act is hereby amended so as to read as follows:

Office hours.

Section 12. The Surveyor-General shall, annually, on or before the third Monday of October, deliver to the Controller an estimate, with specifications, of the necessary expenditures of his office during the succeeding year.

CHAP. CXIIIV.—*An Act to authorize an appropriation of Money for the purpose of paying the Funeral Expenses, improving the Burial Grounds, and erecting a Monument to the memory of the Hon. Thomas Campbell, deceased, and to create a Board of Trustees to carry out the object of such appropriation.*

[Approved April 6, 1863.]

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

Appropriation.

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to carry out the purposes of this Act, and the State Controller is hereby directed to draw his warrants in favor of such persons whose accounts the Board of Trustees hereinafter named shall audit and allow, not to exceed the sum hereby appropriated, and the Treasurer of State is hereby required to pay the same.

Board of Trustees and their powers.

SEC. 2. Hon. T. N. Machin, Dr. A. B. Nixon, and James McDonald, are hereby constituted and appointed a Board of Trustees to take care of the State Burying Grounds, and to see that the same is appropriately laid out and ornamented. Said Trustees are empowered to contract for and cause to be placed over the grave of Hon. Thomas Campbell, deceased, a suitable monument, having engraved thereon an appropriate inscription; *provided*, the cost of the same shall be within the appropriation made by this Act.

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

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

CHAP. CXIV.—*An Act supplemental to an Act entitled an Act to provide for the construction of a Wagon Road by the Board of Supervisors of Tehama County, approved January twenty-seventh, eighteen hundred and sixty-three.*

[Approved April 6, 1863.]

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

SECTION 1. The road now travelled by the public from the eastern landing of the "Red Bluffs Ferry," in Tehama County, up the bank of the Sacramento River, and in a northerly direction, for a distance of about four miles, to the residence of J. D. Bacon, and thence, on the route adopted for the construction of the wagon road authorized under the provisions of an Act to provide for the construction of a wagon road by the Board of Supervisors of Tehama County, approved January twenty-seventh, eighteen hundred and sixty-three, from said Ferry to the eastern termination of said road, is hereby declared to be a public highway; *provided*, that in cases where the adopted route of said wagon road shall be altered by the Surveyors, so as to pass through the inclosure of any person, on lands owned by such person, or held by virtue of a compliance with the laws of this State concerning possessory claims, or of the laws of the United States concerning pre-emptions, then the said wagon road, to the extent of such alteration, shall become a public highway after proceedings had by the Board of Supervisors, in the manner provided by law for the location of public highways.

Certain road declared a public highway.

Proviso.

SEC. 2. Any person or persons, body politic or corporate, who shall obstruct or damage, or cause to be obstructed or damaged, the public highway mentioned in section one of this Act, by digging or ploughing in it, or by felling any tree, or by building any fence, or placing or creating any other obstruction therein, or damming, digging, or deepening any stream, or its banks, so as to damage or destroy any ford or crossing on the line of said highway, shall be deemed guilty of a misdemeanor; and it shall be the duty of the Road Master of the District in which such obstruction or damage may be, to prosecute for such offence, on the part of the county; or if such Road Master shall fail or neglect for the space of five days, then any citizen of the county may prosecute the same. Such prosecution shall be by criminal process in the name of The People of the State of California, in any Court of competent jurisdiction, and the party or parties found guilty of violating any of the preceding provisions of this section shall, upon conviction, be fined in any sum not less

Damage to highway.

Penalty.

than two hundred nor more than one thousand dollars, or imprisonment in the County Jail not more than one year, or by both such fine and imprisonment, and shall be liable upon further suit or suits in the name of the county, to pay the sum of twenty-five dollars for each and every day that such obstruction or damage may remain, with costs, to be prosecuted in any court of competent jurisdiction by the Road Master of the District in which such obstruction or damage may be; and if such Road Master shall fail or neglect for five days or more to prosecute, then any citizen of the county may so prosecute said suit or suits. All moneys collected under this section shall be paid into the County Treasury to be used by the Road Master towards keeping said highway in repairs.

SEC. 3. The Board of Supervisors of Tehama County are hereby authorized, in their discretion, to levy and cause to be collected such low rates of toll on said wagon road as they may deem expedient and for the interests of said county, and all the moneys so collected shall be expended in repairs on said road.

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

CHAP. CXLVI.—*An Act to amend an Act entitled an Act in relation to Public Roads in the County of Calaveras, and to the Road Fund of said county, approved April tenth, Anno Domini eighteen hundred and sixty-two.*

[Approved April 6, 1863.]

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

SECTION 1. Section two of an Act entitled an Act in relation to public roads in the County of Calaveras, and to the Road Fund of said county, approved April tenth, Anno Domini eighteen hundred and sixty-two, is hereby amended so as to read as follows:

Election of  
Overseers  
and term of  
office.

Section 2. At the next general election, and at each general election thereafter, there shall be elected in each township in the County of Calaveras, a Road Overseer, who shall qualify and enter upon the duties of his office on the first Monday of January following his election, and shall hold his office two years from the date of his qualification.

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

Road tax  
receipts.

Section 5. The Board of Supervisors shall cause to be printed, each year, as many road tax receipts as may be necessary for the use of the county. Each receipt for the current year shall be for the sum of three dollars, and shall be signed by the Chairman of the Board of Supervisors and County Auditor, and shall contain a blank for the signature of the Road Overseer. The receipts shall be numbered consecutively. The County Auditor shall open an account with each Road Overseer, charging him with such receipts as he shall receive,



and crediting him with the money paid into the County Treasury, and with the blank receipts returned.

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

Section 7. It shall be the duty of each Road Overseer to procure from the Auditor road tax receipts, and he shall demand and collect from each person in his township liable to pay road tax, the sum of three dollars for the current year. Upon the payment of this sum he shall give such person a road tax receipt, writing thereon, with ink, the date of payment and the name of the person paying the same, and sign his own name thereto. If any person liable to pay such road tax shall fail or refuse to pay the same upon demand, the Road Overseer may enforce the collection thereof in the same manner in all respects as is provided for the collection of poll taxes by sections sixty-six and sixty-seven of an Act entitled an Act to provide revenue for the support of the government of this State. Each Road Overseer shall keep a list of the names of all persons of whom he makes a demand of such tax.

Duty of Overseers.

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

Section 9. The making such settlement as provided in the foregoing section, the Road Overseer shall file with the Auditor his report, which report shall have been subscribed and sworn to by him before some officer authorized to administer oaths and affirmations. Said report shall contain a detailed statement of the business of his office during the preceding three months, of the names of those persons who have paid road tax, and the names of those persons who have not paid such tax, with the names of the delinquents marked so as to be known and distinguished from those who have paid, the number of days work, of eight hours per day, he has performed labor personally on roads or bridges in his township, and also the number and nature of contracts entered into by him for building, repairing, and keeping in repair the roads and bridges in said township, together with the names of the contractors, and the amounts to be paid for each service so performed by them; he shall also file a duplicate of said report, similarly sworn to, with the Clerk of the Board of Supervisors, and both reports shall be open to public inspection.

Same.

SEC. 5. Section eleven of said Act is amended so as to read as follows :

Section 11. The Road Overseer may, with the consent of the Board of Supervisors, make contracts for the purchase of lumber, or other material, for building bridges or culverts, for grading roads, or any other necessary work upon the highways within his township. He may, also, with the consent of the Board of Supervisors, make contracts for the repair and keeping in repair of any public road, or section of such road, within his township; *provided*, such contracts shall be awarded to the lowest responsible bidder, after notice for proposals have been posted in three public places in the township for the term of ten days; and, *provided*, further, that said contracts shall not be so made nor indebtedness created unless there be money in the Road Fund to pay the same. All payments for the fulfil-

Contracts for lumber, etc.

Proviso.

ment of any contract for the purposes hereinbefore specified shall be made from the Township Road Fund, and upon the order of the Board of Supervisors, the Auditor shall draw his warrant upon that Fund for the amount of said payment.

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

CHAP. CXLVII.—*An Act to grant the right to construct a Bridge and establish a Ferry on the San Joaquin River, in Fresno County, to I. B. Marshall and his associates and assigns.*

[Approved April 6, 1863.]

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

Franchise.

SECTION 1. I. B. Marshall, and his associates and assigns, shall take, have, possess, and enjoy all the rights, privileges, rights of way, franchises, and immunities hereinafter mentioned, upon conditions that he and his associates and assigns shall incorporate themselves under the general law of the State regulating corporations, and providing for the incorporation of bridge companies, and shall adopt the name of "San Joaquin Bridge Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

Powers of grantees.

SEC. 2. Said I. B. Marshall, and his associates and assigns, or said company when incorporated as aforesaid, shall have power to build, erect, construct, and maintain a public toll bridge across the San Joaquin River, at or near Whiteside's Sheep Ranch, and about two and one half miles below Charles Convers' ferry, and have and enjoy all rights, privileges, and immunities thereunto appertaining, and shall have the right of way across said river, and the privilege of using the same for that purpose, which is hereby granted and ceded to said I. B. Marshall, and his associates and assigns, and said company when incorporated, for the term of twenty years. Said company shall at all times after its incorporation keep said bridge in passable order and condition, and shall be responsible for any damages arising to persons or property crossing said bridge, caused by neglect to keep said bridge in proper repair and condition.

Conditions.

Same.

SEC. 3. The said bridge shall be constructed in a good and substantial manner, and of durable materials, and shall be constructed and completed within two years from the date of the passage of this Act, otherwise the right to construct the same shall be forfeited, and this Act become null and void.

Tolls.

SEC. 4. The said I. B. Marshall, and his associates and assigns, or said company when incorporated, upon the erection and completion of said bridge, shall be authorized and empowered to charge and collect such rates of toll as shall be fixed by the Board of Supervisors of Fresno County.

Speed of travel.

SEC. 5. Said Company may regulate and determine the speed of travel, riding or driving, upon said bridge, and may require

the speed not to be faster than a walk; and for each violation thereof, the party so violating may be fined in any competent Court in any sum not less than ten (\$10) dollars, nor more than one hundred (\$100) dollars; *provided*, further, that said parties thus violating such regulations shall always be answerable to the owners of said bridge, in any Court of competent jurisdiction, for the damages sustained.

SEC. 6. Said company shall keep in some conspicuous place at each end of the bridge a bulletin board, which shall contain the scale of prices and notice of speed allowed on said bridge. Scale of prices.

SEC. 7. It is further provided, that from and after the passage of this Act, and until the completion of said bridge, the said I. B. Marshall, and his associates and assigns, or said company when incorporated, shall have the right, which is hereby granted to them, to establish and maintain a ferry across said river at the point above designated and charge and collect for crossing on said ferry such rates of toll as shall be fixed by said Board of Supervisors. Tolls.

SEC. 8. No toll bridge or ferry shall be established within one mile immediately above or below said bridge.

SEC. 9. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they conflict with the provisions of this Act.

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

CHAP. CXLVIII.—*An Act to grant the right to construct a Bridge across the Stanislaus River, at a place known as Peoria Bar, to certain persons therein named.*

[Approved April 6, 1863.]

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

SECTION 1. M. S. Norton, R. K. Love, and W. F. Colton, together with such associates as they may admit, shall take, have, possess, and enjoy, all the rights of way, franchises, and immunities, hereinafter mentioned, upon condition that they and their associates shall incorporate themselves under the general laws of the State regulating corporations, and providing for the incorporating of bridge companies, and shall adopt the name of "Peoria Bridge Company," and shall abide by and fulfil the further condition hereinafter mentioned. Grantees.

SEC. 2. Said company, when incorporated as aforesaid, shall have full power to build, erect, construct, and maintain, a public toll bridge across the Stanislaus river, at a place known as Peoria Bar, and have and enjoy all rights, privileges, and immunities thereto appertaining, and shall have the right of way across said river, and the privilege of using the same for that purpose, which is hereby granted and codod to said company for the term of twenty years; *provided*, within one year from the date of the passage of this Act, the said company shall commence the con- Powers and rights of company.

**Conditions.** construction of said bridge, and shall, within two years thereafter, build and complete the same; otherwise, the right to construct the same shall be forfeited, and this Act become null and void. Said company shall, at all times after its completion, keep said bridge in good order and condition. After the expiration of twenty years from the completion of said bridge, the County of Tuolumne shall have the right to purchase the said bridge, together with the franchise and right of way, at an appraised value, to be determined by three Appraisers, one to be selected by the bridge company, one by the Board of Supervisors of Tuolumne County, and one to be selected by the two Appraisers hereinbefore provided for, and such value shall be estimated to be the value of the bridge, not including the franchise or right of way; and, *provided*, further, that if the said bridge be purchased by the County of Tuolumne, the right to levy and collect tolls shall cease.

**SEC. 3.** The said bridge shall be constructed in a good and substantial manner, and of durable material.

**Tolls.** **SEC. 4.** The said bridge company, upon the erection and completion of said bridge, shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of Tuolumne County may fix annually; *provided*, that the Legislature may, at all times, modify or change the rates so fixed by said Board of Supervisors.

**SEC. 5.** Said company may regulate and determine the speed of travel, riding, or driving, upon said bridge.

**SEC. 6.** Any person riding or driving over said bridge faster than the speed allowed by said bridge company, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace, shall be fined in any sum not less than one dollar nor more than ten dollars, and cost of prosecution.

**Scale of prices.** **SEC. 7.** Said company shall keep in some conspicuous place at each end of the bridge a bulletin board, which shall contain the scale of prices and notice of speed allowed on said bridge by said company.

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**CHAP. CXLIX.**—*An Act concerning Records of Fees and duties of certain officers in the County of Solano.*

[Approved April 6, 1863.]

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

**Duties of officers.** **SECTION 1.** The County Clerk, the County Recorder, and the Sheriff, of Solano County, are hereby required to keep in their respective offices a book, in which they shall keep, or cause to be kept, an accurate account of all fees or compensation received or charged by them, or their Deputies, for services rendered in the discharge of their official duties, from whom received, and for what services; and the said officers shall, each, once in three months, at the regular meeting of the Board of Supervisors of the county, make to said Board a report, upon oath, setting

forth the aggregate amount of fees or compensation received or charged by them, or their Deputies, during the three months preceding.

SEC. 2. The books herein provided for shall be furnished in the same manner as other stationery, and shall be entitled, respectively, "The Clerk's Fee Book," "The Recorder's Fee Book," and "The Sheriff's Fee Book," and shall be preserved as public records, and open as such to public inspection.

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

CHAP. CL.—*An Act to give immediate effect to an Act therein named.*

[Approved April 6, 1863.]

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

SECTION 1. An Act entitled an Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved April fifteenth, eighteen hundred and fifty-eight, passed March twenty-third, eighteen hundred and sixty-three, shall take effect and be in force from and after the passage of this Act. Act named.

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

CHAP. CLI.—*An Act to authorize S. Spencer, T. B. Simpson, and their associates, to construct a Toll Bridge across the Yuba River, at or near Sand Flat, in Yuba County.*

[Approved April 6, 1863.]

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

SECTION 1. S. Spencer, T. B. Simpson, together with such associates as they may admit, shall take, possess, have, and enjoy the rights, privileges, right of way, franchise, and immunities hereinafter named, upon condition that they and their associates shall incorporate themselves under the general laws of the State regulating corporations and bridge companies, and shall adopt the name of "The Alva Bridge Company," and shall abide by and fulfil the further conditions hereinafter mentioned. Grantees.

SEC. 2. Said company, when incorporated as aforesaid, shall have full power to build, erect, construct, and maintain, a public toll bridge across the Yuba river, which shall cross said stream at a point to be located in Township Fifteen North, Range Five East, as per survey made by the United States Government, and about one mile west of the foot hills on the south side of said river, and shall have and enjoy all the rights, privileges, Rights and powers of company.

and immunities thereto appertaining, and shall have the right of way across said river, and the privilege of using the same for that purpose, which is hereby granted and ceded to said company for the term of twenty years; *provided*, that within two years from the date of the approval of this Act, the said company shall construct and fully complete said bridge, otherwise, the right to build said bridge shall be forfeited, and this Act shall become null and void.

Yuba  
County may  
purchase.

SEC. 3. After the expiration of ten years from the time said bridge shall be completed, the County of Yuba shall have the right to purchase said bridge, at an appraised value, to be determined by five Appraisers, two of whom shall be appointed by the Board of Supervisors, two by said Spencer and Simpson, their associates and assigns, and one to be appointed by the said four Appraisers so appointed as herein provided for, and such value shall be estimated to be the value of the bridge, not including the franchise or right of way hereby granted; and, *provided*, further, that if the said bridge be purchased by the County of Yuba, the right to levy and collect tolls shall cease.

Conditions.

SEC. 4. After the completion of said bridge, said company shall at all times keep the same in passable order and condition, and shall be responsible for any damage to persons or property crossing said bridge, caused by neglect to keep said bridge in proper repair and condition. Said bridge shall be constructed in a good and workmanlike manner, and of good and durable materials.

Tolls.

SEC. 5. Upon the erection and completion of said bridge, said company shall be and are hereby authorized and empowered to charge and collect such rates of toll as the Board of Supervisors for the County of Yuba may annually fix; *provided*, such rates of toll shall not be fixed so as to yield an annual income of less than fifteen per cent on the cost of constructing said bridge; and, *provided*, further, that nothing in this Act shall be so construed as to exempt said company from paying the same license as do other toll bridges.

SEC. 6. Said company shall have the right to regulate and determine the speed of travel, riding or driving, upon said bridge, and may require the speed not to be faster than a walk; and for each violation thereof, the party so violating may be fined by any competent Court, in a sum not less than ten nor more than fifty dollars; *provided*, further, that any party violating such regulations shall always be answerable in any Court of competent jurisdiction for the damages or loss sustained.

SEC. 7. No bridge or ferry shall be established within one mile immediately above or below said bridge, unless the public convenience requires it.

Scale of  
prices.

SEC. 8. Said company shall keep, in some conspicuous place at each end of the bridge, a notice of the scale of prices or tolls, and speed allowed on said bridge. This Act shall take effect from and after the date of its approval.

CHAP. CLII.—*An Act to prevent the use of Phosphorus for Poisoning Vermin, or any Animals, in certain counties of this State, between the first day of March and the first day of November in each year.*

[Approved April 6, 1863.]

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

SECTION 1. It shall not be lawful for any owner or occupant of land, or any other person or persons, in the Counties of Santa Clara, Contra Costa, San Joaquin, Santa Cruz, and San Mateo, to use, expose, or distribute, in any manner or way whatsoever, phosphorus, for the killing or extermination of vermin, squirrels, gophers, or any other animal or animals, or for any other purpose, on any land, ground, open field, or inclosure, whether occupied by him, or belonging to him, or otherwise, between the first day of March and the first day of November in each year. Use  
Prohibited.

SEC. 2. Any person or persons offending against either of the provisions of section one of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before a Justice of the Peace, shall be fined for each offence in any sum not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the County Jail for any term not less than thirty days nor more than six months, or by both such fine and imprisonment. Penalties.

SEC. 3. All fines collected under and by virtue of this Act shall be paid into the County Treasury, and shall be appropriated to the County School Fund, and shall not be used for any other purpose.

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

CHAP. CLIII.—*An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Amador County to levy a Special Tax and create a Redemption Fund for the payment of outstanding Road Warrants in said county, approved March fifth, eighteen hundred and sixty-two.*

[Approved April 6, 1863.]

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

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

Section 1. The Board of Supervisors of the County of Amador are authorized to levy a special tax within thirty days after the passage of this Act, and annually thereafter, in addition to other taxes provided for by law, upon all the taxable property in said county, of not less than ten nor more than twenty cents Tax.

on the one hundred dollars, and said tax shall be assessed and collected at the same time and in the same manner as other taxes are assessed and collected in said county.

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

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CHAP. CLIV.—*An Act to empower the Board of Trustees of the City of Petaluma to levy a Special Tax for the benefit of the Fire Department of said city.*

[Approved April 6, 1863.]

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

**Tax.** SECTION 1. The Board of Trustees of the City of Petaluma is hereby authorized and empowered to levy and collect a special tax for the fiscal year ending May first, eighteen hundred and sixty-four, upon all property in said city subject to taxation, which tax shall not exceed one half of one per cent of the assessed value of said taxable property, and the said tax shall be in addition to the tax which the said Board is now authorized to levy and collect, and shall be based on the assessment roll of said city for the fiscal year ending May first, eighteen hundred and sixty-four.

**Collection.** SEC. 2. Said tax shall be collected and enforced in all respects as other taxes levied by said Board are provided to be collected and enforced, and the moneys raised by said tax shall be expended by said Board exclusively for the purchase of a hand fire engine for the use of the Fire Department of the said City of Petaluma.

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

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CHAP. CLV.—*An Act to protect certain parties in and to a Railroad Survey, to connect Portland, Oregon, with Marysville, California.*

[Approved April 6, 1863.]

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

**Association created.** SECTION 1. That H. Fellows, William Gwynn, H. Gooding, B. E. Hickok, F. J. McCann, C. E. Delong, C. D. V. Hubbard, C. A. Tuttle, J. D. Adkison, John W. Moore, Belcher & Belcher, D. O. Adkison, J. H. Jewett, D. W. C. Rice, Ridcut & Smith, E. Pinnix, B. P. Avery, A. S. Randall, D. E. Knight, S. Addington, A. P. Spear, J. T. McComas, D. S. Hyams, C. G. Bockius, James Trainer, L. H. Babb, S. G. Elliot, W. K. Hudson, P. P. Caine, L. C. Fowler, A. M. Shields, A. D. Starr, E.



Woodruff, W. H. Hartwell, A. G. Randal, W. M. Bell, A. W. Wilbur, J. McQuin, Hochstadter & Brother, J. S. Barman, E. C. Ross, I. Eckert, J. B. McDonald, E. M. Wright, J. W. Talbert, Charles Scholl, A. Suss, S. R. Rosenthal, J. H. Wright, H. Videau, H. S. Hoblitzell, T. & L. McGuire, H. Barnett, R. R. Merrill, S. P. Sempor, P. Carr, B. Bigelow, E. Hamilton, C. Schwartz & Company, J. D. Blanchar, J. B. Emmel, H. K. Mitchell, and all persons who shall or may be associated with them, and their successors, are hereby created an association for the purpose of demonstrating the practicability, by survey, for a line of railroad from Marysville, California, to Portland, Oregon.

SEC. 2. The right of way is hereby given and granted over and through any of the Swamp or Overflowed Lands belonging to this State, or any other public lands which are now or which may become the property of the State; and said parties named in the first section of this bill, are hereby authorized to enter upon all public lands belonging to this State, for the purpose of surveying and marking through the same; *provided*, this section shall be of no force in case the parties named in the first section of this bill shall fail to perfect an organization on or before the first day of July, eighteen hundred and sixty-five, under the provisions of an Act to provide for the incorporation of railroad companies in this State, approved May twentieth, eighteen hundred and sixty-one.

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

CHAP. CLVI.—*An Act to amend an Act entitled an Act to establish the Industrial School Department of the City and County of San Francisco, approved the fifteenth day of April, A. D. eighteen hundred and fifty-eight.*

[Approved April 6, 1863.]

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

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

Section 9. For the care and maintenance of the children, and the salaries of the Superintendent and Assistants connected with said Industrial School, the Auditor of the City and County of San Francisco is hereby authorized and required to audit all the bills allowed and ordered paid by the Board of Managers, not exceeding the sum of one thousand dollars per month, and the Treasurer of said City and County of San Francisco is hereby authorized and required to pay the same so allowed and audited out of the General Fund of the City and County of San Francisco; also, said Auditor shall audit, and said Treasurer shall pay out of the School Fund of said city and county, such sum or sums, not exceeding two hundred dollars per month, as the Board of Managers may order paid for salaries of Teachers in said Industrial School.

Addition  
to school  
building.

SEC. 2. Said Board of Managers are hereby authorized and empowered to allow and order paid from the Treasury of the City and County of San Francisco a sum not exceeding eight thousand dollars, for the erection and furnishing of an addition to the present Industrial School building, and the Auditor of said city and county is hereby directed to audit, and the Treasurer to pay from the General Fund of said City and County, the sum or sums authorized to be paid by this Act.

CHAP. CLVII.—*An Act to regulate the Fees of the County Clerk of El Dorado County in Civil Cases.*

[Approved April 6, 1863.]

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

SECTION 1. The County Clerk of El Dorado County may lawfully charge, demand, and receive, in advance, for his services rendered in discharging the duties imposed on him by law in civil cases, such fees as are provided in this Act, and no more.

FEES OF THE CLERK OF THE DISTRICT COURT.

Fees of  
Clerk of  
District  
Court.

SEC. 2. The Clerk of the District Court shall receive for all services performed by him, in any action or proceeding in which an attachment, injunction, or other provisional remedy is sought, before trial, including judgment by default, and the entering up of the same, the sum of nine dollars, to be paid by the plaintiff at the time of filing the complaint, and the further sum of three dollars, to be paid by the defendant at the time the answer, demurrer, or other appearance in writing is filed.

For all services in any other action or proceeding before trial, including judgment by default, and the entering up of the same, the sum of eight dollars, to be paid by the plaintiff, and the further sum of two dollars, to be paid by the defendant, at the times above respectively provided.

For all services performed by him during the trial of any action or proceeding, up to and including the entry of final judgment, the sum of three dollars, to be paid by the party moving the cause, at the time the same is entered upon the trial calendar; *provided*, for taking testimony during the trial, he shall receive thirty cents for each folio, for his own use and benefit, to be paid by the party demanding the service; and to secure the payment of the same, the said Clerk may lawfully require a deposit of a sufficient sum of money in advance.

For all services subsequent to the entry of final judgment, up to and including the entry of satisfaction thereof, the sum of three dollars, to be paid by the party in whose favor the judgment has been entered, at the time the execution or other final process is demanded; *provided*, when an appeal is taken, he shall

be allowed, in addition, thirty cents for each folio contained in the transcript, to be paid by the party demanding the same.

For all services performed by him in any case of judgment by confession, without action, up to and including the making up and filing of the judgment roll, the sum of ten dollars; and for all subsequent services, the same as in other cases.

SEC. 3. When any cause has been appealed to the Supreme Court, and a new trial ordered, or when a new trial has been granted in the District Court, the said Clerk shall be allowed, upon the second or any subsequent trial, the same fees as are above provided for the first trial.

#### FEES OF THE CLERK OF THE COUNTY COURT.

SEC. 4. The Clerk of the County Court shall receive for all services performed by him, in any action or proceeding commenced in said Court, the same fees which are allowed the Clerk of the District Court for similar services. Fees of County Clerk.

For all services performed by him in any cause brought to said Court by appeal, before trial, the sum of three dollars, to be paid by the party presenting the papers on appeal, at the time of the filing thereof.

For all services during the trial, up to and including the entry of final judgment, the sum of five dollars, to be paid by the party moving the cause.

For all subsequent services, the same fees which are allowed the Clerk of the District Court for similar services.

SEC. 5. When more than one copy of a complaint is required in any case, in either the District or County Court, said Clerk shall receive, in addition to the fees already provided, two dollars for the second copy, and one dollar for each additional copy of said complaint.

SEC. 6. All fees collected by said County Clerk, under the provisions of this Act, except those for taking down testimony, as provided in section two, shall be kept by him, and paid into the County Treasury of said county, pursuant to the provisions of sections eleven and twelve of an Act entitled an Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their compensation, for the County of El Dorado, approved April thirtieth, eighteen hundred and sixty. Disposition of fees.

SEC. 7. Said County Clerk may lawfully require the fees provided by this Act to be paid in gold and silver coin of the United States of America.

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

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

CHAP. CLVIII.—*An Act to regulate the Fees of certain officers in Solano County.*

[Approved April 6, 1863.]

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

SECTION 1. Such fees are allowed to the officers hereinafter named for their services rendered in discharging the duties imposed on them by law as herein provided, and such officers may lawfully charge, demand, and receive the same.

SEC. 2. The Clerk of the District Court shall receive:

For entering each suit on the Clerk's register of actions, and making the necessary entries therein during the progress of the trial, for each folio, twenty cents.

For issuing every writ or process under seal, one dollar.

For issuing subpoena for each witness, twenty-five cents.

For filing each paper, twenty-five cents.

For entering every motion, rule, order, default, discontinuance, dismissal, or nonsuit, fifty cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, fifty cents.

For calling and swearing every jury, fifty cents.

For receiving and entering each verdict of a jury, fifty cents.

For entering every final judgment, for the first folio, one dollar.

For each subsequent folio, twenty cents.

For filing judgment roll, one dollar.

For entering judgment on judgment docket, fifty cents.

For entering satisfaction of judgment, fifty cents.

For administering every oath or affirmation, twenty-five cents.

For certifying every oath or affirmation, twenty-five cents.

For copy of any proceeding, record, or paper, for each folio, twenty cents.

For every certificate under seal, one dollar.

For searching the files of each year in his office, (but not to charge suitors or Attorneys,) one dollar.

For issuing every commission to take testimony, one dollar.

For taking down testimony of witnesses during trial, for each folio, twenty cents, to be paid by the party requiring the same.

For issuing every execution or other final process, one dollar.

For issuing every decree, or order of sale of mortgaged property, one dollar.

For issuing writ of injunction or attachment, one dollar.

For entering judgment by confession, the same fees as in other cases of entering judgment.

For receiving and filing every remittitur from the Supreme Court and accompanying papers, one dollar.

For taking each bond required by law, with justification thereto, one dollar.

For acknowledgment of deed or other instrument, including all writing and the seal, for each name thereto, one dollar.

When the Court is sitting as a Court of criminal jurisdiction,

he shall receive for the trial of each issue, when the charge is felony, five dollars.

For the trial of each issue, when the charge is misdemeanor, three dollars.

He shall receive no other fee for any service whatever in a criminal action or proceeding, except for copies of papers, for each folio, twenty cents.

SEC. 3. The Clerk of the County Court shall have :

For filing all papers sent on appeal from Justices' Courts, in each cause, one dollar. Clerk of County Court.

For all other services, the same fees as are allowed in the District Court for similar services.

SEC. 4. The Clerk of the Probate Court shall have :

For issuing letters testamentary or of administration, fifty cents. Of Probate Court.

For certificate of appointment of Appraisers or Guardians, fifty cents.

For writing and posting notices, when required, for each copy of the notice, one dollar.

For notice given by publication, in addition to the cost of publication, fifty cents.

For recording wills, per folio, twenty cents.

For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

SEC. 5. The County Recorder shall have :

For recording any instrument, paper, or notice, when required, for each folio, twenty cents. County Recorder.

For copies of any record, or paper, per folio, twenty cents.

For filing or receiving every instrument for record, and making the necessary entries thereon, twenty-five cents.

For noting on any instrument the time when and place where recorded, twenty-five cents.

For entering in the several indexes required, all the entries required for any instrument, paper, or notice, filed and recorded, for every such instrument, paper, or notice, twenty-five cents.

For every certificate, under seal, to copies of papers or records in his office, when required, fifty cents.

For every entry of discharge of mortgage on margin of record, fifty cents.

For searching records and files of each year in his office, when required, fifty cents.

For abstract or certificate of title, when required, for each conveyance or incumbrance certified, seventy-five cents.

For recording every town plot, for every course, twenty-five cents.

For figures and lettering plots and maps, per folio, forty cents.

For taking and writing acknowledgments, including seal, for the first signature, one dollar.

For each additional signature, fifty cents.

For filing and entering a minute of certificate of Sheriff's sale, fifty cents.

For filing and entering a minute of certificate of tax sale, fifty cents.

For recording marriage certificate, one dollar.

For filing and keeping each paper not required to be recorded, and indorsing the same, if required, fifty cents.

Sheriff.

SEC. 6. The Sheriff shall receive, for serving a summons and complaint, or any other process by which an action or proceeding is commenced, on every defendant, one dollar.

For travelling in making such service, per mile, in going only, to be computed in all cases from the Court House of the county, thirty cents; *provided*, that if any two or more papers required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged.

For taking bonds or undertakings in any case in which he is authorized to take the same, fifty cents.

For copy of any writ, process, or other paper, when demanded, or required by law, for each folio, twenty cents.

For serving every notice, rule, or order, fifty cents.

For serving a subpoena, for each witness, fifty cents.

For travelling, per mile, in serving each subpoena, or venire, in going only; but when two or more witnesses or jurors live in the same direction, travelling fees shall be charged only for the most distant, thirty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, and with travelling fees as on a summons, one dollar and fifty cents; but no travelling fee shall be allowed on such attachments, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may be executed at the time of the service of the summons, unless for the distance actually travelled beyond that required to serve the summons.

For serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, one dollar and fifty cents.

For making and posting notices, and advertising property for sale on execution, or under any judgment, or order of sale, not to include the cost of publication in newspaper, one dollar and fifty cents.

For commissions for receiving and paying over money on execution or process when land or personal property has been levied on, advertised, and sold, on the first one thousand dollars, two per cent; and on all sums above that amount, one per cent.

For commissions for receiving and paying over money on execution without levy, or when the land or goods levied on shall not be sold, one per cent.

The fees herein allowed for the levy of an execution, and for advertising, and for making and collecting the money on an execution, shall be collected from the defendant, by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing every Sheriff's deed, to be paid for by the grantee, who shall, in addition, pay for the acknowledgment thereof, three dollars.

For serving a writ of possession or restitution, putting any person entitled into possession of premises, and removing the occupant, five dollars.

For travel in the service of any process not hereinbefore mentioned, for each mile necessarily travelled, in going only, thirty cents. Sheriff.

For attending, when required, on any Court, in person or by Deputy, for each day, to be paid out [of] the County Treasury, three dollars.

For bringing up a prisoner on habeas corpus to testify or answer in any Court, or for examination as to the cause of his arrest and detention, or to give bail, fifty cents; and for travelling each mile from the Jail, in going only, thirty cents.

He shall also be allowed such further compensation for his trouble and expenses in taking possession of property under attachment, or execution, or other process, and of preserving the same, as the Court from which the writ or order may issue shall certify to be just and reasonable.

For holding each inquest, or trial of right of property, when required, to include all service in the matter except mileage, three dollars.

For attending on Supreme Court, either in person or by Deputy, to be paid out of the State Treasury, as other claims, for each day, five dollars.

For making every arrest in a criminal proceeding, two dollars.

For serving each subpoena in criminal proceedings, fifty cents.

For executing every sentence of death, twenty dollars.

For summoning a Grand Jury of twenty-four, eight dollars.

For summoning each Trial Jury of twelve persons, four dollars.

For each additional juror, twenty-five cents.

For service of any process in criminal cases, for each mile necessarily travelled, fifteen cents; and the same mileage taking prisoner before a magistrate or to prison.

In serving subpoena or venire in criminal cases, he shall receive mileage for the most distant only, where witnesses or jurors, or both, live in the same direction; for all services in Justices' Courts, the same fees as are allowed to Constables in like cases.

SEC. 7. The Tax Collector shall receive the fees and compensation now allowed by law; but fifty per cent of the compensation allowed for the collection of property tax shall be paid by him into the County Treasury for the benefit of the General Fund. Tax Collector.

SEC. 8. This Act shall take effect and be in force on and after the first day of March, in the year one thousand eight hundred and sixty-four, except section seven, which shall take effect immediately; and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as the same relate to Solano County.

CHAP. CLIX.—*An Act to provide for the Maintenance and Supervision of Common Schools.*

[Approved April 6, 1863.]

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

OF THE STATE BOARD OF EDUCATION.

Board of Education.

SECTION 1. The Governor, the Superintendent of Public Instruction, and the Surveyor-General of this State, shall constitute a State Board of Education, of which the Governor shall be the President, and the Superintendent shall be the Secretary.

Seal.

SEC. 2. The State Board of Education shall have a seal, an impression and description of which shall be deposited by the Secretary of the Board in the office of the Treasurer of State.

Sessions.

It shall be the duty of said Board to hold at least two sessions annually, for the purpose of devising plans for the improvement and management of the Public School Fund, and for the better organization of the Public Schools of the State; and it shall be

Duty of Secretary.

the duty of the President of the Board to call such other meetings at such times as he may deem advisable and necessary. A full record of the proceedings of the Board shall be kept by the Secretary, and shall be embodied in the annual report of the Superintendent of Public Instruction.

OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Election of.

SEC. 3. The Superintendent of Public Instruction shall, at the special election for judicial officers, to be held in the year eighteen hundred and sixty-three, and every four years thereafter at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election. He shall be paid a salary of three thousand dollars per annum, and shall have power to appoint a Clerk, who shall be paid a salary of eighteen hundred dollars per annum.

Term of office.

Salary.

To apportion school moneys.

SEC. 4. It shall be the duty of the Superintendent of Public Instruction, subject to the supervision of the State Board of Education, immediately after the State Controller shall have made his semi-annual report as herein required, to apportion to the several counties the amount of school moneys in the State Treasury to which each shall be entitled under the provisions of this Act, in proportion to the number of white children residing therein between the ages of four and eighteen years, as shown by the last previous reports of the County Superintendents; and to furnish to the Controller of State, to each County Treasurer, and to each County Superintendent, an abstract of such apportionment; and, with each apportionment, to furnish to each County Treasurer his order on the Controller of State, under the seal of the State Board of Education, for the amount of school moneys in the State Treasury to which such county



shall be entitled, and to take such County Treasurer's receipt for the same.

Sec. 5. It shall be the duty of the Superintendent of Public Instruction to make an annual report on or before the first day of November of each year to the Governor of the State, who shall cause the same to be published, annually, and shall communicate a copy thereof to the Legislature. Said report shall contain a full statement of the condition of public instruction in the State; a statement of the condition and amount of all funds and property appropriated to the purposes of education; the number and grade of schools in each county; the number of white children in each county, between the ages of four and eighteen years; the number of such attending Public Schools; the number of such attending Private Schools; the number attending no schools; the number under four years of age; the number between eighteen and twenty-one years of age; the amount of Public School moneys apportioned to each county; the amount of money raised by county taxation, district tax, rate bills, subscription, or otherwise, by any city, town, district, or county, for the support of schools therein; the amount of money raised for building school-houses; a statement of plans for the management and improvement of Public Schools; and such other information relative to the educational interests of the State as he may think of importance.

To make  
annual  
report.

Sec. 6. The Superintendent of Public Instruction shall prescribe suitable forms and regulations for making all reports and conducting all necessary proceedings under this Act, and shall cause the same, with such instructions as he shall deem necessary and proper for the organization and government of schools, to be transmitted to the local school officers, who shall be governed in accordance therewith. He shall prepare a convenient form of School Register for the purpose of securing more accurate returns from Teachers of Public Schools, and shall furnish each County Superintendent with a number sufficient to supply at least one copy thereof to each District or School of such county. He shall prepare pamphlet copies of the School Law, and all amendments thereto, and shall transmit a number of the same to the County Superintendents sufficient to supply each and every School Trustee, School Marshal, and School Teacher, with at least one copy of the same.

To prescribe  
regulations,  
etc.

Sec. 7. Whenever the returns from any county, city, or district shall be so far defective as to render it impracticable to ascertain therefrom the share of public moneys which ought to be disbursed or paid to such county, city, or district, the Superintendent of Public Instruction shall ascertain, by the best evidence in his power, the facts upon which the ratio of such apportionment should depend, and shall make the apportionment accordingly.

Defective  
returns from  
counties.

Sec. 8. The Superintendent of Public Instruction shall have power to convene a State Teachers' Institute annually, in such place and at such time as he may deem advisable, and shall preside over and regulate the exercises of such Institute. He shall engage such Lecturers and Teachers as may be deemed

State  
Institute.

advisable to conduct the exercises of any Institute, which exercises shall not be continued at any one time for a longer period than two weeks, nor for a period less than five days. The expenses incurred in holding such State Institute shall be paid out of such appropriations as may be granted by the Legislature for that purpose.

Visiting  
schools.

SEC. 9. It shall be the duty of the Superintendent of Public Instruction to travel in the different counties of the State, so far as is possible without neglecting his other official duties, during at least four months of each year, for the purpose of visiting schools, of consulting with County Superintendents, of lecturing before County Institutes, and of addressing public assemblies on subjects pertaining to Public Schools; and the actual travelling expenses incurred by the Superintendent in the discharge of this duty shall be allowed, audited, and paid out of the General Fund in the same manner as claims upon said Fund are now allowed, audited, and paid; *provided*, that the sum so expended in any one year shall not exceed one thousand dollars; and the sum of one thousand dollars, or so much thereof as may be necessary, is hereby annually appropriated for the payment of the same.

Payment of  
expenses.

To deliver to  
successor,  
books, etc.

SEC. 10. The Superintendent of Public Instruction shall, at the expiration of his term of office, deliver over on demand to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.

#### OF THE STATE TREASURER.

Duties of  
State  
Treasurer.

SEC. 11. It shall be the duty of the State Treasurer to receive and hold as a special deposit, all Public School moneys paid into the Treasury, and pay them over only on the warrant of the Controller of State, issued upon the order of the State Board of Education, under the seal of said Board, and signed by the Superintendent of Public Instruction, in favor of the County Treasurers; which orders, duly indorsed by the County Treasurers, shall be the only valid vouchers in the hands of the State Controller for the disbursement of the Public School moneys.

SEC. 12. All School moneys due each county in the State shall be paid over by the State Treasurer to the County Treasurers on the first day of January and the first day of July of each year, or as soon thereafter as the County Treasurers may apply for the same, upon the warrant of the Controller of State, drawn in conformity with the apportionment of the Superintendent of Public Instruction, as provided in section four of this Act; *provided*, however, that no mileage nor allowance shall be made to any County Treasurer for receiving and transporting said moneys to his county.

#### OF THE STATE CONTROLLER.

SEC. 13. The State Controller shall keep a separate and distinct account of the Public School Fund, and of the interest

and income thereof, together with such moneys as shall be raised by State tax, or special appropriation, or otherwise, for the support of Public Schools. Duties of  
Controller.

SEC. 14. The State Controller shall, on or before the tenth day of April and the tenth day of October of each year, report to the Board of Education a statement of the securities belonging to the Public School Fund, together with a particular statement of the moneys in the Treasury accruing on or before the first day of July and the first day of January next following, from the interest or income of the Public School Fund, or from the State taxes or appropriation, or from any other source for the support of Public Schools; which reports shall be included in the annual report of the Superintendent of Public Instruction.

#### OF COUNTY TREASURERS.

SEC. 15. It shall be the duty of the County Treasurer of each county: Duties of  
County  
Treasurers.

*First*—To receive and hold as a special deposit all Public School moneys, whether received by him from the State Treasurer, or raised by the county for the benefit of Public Schools, or from any other source; and to keep a separate account thereof, and of their disbursement.

*Second*—On receiving any Public School moneys subject to distribution, to notify the County Superintendent of Public Schools of the amount thereof.

*Third*—To pay over, on the warrant of the County Superintendent, duly indorsed by the person entitled to receive the same, the several amounts of school moneys to which each city, town, and district, shall be entitled. And,

*Fourth*—On or before the first day of October, annually, to make a full report to the Superintendent of Public Instruction, of the Public School moneys received into the County Treasury within the school year ending on the last day of August next previous thereto, with a particular statement of the disbursement of the said school moneys, and of any amount of said school moneys which may remain in his hands for distribution at the close of such school year, designating whether of State or County School Fund.

#### OF COUNTY SUPERINTENDENTS.

SEC. 16. A County Superintendent of Public Schools shall be elected in each county at the general election in the year eighteen hundred and sixty-three, and every two years thereafter, who shall take office on the first Monday in March next succeeding his election, and hold for two years, and until his successor is elected and qualified. He shall take the oath or affirmation of office, and shall give an official bond to the county, in a sum to be fixed by the Board of Supervisors of said county, which bond shall be in a sum not less than double the estimated amount of school moneys to come into the County Treasury each year; *provided*, however, that in such counties as have no Superintendent elected as such, the County Clerk shall be Su- Election of  
County  
Superinten-  
dent.  
  
Oath.  
Bond.

perintendent until an election and qualification is had under this Act.

Duties of  
County  
Superin-  
tendents.

SEC. 17. It shall be the duty of the County Superintendent of Public Schools, upon receiving notice from the County Treasurer as provided by this Act to apportion the Public School moneys in the County Treasury among the several School Districts of his county, in proportion to the number of white children between the ages of four and eighteen years, as returned by the School Trustees and School Census Marshals, and to forthwith notify the County Treasurer and the School Trustees, in writing, of such apportionment in detail. He shall make such apportionment on the first Monday in January of each year, and quarterly thereafter; and he may make the apportionment at such other additional periods as may be required by special law, or as he may deem advisable for the convenience of school officers. He shall have power and it shall be his duty to draw his warrant on the County Treasury, in favor of and deliver the same to the persons entitled to receive the same; *provided*, that no such warrant shall be drawn in favor of any city, town, or School District, until full and correct returns have been made to him by the same as required by law, and a certificate of the Board of Trustees or Board of Education given, showing for what purpose, in accordance with this Act, the money is required; and, *provided*, further, that no such warrant shall be drawn in favor of any city, town, or School District, unless there is cash in the Treasury at the time to the credit of said city, town, or School District.

The same  
relative to  
apportion-  
ment.

SEC. 18. The County Superintendent, whenever the returns from any city, town, or district, on which the apportionment of school moneys is made, are so far defective as to render it impracticable to ascertain the share of moneys which ought to be disbursed or paid to such city, town, or district, shall ascertain by the best evidence in his power the facts upon which the ratio of such apportionment should depend, and shall make the apportionment accordingly.

SEC. 19. The County Superintendent shall have power, and it shall be his duty, in accordance with the provisions of this Act and the instructions of the State Board of Education and the Superintendent of Public Instruction:

To visit  
Schools.

*First*—To visit each Public School in his county at least once in each year, exercise a general supervision over the interests of Public Schools in his county, and give to the School Trustees, Marshals, and Teachers, such aid and counsel as may be important to the prosperity of the schools.

To distribute  
reports, etc.

*Second*—To distribute promptly such blank reports, forms, laws, and instructions, as shall be received by him from the Superintendent of Public Instruction, for the use of School Trustees, Marshals, and Teachers, and any other officers entitled to receive the same.

Duties.

*Third*—To keep on file in his office the reports of the School Trustees, Marshals, and Teachers, received by him, and to record all his official acts in a book to be provided for that purpose, and, at the close of his official term, to deliver to his successor such records, and all documents, books and papers

belonging to his office, and to take a receipt for the same, which shall be filed in the office of the County Treasurer.

*Fourth*—To make a full report, in writing, annually, on or before the fifteenth day of September, for the School year ending on the last day of August next previous thereto, to the Superintendent of Public Instruction; such report to include an abstract of all the various annual reports of the City Boards of Education, School Trustees, Marshals, and Teachers, by law required to be made to the County Superintendent for the preceding School year. To report annually.

*Fifth*—To preside over, regulate, and conduct all County Teachers' Institutes which may be called under the provisions of the section of this Act providing for the calling of such Institutes.

*Sixth*—To appoint School Trustees in all School Districts in which the qualified voters shall fail to elect said School Trustees, and to fill, by appointment, all vacancies which may occur by death or otherwise, when the voters of the district fail to comply with the provisions of the law. And, To appoint Trustees in case of vacancies.

*Seventh*—To draw his warrants on the County Treasurer, in favor of the Board of School Trustees, for the purchase of school books which may be furnished by the said Trustees to indigent children of the district, making the same payable out of the county school moneys apportioned to such district. To draw warrants.

SEC. 20. If the County Superintendent fail to make a full and correct report to the Superintendent of Public Instruction of all statements required to be made by law, he shall forfeit the sum of one hundred dollars from his salary; and the Board of Supervisors are hereby authorized and required to deduct therefrom the sum aforesaid, upon information from the Superintendent of Public Instruction that such returns have not been made. Failure to make report.  
Penalty.

SEC. 21. The County Superintendent shall have the power to call one or more Teachers' Institutes annually, and the expense of such Institutes shall be payable out of the County General Fund, upon the warrant of the County Superintendent; *provided*, that the Board of Supervisors authorize such Institutes upon the application of the County Superintendent; and, *provided*, that the expenses of such Institutes shall not exceed the sum of one hundred and fifty dollars in any one year. Teachers' Institutes.  
Proviso.

SEC. 22. The County Superintendent shall receive for his official services such compensation as shall be allowed by the Board of Supervisors of his county, which shall be audited and paid in the same manner as other county salaries and expenses are audited and paid; *provided*, that such compensation shall be at least sufficient to pay all necessary travelling expenses incurred by him in the discharge of the duties required of him by law. Salary.  
Proviso.

#### OF DISTRICT SCHOOL TRUSTEES.

SEC. 23. In each School District of the State there shall be elected on the first Saturday in August in the year eighteen hundred and sixty-three, three Public School Trustees, by the qualified voters of the District, at a School District Meeting to be held at the School-house, or at the usual place for holding Election.

such district meetings; and the School Trustees shall give at least five days notice, by posting a written notice in three of the most public places in such district, of the time and place of such meeting. At said meeting three District School Trustees shall be elected for the term of one, two, and three years, respectively; such terms to be decided by lot, in presence of the Chairman of said meeting; and each succeeding year thereafter one Trustee shall be elected for the full term of three years. Said Trustees are hereby authorized to administer to each other the oath or affirmation of office, and to forward their certificate of election from the Clerk of said meeting, with the oath or affirmation indorsed thereon, to the County Superintendent of Public Schools; and they shall hold their office until their successors are elected and qualified. Said Trustees shall enter on their duties on the first Saturday in September next subsequent to their election; and in case of vacancy by resignation, death, or otherwise, the County Superintendent shall fill such vacancy by appointment, until the period of the next succeeding annual election.

Term of office.

Oath of office.

Vacancies.

Special election.

SEC. 24. If the qualified voters of any district shall fail to meet and elect School Trustees, as prescribed in the next preceding section of this Act, it shall be lawful for any three qualified voters of such district to call a special meeting of the voters thereof, for the purpose of electing Trustees, on first giving five days notice in writing, as hereinbefore provided, of the time and place of holding such meeting; and the Trustees so elected at such special meeting shall hold their office for the same terms as if elected on the first Saturday of August, as prescribed in the next preceding section of this Act, except that their said terms of office shall be considered as having commenced on the first Saturday of August next preceding the time of holding such special meeting.

Duties.

SEC. 25. It shall be the duty of the Trustees, any two of whom shall constitute a quorum for the transaction of business, to meet as soon as practicable after taking office at such place as may be most convenient in the district, and to organize by appointing one of their number Clerk of the Board, who shall preside at the official meetings of the Trustees and record their proceedings in a book to be provided for the purpose, together with the minutes of the proceedings of the annual School meetings held in the district by the qualified voters thereof, which shall be a public record; and all such proceedings, when so recorded, shall be signed by said Clerk. The Trustees shall meet at least four times a year, and as much oftener as they may deem advisable.

Powers.

SEC. 26. The District Board of School Trustees shall constitute a body corporate, and shall be intrusted with the care and custody of all school property within such district, and they shall have power to convey by deed, duly executed and delivered, all the estate or interest of their district in any school-house or site directed to be sold by vote of the district; and all conveyances of real estate which may be made to said Board shall be made in their corporate name, and to their successors in office. Said Board of Trustees shall have further power, directed by vote of their district, to purchase, receive, hold, and convey real or personal property for school purposes; to build,

purchase, hire, and repair school-houses, and supply the same with necessary furniture; and to fix the location of school-houses.

SEC. 27. No Trustee shall be pecuniarily interested in any contract made by the Board of Trustees of which he is a member; and any contract made in violation of this section shall be null and void. Not to be interested in contracts.

SEC. 28. It shall be the duty of the Trustees in each district to take, or cause to be taken, by a School Census Marshal, annually, in the month of July, an enumeration of all the white children between the ages of four and eighteen years resident within such district, and not temporarily residing there, and return a certified copy thereof under oath to the County Superintendent of Public Schools on or before the tenth of September next following. The Trustees shall also report the number of schools, specifying the different grades; the number of Teachers, male and female; the number of children, male and female, who have attended school within the past year; the average attendance; the length of the term of school; the compensation of Teachers, male and female; the number and condition of school-houses and furniture, and the estimated value thereof; the number of books in Public School Libraries; the text books used in the schools; the kind and value of school apparatus; the amount of money raised by rate bills, district taxation, and subscription, for school purposes; the amount expended in erecting and furnishing school-houses, and such other statistics as the Superintendent of Public Instruction may require. Annual census. Report.

SEC. 29. It shall be the duty of the School Trustees of each district to employ Teachers, to certify the amount due them for services to the County Superintendent, who shall draw a warrant on the County Treasurer for the amount; to dismiss any Teacher at any time for such reasons as they may deem sufficient; and to visit the school or schools of the district at least twice each term, by one or more of their number, with such other person or persons competent to examine pupils in their studies as they may choose to invite. Trustees.

SEC. 30. The School Trustees shall have power and it shall be their duty: Powers.

*First*—To provide school-houses with maps, black boards, furniture, and other necessary appendages, including library and cabinet cases, if deemed expedient, and pay for the same out of the county school moneys belonging to their district.

*Second*—To provide books for the indigent children, and record books for the district, and to pay for the same out of the county school moneys belonging to their district.

*Third*—To divide the Public Schools within their District into Primary, Grammar, and High School Departments, and to employ competent and legally qualified Teachers for the instruction of the different departments, whenever they shall deem such division into departments advisable; *provided*, there be sufficient means for all such departments, and if not, then in the order in which they are herein named, the Primary School having preference.

Powers.

*Fourth*—To suspend or expel from any Public School within their district, with the advice of the Teacher, any pupil who will not submit to the reasonable and ordinary rules of order and discipline therein, and to exclude from school children under six years of age, when the interests of the school require it to be done.

*Fifth*—To apportion the School Fund among the several schools within their district in proportion to the average number of pupils attending such schools.

*Sixth*—At the close of their official term, to deliver over their books of record, and all papers, books, blanks, documents, moneys, and all other property in their hands, as such Trustees, to their successors in office, and take their receipt for the same, which receipt shall be filed with the County Superintendent.

SEC. 31. The School Trustees shall also have power :

*First*—To unite two contiguous districts in the same county, or in adjoining counties, and to establish a Union School, to be supported out of the funds belonging to their respective districts ; and a school thus established shall be governed by a joint Board composed of the Trustees of the combining districts ;

*Second*—To make arrangements with the Trustees of any adjoining district for the attendance of such children in the school of either district as may be best accommodated therein, and to transfer the school moneys due by apportionment to such children to the district in which they may attend school.

Reports.

SEC. 32. The Board of District School Trustees shall, on or before the fifteenth day of September of each year, report to the County Superintendent, and the County Superintendent, in his annual report, to the Superintendent of Public Instruction, the amount received by their respective districts during the school year ending August thirty-first next preceding from the Township School Fund, or interest upon the proceeds of the sale of the sixteenth and thirty-sixth sections of School Lands.

#### OF SCHOOL CENSUS MARSHALS.

Census  
Marshals  
and  
duties.

SEC. 33. It shall be the duty of the School Trustees of each district to appoint a School Census Marshal on or before the first day of July, and file a copy of his certificate of appointment with the County Superintendent of their county. It shall be the duty of such School Census Marshal to take, annually, in the month of July, a specific census of all the white children in his district between the ages of four and eighteen years, specifying the number and sex of such children, the names of their parents or Guardians, and the city, town, or district, in which they may reside ; to include all children who may be attending colleges, boarding schools, or other private institutions of learning, as residents in the city, town, or district, in which the parents or Guardians of such children may reside, and not to include such non-resident children in the city, town, or district where they may be attending such private schools ; to report the number attending private schools, the number not attending school, the number between the ages of eighteen and twenty-one years, the number under four years of age, the number born



in California, the number of Indian, Mongolian, and Negro children, respectively, with such other statistics as the Superintendent of Public Instruction may require; and to make a full report thereof, in writing, under oath, to the County Superintendent, and deliver a copy thereof, in writing, to the School Trustees, or Board of Education, in his district, town, or city, on or before the first day of August next after his appointment. Said School Census Marshals shall be paid for their official services such compensation as may be allowed by the Board of Supervisors of such county, upon recommendation of the School Trustees; and such demands shall be audited and paid in the same manner as other county salaries and expenses are audited and paid.

#### OF SCHOOL TEACHERS.

SEC. 34. No Teacher shall be entitled to receive any portion of the Public School moneys as compensation for services rendered, unless such Teacher shall have been legally employed by the Board of School Trustees, nor unless such Teacher shall have had a certificate from the State Board of Examination or from the County Board of Examination, in full force and effect, nor unless such Teacher shall have made a full and correct report, in the form and manner prescribed by law, to the County Superintendent and to the Board of School Trustees.

Payment of,  
forbidden in  
certain cases.

SEC. 35. All Teachers of Public Schools shall keep a register of all the scholars attending such school, their ages, daily attendance, and time of continuance at school, and such further statistics as may be required by the Superintendent of Public Instruction, and shall deliver such register, at the close of their term of employment, to the School Trustees of their districts.

Duties.

SEC. 36. No Teacher shall be required to teach school on the "Fourth Day of July," the "Twenty-second Day of February," the "First Day of January," "Christmas Day," the days of the General Election, and of the Special Judicial Election, nor on such days of fasting or thanksgiving as the Governor of the State may appoint.

Holidays.

#### OF DISTRICT TAXES.

SEC. 37. The Board of Trustees of any School District may, when in their judgment it is advisable, call an election and submit to the qualified electors of the district, the question whether a tax shall be raised to furnish additional school facilities for said district, or to keep any school or schools in such district open for a longer period than the ordinary funds will allow, or for building an additional school-house or houses, or for any two or all of these purposes. Such election shall be called by posting notices in three of the most public places in the district for twenty days, and also, if there is a newspaper in the county, by advertisement therein once a week, for three weeks. Said notices shall contain the time and place of holding the election, the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used. The Trustees shall appoint three Judges to conduct the election, and it shall be held in all other respects as nearly as practicable in conformity with the general election law. At such

Special  
election.

**Ballots.** election the ballots shall contain the words "Tax—Yes," or "Tax—No," and also the name of one person as Assessor, and one as Collector; *provided*, however, the same person may be elected to both offices. If a majority of the votes cast are "Tax—Yes," the officers of the election shall certify the fact to the Trustees, and shall also certify the names of the person or persons having the plurality of votes for Assessor and Collector. The Trustees shall issue certificates of election, and the Assessor shall, on receiving his, forthwith ascertain and enroll, in the manner provided for County Assessors, all the taxable persons and property in the district, and within thirty days he shall return his roll, footed up, to the Trustees. The Trustees, upon receiving the roll, shall deduct fifteen per cent therefrom for anticipated delinquencies, and then, by dividing the sum voted, together with the estimated cost of assessing and collecting added thereto, by the remainder of the roll, ascertain the rate per cent required; and the rate so ascertained (using the full cent in place of any fraction) shall be and it is hereby levied and assessed to, on, or against the persons or property named or described in said roll, and it shall be a lien on all such property until the tax is paid; and said tax, if not paid within the time limited in the next succeeding section for its payment, shall be recovered by suit, in the same manner and with the same costs as delinquent State and county taxes.

**Duties of Trustees.**

**Collector and duties.** SEC. 38. As soon as the rate of taxation has been determined, as provided in the last preceding section, the Trustees shall place the tax list in the hands of the Collector, who shall give such bond as may be required by the Trustees, and he shall then proceed to collect the tax, and shall, within sixty days, return the roll to the Trustees, with the word "Paid" marked opposite the name of each person or description of property from whom or on which he has received the tax; and he shall also at the same time file with the Trustees the County Treasurer's receipt for all the moneys by him collected; and the persons and property on the roll not by the Collector marked "Paid," shall be deemed delinquent, and the Trustees shall deposit said roll with the District Attorney, who shall proceed to collect the delinquent taxes in the manner prescribed in the last preceding section; and said roll or any certified copy thereof shall have the same force as evidence as a duplicate or delinquent tax roll of State and county taxes.

**Pay of Assessor and Collector.** SEC. 39. All moneys collected from a direct tax in any district shall be paid into the County Treasury to the credit of such district. The compensation of the Assessor and Collector shall be fixed by the Trustees and be paid in the same manner as the expenses (except Teacher's salaries) for supporting the schools of the district.

#### OF RATE BILLS.

**Bills of tuition.** SEC. 40. The School Trustees of any School District are hereby authorized, and it shall be their duty, to assess such rate bills of tuition as they may deem necessary for the payment of Teacher's salaries, in addition to the public moneys of such district. Said rate bills of tuition shall be made out by said Trustees

against all persons sending children to school, in proportion to the number of children sent to school and the time of attendance of such children, to be determined by the Teacher's register; and the Trustees shall exempt such indigent persons from the payment of said rate bills as they may consider entitled to such exemption. Said Trustees shall appoint a Collector of such rate bills, who shall take the constitutional oath of office, whose duty it shall be to present said rate bills to the person so assessed and demand payment thereof; and if such person, after thirty days notice by the said Collector, shall refuse or neglect to pay said rate bill, then the said Collector shall return the same to said Trustees, with his certificate thereon stating that demand has been made and that said person has refused or neglected to pay the same, and stating the date of notification and of return. The Trustees, thereupon, shall bring suit in the name of The People of the State of California as plaintiffs, in any Justice's Court of the township or city in which said district may be situated, for the collection of said rate bill, with costs of suit. Said rate bill, certified by said Collector, shall be prima facie evidence that said rate bill has been properly assessed, and that all proceedings thereon have been lawfully conducted, and that the sum mentioned therein is due from the party named. In case of any suit under the provisions of this section, the Justice of the Peace in whose Court it is brought, and the officer in whose hands the papers are placed for service, shall perform the duties required without payment in advance, and without any payment whatever unless the same is made at cost of the defendant; and any witness subpoenaed shall attend without being entitled to demand or receive any fee or mileage in advance; and no witness shall receive any fee or mileage unless the same is made out of the defendant as costs; and in case of judgment for defendant it shall be general, and without costs; and in case a majority of the Trustees demand it, a writ of attachment shall issue without a bond being filed, and without any other matter or thing being had or done, except the filing of the unpaid rate bill, with the officer's affidavit thereto, as herein required.

#### OF SCHOOL DISTRICTS.

SEC. 41. Unless otherwise determined and established by the proper authorities, each city and each town or township in this State shall constitute one School District.

SEC. 42. Upon a petition being presented to the Board of Supervisors such Board shall, except in incorporated cities and towns which have made provisions for schools within their respective limits, have the power to constitute and establish School Districts and to define and to alter the boundaries thereof in accordance with the wishes of the qualified electors in the respective precincts, and as the best judgment of said Board may direct.

SEC. 43. Any two or more adjoining districts may, by concurrent vote, agree to establish a Union Grammar School for the more advanced children of such districts, under the joint supervision of the Trustees, or a Committee of Trustees of such districts; and such school shall be entitled to its pro rata of public

School  
districts.

moneys belonging to such united districts, apportioned according to the average number of scholars attending such school from each district. Said joint committee of Trustees shall have power to assess rate bills, to appoint Teachers, and to manage the general business affairs of the school.

SEC. 44. In case of the division of a School District, the Public School moneys belonging to such district at the time of division, or apportioned to the old district after division, shall be apportioned to the new districts upon the basis of the number of children between the ages of four and eighteen years, which shall be ascertained, as far as may be, from the school census returns next preceding.

SEC. 45. In case of the combination of two districts in adjoining counties, a certificate granted to the Teacher of such Union School, by the Board of Examination of one county, shall have full force and effect in the other adjoining county; and in case two contiguous districts in the same county, or in adjoining counties, shall organize a Union School, each of such districts shall be entitled to its pro rata of the Public School moneys.

SEC. 46. All lots, buildings, or other school property, owned by any district, town, or city, and devoted to Public School purposes, shall be and the same is hereby exempted from taxation, and from sale on any execution, or other writ or order in the nature of an execution.

#### OF THE STATE BOARD OF EXAMINATION.

State Board  
of Exam-  
ination.

SEC. 47. The State Board of Examination for granting certificates of qualification to Public School Teachers, shall consist of the Superintendent of Public Instruction, and such County Superintendents, or Teachers of Public Schools, not less than four in number, as he may appoint. Said Board of Examination shall meet at such times and in such places as the Superintendent of Public Instruction may designate; and shall have power to grant certificates of the following grades, to wit: First Grade Certificates, for teaching a Grammar School, which shall remain in force four years; Second Grade Certificates, for teaching an Intermediate or an Unclassified School, which shall remain in force for two years; Third Grade Certificates, for teaching a Primary School, which shall remain in force two years. Said certificates shall be issued to such persons only as shall have passed a satisfactory examination in the studies pursued in the different grades of schools specified, and shall have given evidence of good moral character, and of ability and fitness to teach; and they shall entitle the person receiving the same to teach a Public School of the specified grade, for the specified time, in any School District in the State, without further examination. Said certificates shall be revoked by said Board upon evidence of immoral or unprofessional conduct on the part of any person holding the same. Boards of Education of cities and incorporated towns are hereby authorized to recognize and receive certificates granted by the State Board of Examination whenever they may deem it advisable.

SEC. 48. The State Board of Examination shall have further power, upon a full and critical examination of applicants in the

studies of Algebra, Arithmetic, Grammar, Geography, History of the United States, Physiology, Natural Philosophy, Reading, Spelling, Penmanship, Drawing, Object Teaching, and such other studies as the Board may deem advisable, to grant "State Educational Diplomas" to such applicants, and to no others, as may furnish evidence that they have the requisite character and qualifications, and that they have taught a Public School at least one year in California, and have been engaged in the vocation of teaching at least three years. Said diploma shall entitle the person to whom it may be issued to teach a Public School in any part of the State for the term of six years, unless revoked by the Superintendent of Public Instruction for good and sufficient reasons.

#### OF COUNTY BOARDS OF EXAMINATION.

SEC. 40. Any County Superintendent of Public Schools, and such Teachers as he may appoint, *provided*, that the number be not less than two, and that if two qualified Teachers cannot be conveniently obtained, any two competent citizens of the county may be selected, shall constitute a County Board of Examination, which shall have power to issue certificates of the following grades, to wit: Certificates of the First Grade, for teaching Unclassified Schools and Grammar Schools, which shall remain in force for two years; Certificates of the Second Grade, for teaching a Primary School, which shall be good for one year. Said certificates shall be issued to such persons only as shall have passed a satisfactory examination in the studies pursued in the specified grades of Public Schools, and shall have given evidence of good moral character and of ability and fitness to teach, and shall be signed by a majority of the Board of Examination. The County Board of Examination shall have power to revoke any county certificate, upon evidence of immoral or unprofessional conduct on the part of any person holding the same. The County Superintendent shall have power, when it is not convenient to convene the County Board of Examination, to grant a temporary certificate to any Teacher whom he may think qualified, which shall remain in force only until the next session of the County Board of Examination. Any County Board shall have power to renew the certificate of any Teacher successfully and continuously engaged in teaching in such county without re-examination. The Superintendent of Public Instruction shall be ex officio a member of each and every County Board of Examination. The County Superintendent shall report annually to the Superintendent of Public Instruction the number of certificates granted by the County Board of Examination, the names of all persons to whom such certificates were granted, and the grade and date of such certificates. The Teachers who may be appointed by the County Superintendent to serve on the County Board of Examination shall each receive, as compensation for services rendered, the sum of five dollars at each session of said Board, the same to be paid out of the County School Fund, upon the warrant of the County Superintendent.

County  
Boards of  
Examination

## OF TEXT BOOKS.

Text books. SEC. 50. The State Board of Education shall have power to prescribe and adopt a uniform series of text books in the four principal studies pursued in the Public Schools of the State, to wit: Arithmetic, Geography, Grammar, and Reading; and no School District shall be entitled to its pro rata of public moneys unless such text books as prescribed by the State Board of Education shall be adopted and used in school; *provided*, that the Superintendent of Public Instruction may, for good reasons, exempt any district from the penalty so imposed whenever the Trustees of such district shall make a written statement to him, giving the reasons for asking such exemption; and, *provided*, further, that the provisions of this section shall not take effect until the first day of September, one thousand eight hundred and sixty-three.

## OF THE STATE NORMAL SCHOOL.

State Normal School. SEC. 51. The Board of Education of the State of California, together with the Superintendents of Public Schools in the Cities of San Francisco and Sacramento, are hereby constituted (ex officio) a Board of Trustees for the Normal School of the State of California.

SEC. 52. Such Board of Trustees shall be known and designated as "The Board of Trustees of the State Normal School," and they shall have power to establish in the City of San Francisco, or at such other place as the Legislature may hereafter direct, a Normal School, for the free instruction in the theory and practice of teaching of such persons in this State as may desire to engage as Teachers in the Public Schools thereof; to prescribe a course of study for such Normal School, and the text books to be used therein; to examine, employ, and fix the salaries of Teachers therein; to hold stated examinations of the pupils attending such Normal School, and to award diplomas as hereinafter provided; to arrange and effect all the details necessary to conduct such Normal School; and to make all the regulations and by-laws necessary for the good government and management of the same.

SEC. 53. Males over eighteen years of age, and females over fifteen years of age, may be admitted as pupils of said School; *provided*, that every applicant shall undergo an examination in such manner as may be prescribed by the Board of Trustees; such person having first filed a certificate with the Principal of said Normal School of intention to engage in the occupation of teaching in the Public Schools of this State. The seats in such Normal School shall be apportioned among the applicants therefor from the different counties of this State, as near as may be, in proportion to the representation of such counties in the State Legislature.

SEC. 54. It shall be the duty of the Superintendent of Public Instruction to visit said Normal School at least twice in each term, and he shall embody in his annual report a full account of the proceedings of said Board of Trustees, of their expendi-

tures, of the actual condition of such school, and such other information relating to such school as he may deem advisable. State Normal School.

SEC. 55. Said Board of Trustees shall have power to make arrangements for organizing and continuing experimental or model classes, to be connected with such school, and to make all necessary regulations concerning the same.

SEC. 56. Said Board of Trustees shall, at the end of each School term, examine such applicants as are pupils of the Normal School respecting their proficiency in the studies of the course, and especially in their knowledge of the theory and practice of teaching, and shall grant diplomas to such only as give satisfactory evidence of their qualification in both the studies of the course and in the theory and practice of teaching. Such diplomas shall entitle the persons to whom they are awarded to have and receive, without further examination, a certificate of the second grade from the State Board of Examination.

SEC. 57. Said Board of Trustees shall hold at least two meetings in each year. The Governor of the State shall be ex officio Chairman of said Board, and three members thereof shall constitute a quorum for the transaction of business.

SEC. 58. The expenses of the State Normal School shall be paid out of such appropriations as the Legislature may from time to time grant for its support; and the Controller of State shall draw his warrant for the sum so appropriated in favor of the Board of Trustees of the State Normal School.

#### GENERAL PROVISIONS.

SEC. 59. Nothing in this Act shall repeal, amend, or affect any Act or part of an Act (excepting such as are mentioned by title in section seventy-two) conferring powers on any Board of Education or Board of Trustees of any incorporated city or town, or to alter or affect the manner of providing, drawing, appropriating, or disbursing school moneys which any such city or town is entitled to receive, or to alter or affect the time or manner of examining or electing School Teachers in any such city or town; but in all cases where no special Act exists, this Act shall apply to incorporated cities and towns, and its provisions shall also apply to incorporated cities and towns so far as such provisions do not conflict with or affect any special Act.

SEC. 60. The School Funds paid into the Treasury during the school year ending August thirty-first, shall be devoted to the support of schools during that year exclusively; *provided*, that if, after the payment of all charges and expenses incurred by the schools, there be a surplus in the School Fund at the end of the school year, the same may be applied to the payment of claims against the schools arising during the preceding school year, but not otherwise. School Funds.

SEC. 61. No portion of the Public School Fund, nor of the interest or income thereof, nor of moneys raised by State tax, or specially appropriated for the support of Public Schools, shall be diverted to any other object or purpose.

Disposition  
of school  
moneys.

SEC. 62. The school moneys distributed to the various counties of this State from the State School Fund, shall not be used for any other purpose than the payment of qualified Teachers under this Act; and no portion of said funds shall, either directly or indirectly, be paid for the erection of school-houses, the use of school rooms, furniture, or any other contingent expenses of Public Schools.

Special tax  
authorized.

SEC. 63. 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 all the real estate and personal property within the county, an amount of money not exceeding twenty-five cents on each one hundred dollars of valuation, for the support of Public Schools therein, and providing suitable houses, and purchasing libraries and apparatus for such Public Schools.

SEC. 64. All moneys raised by county tax, as provided in the last preceding section, for Public School purposes, shall be paid into the County Treasury as a special deposit.

Powers of  
Trustees.

SEC. 65. The School Trustees or Board of Education of each city, town, and district, may use the moneys from the County School Fund to purchase, build, or rent school-houses, to purchase libraries, and to pay Teachers, or contingent expenses, as they may deem proper.

SEC. 66. No School District shall be entitled to any portion of the Public School moneys in which there shall not have been taught a Public School for at least three months within the year ending on the last day of August previous; and no Public School shall receive any moneys, benefits, or immunities, under the provisions of this Act, unless such school shall have been instructed by a Teacher or Teachers duly examined, approved, and employed by legal authority as herein provided.

Sectarian  
books, etc.,  
prohibited.

SEC. 67. No books, tracts, or papers, of a sectarian or denominational character, shall be used or introduced in any school established under the provisions of this Act; nor shall sectarian or denominational doctrines be taught therein; nor shall any school whatever receive any of the Public School Funds which has not been taught in accordance with the provisions of this Act.

Negroes,  
etc., not to  
be admitted.

SEC. 68. Negroes, Mongolians, and Indians, shall not be admitted into the Public Schools; and whenever satisfactory evidence is furnished to the Superintendent of Public Instruction to show that said prohibited persons are attending such schools, he may withhold from the district in which such schools are situated, all share of the State School Fund; and the Superintendent of Public Schools for the county in which such district is situated shall not draw his warrant in favor of such district for any expenses incurred while the prohibited persons aforesaid were attending the Public Schools therein; *provided*, that the Trustees of any district may establish a separate school for the education of Negroes, Mongolians, and Indians, and use the Public School Funds for the support of the same.

School year.

SEC. 69. The Public School year shall commence on the first day of September, and shall end on the last day of August.

Printing.

SEC. 70. Any printing required under this Act shall be executed in the form and manner and at the prices of other State



printing, and shall be paid for in like manner out of the General Fund.

SEC. 71. The words "Public School" or "Public Schools," as used in this Act, shall be understood as having the same meaning in all respects as the words "Common School" or "Common Schools" heretofore used in the school laws of this State.

SEC. 72. The Act entitled an Act to establish a system of Common Schools, approved May third, eighteen hundred and fifty-two, an Act entitled an Act to be entitled an Act amendatory of and supplementary to an Act to establish a system of Common Schools, approved May third, eighteen hundred and fifty-two, approved May eighteenth, eighteen hundred and fifty-three, an Act entitled an Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same, approved May third, eighteen hundred and fifty-five, an Act amendatory of and supplementary to an Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same, approved May third, one thousand eight hundred and fifty-five, approved April twenty-eighth, eighteen hundred and sixty, an Act to establish and maintain a State Normal School, approved May second, eighteen hundred and sixty-two, and all other laws and parts of laws inconsistent with this Act, are hereby repealed; *provided*, this repeal shall not render invalid any lawful proceedings already taken under the laws hereby repealed, and the Common School moneys and securities already accrued shall inure to the benefit of and belong to the School Funds referred to in these Acts. Acts repealed.

CHAP. CLX.—*An Act to re-incorporate the City of Placerville, and extend the limits thereof.*

[Approved April 6, 1863.]

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

SECTION 1. All that tract of land in the County of El Dorado, lying within the boundaries and limits hereinafter mentioned, that is to say: Commencing at a post in C. C. Batterman's field, and bearing north thirty-eight (38) degrees, west sixty-four (64) links from a small pine tree; also north, forty-one and one half (41½) degrees east, fifty-nine (59) links from a large pine tree; thence north sixty and one half (60½) degrees east, six hundred and thirteen (613) rods and twenty-two (22) links, to a post; thence south, twenty-nine (29) degrees east, one hundred and seventy-four (174) rods and eight (8) links, to a post; thence south, thirty-nine (39) degrees and forty-five (45) minutes west, four hundred and eighty-five (485) rods and seventeen (17) links, to a post; thence north, eighty-one (81) degrees west, two hundred and forty-six (246) rods and seventeen (17) links, to a pine tree; thence north, twenty-three and one fourth (23¼) degrees west, one hundred and eighty-six (186) rods, to the place of beginning, Boundaries.

is hereby declared to be a city, and shall hereafter be known by the name of the City of Placerville.

City  
Government.

SEC. 2. For the government of said city there shall be a Mayor and Council, consisting of ten members. The said Mayor and Council shall be a body politic and corporate, by the name and style of the "Mayor and Common Council of the City of Placerville," and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, complain and defend in all Courts and in all actions and proceedings, may purchase, hold and receive property, both real and personal, within said city, and may receive and hold for the use of the city legacies and donations of both real and personal property, may lease, sell, or otherwise dispose of all city property, both real and personal, for the benefit of the city, and may provide for the management, regulation, and use of the same; *provided*, they shall not purchase any real estate other than such as is within the city limits, and necessary for public buildings, for the laying out, widening, or improving the public streets, alleys, or grounds for burial purposes. They may also have a common seal, and may alter the same at pleasure.

Powers.

Wards.

SEC. 3. The City of Placerville shall be divided into five wards. The Common Council shall have power to fix the boundaries of the several wards, and may alter such boundaries by a vote of two thirds of all the members thereof; *provided*, such alteration be made at least thirty days previous to the annual election for city officers, and the particular boundaries published in some newspaper in said city at least thirty days prior to such election.

Officers.

SEC. 4. The officers of the City of Placerville shall be one Mayor, ten Aldermen, one Treasurer, one Assessor, who shall be ex officio Clerk, one Marshal, who shall be ex officio Collector and Superintendent of Streets, and one Attorney, and such other officers as are hereinafter authorized to be appointed. The Marshal may appoint one Deputy, which appointment shall be ratified by the Council.

Election.

SEC. 5. The Mayor, Assessor, and Marshal shall be elected by the qualified voters of said city, and shall hold their offices for the term of one year, and until their successors are elected and qualified.

SEC. 6. Two Aldermen shall be elected by the qualified voters of each ward, and shall hold their offices for the term of one year, and until their successors are elected and qualified.

Persons  
eligible.

SEC. 7. No person shall be eligible to any office in the City of Placerville who is not a qualified elector of the State of California, or who has not been a resident of said city for at least six months preceding the election, and no person shall be entitled to vote for any city officer in any ward except the ward in which he resides.

Voters  
eligible.

SEC. 8. No person shall be allowed to vote at any city election who is not a qualified elector of the State of California, and has not been a resident of said city for at least three months next preceding the election.

Election.

SEC. 9. The general election for Mayor, Aldermen, Assessor, and Marshal, shall be held on the third Tuesday in April in each year. The Common Council of said city shall, for each election,

appoint two Inspectors of Election in each ward, and designate the place for opening the polls.

SEC. 10. All the provisions of law in force regulating elections, so far as the same are applicable and not inconsistent with the provisions of this Act, shall apply to the election of city officers by the voters of said city. Election.

SEC. 11. The Inspectors of each ward shall appoint one Clerk, whose duty it shall be to take down, in writing, the name of each voter as his vote is deposited. After the polls shall have been closed, it shall be the duty of the Inspectors and Clerk of each ward to proceed immediately and canvass the votes cast thereat, which canvass shall be in public. Within two days after such election, the Inspectors and Clerk of each ward shall deliver to each of the two persons who shall have received the highest number of votes in such ward for Alderman, a certificate of his election to said office.

SEC. 12. At every annual election the Inspectors and Clerk in each ward shall, immediately after the votes are counted, make out a statement of the number of votes cast in each ward for the offices of Mayor, Alderman, Assessor, and Marshal, and the number of votes cast for each person to fill each of said offices, respectively, which statement shall be certified by them to be correct. They shall also carefully seal up the votes and poll list, and direct the same to the Common Council of said city. It shall be the duty of the Clerk of each Election Board to deliver such sealed package and said certified statement to the Clerk of the Common Council within two days after any election shall have been held. On the Saturday next after any such election shall have been held, the Common Council shall proceed to ascertain from said certified statements, what persons have received the highest number of votes in said city for the offices of Mayor, Assessor, and Marshal, and a certificate of election shall be issued by the Clerk, under their direction, to the person who shall have received the highest number of votes for each of said offices, respectively. The Clerk shall keep the sealed packages containing the ballots and poll list for thirty days, when, if no notice of any contested election shall have been given, he shall destroy the same. Returns of election.

SEC. 13. The Mayor and Aldermen chosen at any election shall be qualified and enter upon the discharge of their duties on the Monday next after their election. The other officers elected shall be qualified and enter upon the discharge of their duties within ten days after their election. If any person chosen at any election shall fail to qualify as above required, the office to which he shall have been elected shall be deemed vacant. All city officers, before entering upon the discharge of their duties shall take the usual oath of office. Officers to qualify.

SEC. 14. The Common Council, at their first meeting after the annual election, shall elect a President from their own body, who shall preside at all their meetings when the Mayor is not present; and whenever there is a vacancy in the office of Mayor, or whenever the Mayor is absent from the city, or unable, from any cause, to discharge the duties of his office, the President of the Council shall act as Mayor, and possess all the powers and perform all the duties of the Mayor during such absence, Council.

**Proviso.** vacancy, or disability; *provided*, the President shall not be debarred from casting the vote to which he is entitled as Alderman.

**Vacancies.** SEC. 15. Whenever a vacancy shall occur in the office of Mayor, Alderman, Assessor, or Marshal, the Common Council may order a special election to fill such vacancy. The person elected to fill any vacancy shall hold his office for the residue only of the term of his immediate predecessor.

**Treasurer and Attorney.** SEC. 16. The Common Council shall, each year, within one month after the annual election, elect by ballot, a Treasurer and an Attorney, who shall hold their respective offices for the term of one year from the annual election, and until their successors are elected and qualified, unless they shall be previously removed for misconduct in office, neglect of duty, or otherwise.

**Powers of Council.** SEC. 17. The Common Council shall have power to create, by ordinance, such subordinate offices as they shall deem necessary for the proper government of said city, and may elect officers to fill the same. They shall also have power to remove from office any officer elected by them, whenever he shall have been declared by a vote of two thirds of the Common Council guilty of any misconduct in office, or neglect of duty. When any office has been created by ordinance, the Common Council shall have power to abolish such office, or remove any incumbent therein, whenever, in their discretion, they shall deem such abolishment or removal expedient. In all elections, the Council shall vote by ballot.

**Meetings of Council.** SEC. 18. The Common Council shall meet on the first Monday after the annual election, and on the first Monday of each subsequent month during the year, and at such other times as they, by adjournment or resolution, shall direct. The Mayor may call special meetings at any time he may think proper, by causing a written or printed notice of such special meeting to be served upon each member of the Common Council. Such notice may be served either personally or by leaving a copy of the same at the residence of the member or at his place of business. At all meetings of the Common Council the Mayor, when present, shall preside, but shall not be entitled to a vote except in case of a tie.

**Quorum.** SEC. 19. A majority of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and may compel the attendance of absent members. No tax or assessment shall be ordered, nor shall any office be created, unless by the vote of a majority of all the members of the Council.

SEC. 20. The Common Council shall determine the rules for the government of their own proceedings, and shall be the judges of the qualification and election of its members.

**Duties of Council.** SEC. 21. In the proceedings of the Common Council, each member present shall have a vote, except the Mayor, who shall have the casting vote in all cases when the votes of the other members are tied.

SEC. 22. All the meetings of the Common Council shall be public, except when they shall deem the interests of the city require secrecy. A journal of all the proceedings of the Council shall be kept by the Clerk, and the ayes and noes shall be taken

upon any question and entered upon the journals at the request of any two members.

SEC. 23. The Common Council shall have power :

Powers of  
Council.

*First*—To make by-laws and ordinances not repugnant to the Constitution and laws of the United States, or of the State of California.

*Second*—To levy and collect taxes on all property within the city, both real and personal, made taxable by law for State or county purposes, which tax shall not exceed two per cent per annum upon the assessed value of all such property, unless an increased tax shall be authorized by a vote of the people, as hereinafter provided, or by a special Act of the Legislature of the State.

*Third*—To lay out, extend, and alter the streets and alleys, provide for the grading, draining, cleaning, widening, lighting, or otherwise improving the same; also, to provide for the construction, repair, and preservation of sidewalks, bridges, drains, and sewers, and for the prevention and removal of obstructions from the streets and sidewalks.

*Fourth*—To provide for the prevention and extinguishment of fires; also, to organize, establish, and regulate fire companies.

*Fifth*—To regulate the storage of gunpowder and other combustible material.

*Sixth*—To prevent and remove nuisances; also, to determine what are nuisances.

*Seventh*—To create and establish a City Police, to prescribe their duties and compensation, and provide for the regulation and government of the same.

*Eighth*—To fix and collect a license tax on and regulate all taverns, hotels, restaurants, saloons, bar-rooms, bankers, brokers, gold dust buyers, manufacturers, livery stables and livery stable keepers, express companies, and persons engaged in the transmission of letters or packages, and stage companies or owners, whose principal place of business is in said city, or who shall have an agency therein.

*Ninth*—To fix and collect a license tax on and regulate all theatres and theatrical performances, circuses, shows, billiard tables, bowling alleys, and all exhibitions and amusements.

*Tenth*—To license and regulate auctioneers.

*Eleventh*—To license, tax, regulate, prohibit, and suppress all tippling houses, dram shops, raffles, hawkers, peddlers, and pawnbrokers, refreshment or coffee stands, booths, and sheds; also, to prohibit and suppress all gaming, gambling houses, disorderly houses, and houses of ill fame.

*Twelfth*—To fix and collect a license tax upon all professions, trades, or business, not heretofore specified, having regard to the amount of business done by each person or firm thus licensed; *provided*, no license tax shall be collected of any vegetable, fruit, butter, eggs, fish, or game peddlers; and, *provided*, further, that a broker's or banker's city license shall empower the holder to purchase gold dust, State, county, and city bonds, warrants, scrip, land warrants, and attend to all such other business as pertains to bankers and brokers in general.

*Thirteenth*—To provide all necessary public buildings for the use of the city.

Powers of  
Council.

*Fourteenth*—To establish a Board of Health, to prevent the introduction and spread of diseases, to establish a City Infirmary, and provide for the indigent.

*Fifteenth*—To prevent and restrain any riot or riotous assemblage, or disorderly conduct, within said city.

*Sixteenth*—To fix and prescribe the punishment for the breach of any city ordinance; but no fines shall be imposed, for one offence, in any sum greater than five hundred dollars, and no term of imprisonment shall be prescribed of more than thirty days.

*Seventeenth*—To compel the attendance of absent members, to punish its members for disorderly conduct, and to expel members for cause, by a vote of two thirds of the members elected.

*Eighteenth*—To provide for the regulation, establishment, and support of Common Schools.

*Nineteenth*—To make all necessary contracts and agreements for the benefit of the city; to contract debts on the faith and credit of the city; but no debt shall be contracted or liability incurred, which, with the other liabilities of the city, (exclusive of the funded debt and interest.) shall exceed in the aggregate the estimated annual revenue, except as provided in the second subdivision of section twenty-three and section twenty-four of this Act. The Common Council shall not authorize the issuance of nor shall any city officer issue any scrip, or other evidence of debt, or order on the Treasury, unless there be cash actually in the Treasury to meet the order or warrant so drawn.

*Twentieth*—To appropriate money for any item of city expenditure, and to provide for the payment of any city indebtedness; to appropriate to the use of the city all fines, penalties, and forfeitures, imposed for the breach of any city ordinance.

*Twenty-First*—To fix and establish the fees, salaries, and compensation of all city officers, (except Mayor and Aldermen,) and provide the manner and mode of payment. The Mayor and Aldermen shall receive no fee, salary, or compensation, for the performance of their duties.

Special mu-  
nicipal tax.

SEC. 24. Whenever, in the opinion of two thirds of the Common Council elect, it shall be expedient or for the interests of said city to collect by tax, for any municipal purpose whatever, a larger sum of money than is hereinbefore authorized to be levied and collected, they shall, by resolution, inform the Mayor of the amount proposed to be collected, the rate per cent necessary to be levied upon the assessed value of property in the city, whether the same is to be levied and collected in one or two years, and the object or purposes for which the money is to be expended. The Mayor shall then, at least two weeks before the day upon which the proposition is to be voted upon by the people, issue his proclamation, and cause the same to be published in said city in some newspaper therein published, for said two weeks, at least once a week, stating all the matters contained in said resolution of the Common Council, and calling upon the people to vote upon the question of such tax. Such vote may be had either upon the day of holding the general annual election, or upon some other day which the Mayor in his proclamation may designate. Upon the day designated, the qualified electors of said city may vote upon the question of levying and collect-

ing such tax. Those voting in favor thereof shall have either written or printed upon their ballots the words "For the Tax," and those voting against the same shall have written or printed upon their ballots the words "Against the Tax." If a majority of those voting upon the question shall vote in favor of the tax, the Common Council shall levy and cause to be collected, in addition to the taxes hereinbefore authorized to be collected, the said tax at the rate per cent mentioned in the proclamation of the Mayor, at the same time and in the same manner as the other city taxes upon property are levied and collected. The money collected by such tax shall be a special Fund, and shall be used and expended by the Common Council solely for the purpose or object mentioned in the proclamation of the Mayor, unless there shall be a surplus remaining after the accomplishment of such purpose or object, in which case such surplus shall be paid into the General Fund of said city. The Common Council shall in no case be authorized to borrow money upon the faith or credit of the city.

SEC. 25. It shall be the duty of the Common Council to provide for the accountability of all officers and persons elected under this charter, to whom the receipt or expenditure of any of the funds of the city shall be intrusted, by requiring from them sufficient security for the faithful performance of their respective duties. Those persons or officers from whom security shall be required, shall, before entering upon the discharge of their duties, file with the Common Council an official bond, with two sufficient sureties, to be approved by the Common Council. Such bond shall be made payable to the "Mayor and Common Council of the City of Placerville," shall in form be joint and several, and shall be conditioned upon the faithful performance of the duties of the office. In case such bond shall at any time be deemed insufficient, additional security may be required, and if the officer or person required to give such additional bond shall neglect or refuse so to do for the space of three days after notice of such requirement, the Common Council may declare his office vacant.

Further  
duties of  
Council.

SEC. 26. It shall be the duty of the City Clerk to publish in one or more newspapers published in said city, at least two weeks before the annual election in each year, a full and detailed statement of the receipts and disbursements of the city during the year ending on the last day of the month preceding that in which publication is made, and shall set forth in every such statement the different sources of the city revenues, and the amount received from each, the various appropriations made by the Common Council, the objects for which the same were made, and the amount expended under each.

City Clerk.  
Duties.

SEC. 27. Real and personal property may be sold by the City Collector for taxes or assessments due said city. The manner of assessing and collecting taxes, and the proceedings for the sale of property in case of non-payment of the same, shall be prescribed by ordinance.

SEC. 28. Special assessments may be made by ordinance for the grading, paving, draining, or planking, any of the streets, alleys, or side walks of said city, upon the lots or parts of lots

Special  
assessments  
for grading,  
etc.

situated upon the line of the proposed improvement. And the Common Council shall have power to provide, by ordinance, the time and manner of assessing and collecting the same.

Approval of  
ordinances.

SEC. 29. Every ordinance which shall have been passed by the Common Council shall, before it becomes effective, be presented to the Mayor for his approval; if he approve, he shall sign it, if not, he shall return it, with his objections in writing, to the Common Council, who shall cause such objections to be entered at large upon the journal, and shall proceed at once to consider the same, or appoint a time when they shall be considered. If, after such consideration, a majority of the members elected shall vote in favor of the passage of the ordinance, the same shall be henceforth in full force and effect, the objections of the Mayor notwithstanding. If any ordinance shall not be returned by the Mayor within five days (Sundays excepted) after it shall have been presented to him, the same shall become of full force and effect, the same as if the Mayor had signed it.

Duties of  
Mayor.

SEC. 30. It shall be the duty of the Mayor to communicate to the Common Council, semi-annually, and oftener if he shall deem it expedient, a general statement of the situation and condition of the city in relation to its government, finances, and improvement; to recommend to the Common Council the adoption of all such measures connected with the police, health, cleanliness, and ornament of the city, and the improvement of its government and finances, as he shall deem expedient; to be vigilant and active in causing the laws and ordinances for the government of the city to be duly executed and enforced; to exercise a constant supervision and control over the conduct and acts of all subordinate officers, to receive and examine into all such complaints as may be preferred against any of them for violation and neglect of duty, and certify the same to the Common Council.

Duties of  
Aldermen.

SEC. 31. It shall be the duty of every Alderman of said city to attend the regular and special meetings of the Common Council, to act upon committees when appointed thereto by the Mayor, to report to the Common Council all city officers whom they may know to be guilty of misconduct in office or neglect of duty, and to aid to the extent of their ability in maintaining the peace and good order of the city, and enforcing the by-laws and ordinances of the Common Council.

City  
Treasurer.

SEC. 32. It shall be the duty of the City Treasurer to receive all moneys belonging to the city, and to disburse the same upon proper warrants or vouchers; he shall keep an accurate and full account of all receipts and expenditures, in such manner as the Common Council shall direct; and he shall, whenever required by the Common Council, present to them a full account of such receipts or expenditures, for any period designated in their resolution. All warrants drawn on the Treasury shall have specified therein the services or indebtedness for which the same is drawn. The Treasurer shall do and perform all such other acts as shall be prescribed by ordinances.

City  
Marshal.

SEC. 33. It shall be the duty of the City Marshal to arrest all persons guilty of a breach of the peace, or other offence committed in his presence, and all persons guilty of a breach of any city ordinance; he shall be ex officio Chief of Police, and shall



perform all such police and other duties as the Common Council shall by ordinance direct.

SEC. 34. It shall be the duty of the Assessor to make out and return to the Common Council a correct list of all the property taxable by law within the limits of said city. The time and mode of making out such list, and returning the same, shall be prescribed by ordinance. Assessor.

SEC. 35. It shall be the duty of the Collector to receive and collect all taxes and licenses due the city, and all other revenues or money due or to become due, and to pay the same over to the Treasurer. The time and manner of such collection and payment shall be such as the Common Council shall by ordinance prescribe. Collector of taxes.

SEC. 36. It shall be the duty of the City Clerk to keep the corporate seal and all papers and documents belonging to the city, to file the same in his office under appropriate heads, to attend the sittings of the Common Council, and to keep a journal of their proceedings and a record of all by-laws and ordinances, to issue all warrants and licenses in pursuance of the orders and ordinances of the Common Council, affix the corporate seal thereto, to keep an accurate account, in a suitable book, under the appropriate head, of all orders and warrants drawn on the Treasury; also, to keep an account, in an appropriate book, of all licenses issued, the date of the issue, and the amount; and he shall do and perform all such other duties as may be required or directed by the Common Council by resolution or ordinance. City Clerk.

SEC. 37. It shall be the duty of the City Attorney to attend to all suits, matters, and things, in which the city may be interested; to give his advice, in writing, when requested, to the Mayor and Common Council; and to do and perform all such things touching his office as the Common Council may require of him. City Attorney.

SEC. 38. The Justices of Peace for the City and Township of Placerville shall have exclusive jurisdiction of all violations of any city ordinance, and may hold to bail, fine, or commit to prison, any offender, in accordance with the provisions of such ordinance; 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 six months, or by both such fine and imprisonment. Also, of all cases of assault and battery committed within the city limits, not charged to have been committed on a public officer in the discharge of his duties, or with intent to commit murder. They shall exercise all the powers and jurisdiction pertaining to Justices of the Peace in regard to offences committed within the city limits, and may administer all oaths and affirmations known to the law. The said Justices of the Peace shall have such further jurisdiction as is by general statute conferred upon Recorders' Courts, and the proceedings therein shall be such as are provided by law for the proceedings in Justices', Recorders', and Mayors' Courts. Whenever sentence of imprisonment is passed upon any offender, the Justice of the Peace may include in such sentence that such offender shall be subject to labor, under the charge and in the custody of the City Mar- Jurisdiction of Justices of the Peace.

**Proviso.** shal; *provided*, any provision shall have been made by ordinance for carrying such sentence into effect. They may, also, in any suit, prosecution, or proceeding before them, tax the costs thereof against the person convicted.

**Passage of ordinances.** SEC. 39. Upon the passage of all resolutions and ordinances appropriating money, imposing taxes, abolishing licenses, or increasing or lessening the amount to be paid for licenses, the yeas and nays shall be called, and entered upon the journal.

**Quorum as to revenue matters.** SEC. 40. A majority of the members elected to the Common Council shall be necessary to pass any resolution or ordinance appropriating the sum of one hundred dollars, or more, for any purpose, or any ordinance in any wise increasing or diminishing the city revenue.

SEC. 41. Any resolution or ordinance providing for the appropriation, for any object or purpose, of the sum of five hundred dollars, or more, shall lie over for one week.

**Style of ordinances.** SEC. 42. The style of the city ordinances shall be: "The Common Council of the City of Placerville do ordain." All ordinances shall be published in one or more newspaper, published in said city, within ten days after their approval.

**Act not to affect certain ordinances.** SEC. 43. Nothing contained in this Act shall repeal or in any manner affect the validity of any ordinance now in force in said city, or affect in any manner any debt, contract, or liability of said city, now in existence; but all ordinances now in force in said city are hereby extended over all new territory added to said city by the first section of this Act; and all debts, contracts, and liabilities in favor of or against said city, shall remain in full force in favor of and against said city as organized under the provisions of this Act.

**Wards.** SEC. 44. At the first general election for city officers to be held under this Act on the third Tuesday in April next, the wards of said city shall remain as now, and two Aldermen shall be elected, as heretofore, from each of said wards, and the boundaries of said wards shall be extended to the city limits as fixed by the first section of this Act; and all that portion of said city, as bounded by the first section of this Act, which lies east of the city limits as heretofore defined, shall constitute one ward, from which four Aldermen shall be elected at said election; and said election in said ward shall be held at the place where State and county elections have been heretofore held in Upper Placerville; and it shall be the duty of the officers of the present city government to give fifteen days notice of the first general election under this Act, stating what officers are to be elected, and designating the places where the polls are to be opened, and the officers of the election in each ward.

**Acts repealed.** SEC. 45. An Act entitled an Act to incorporate the City of Placerville, passed March seventh, one thousand eight hundred and fifty-nine, and all Acts amendatory thereof, are hereby repealed.

SEC. 46. This Act shall be in force and take effect on the third Tuesday in April, one thousand eight hundred and sixty-three.

CHAP. CLXI.—*An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the Claim of Benjamin O. Devoc.*

[Approved April 8, 1863.]

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

SECTION 1. The Board of Supervisors of the City and County of San Francisco is hereby authorized to allow and order paid out of the General Fund, the Auditor to audit, and the Treasurer to pay, Benjamin O. Devoc the sum of fifteen hundred and forty nine dollars and fifty cents, or so much thereof as the said Board may deem equitable and just, which said amount shall be in full for all moneys paid by the said Benjamin O. Devoc for extra services employed in the office of Superintendent of Streets and Highways during the continuation of his term of office as such Superintendent.

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

CHAP. CLXII.—*An Act to establish a Female Department in the County Jail of the City and County of San Francisco.*

[Approved April 8, 1863.]

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

SECTION 1. It shall be lawful for the Institution known as the Magdalen Asylum of the City and County of San Francisco, within six months from and after the passage of this Act, to erect a Jail, containing at least eight cells, on the same lot in said city and county where said Asylum is or may be erected. Said Jail to be suitable in all respects for the safe keeping and proper custody of female prisoners. Said Jail shall be built of brick or stone, and shall be satisfactory to the Board of Police Commissioners of said city and county, who shall examine the same upon its completion, and in case they shall find it suitable as aforesaid, shall report their approval thereof to the Board of Supervisors of said city and county, and from the time of said report, (if the same is accepted and approved by said Board of Supervisors,) said Jail shall be taken and deemed to be the Female Department of the County Jail of said city and county, and shall be part and parcel of the County Jail of said city and county.

Magdalen  
Asylum  
authorized to  
erect a Jail.

Police Com-  
missioners to  
approve.

SEC. 2. Upon such approval, it shall be lawful for the Board of Supervisors to furnish said female department with necessary furniture for the convenience and comfort of such female prisoners as may at any time be imprisoned therein; or they may, instead thereof, pay to the Lady Superior of said Asylum, a sum of money to be used for such purpose, not to exceed the

Duty of  
Supervisors

sum of one thousand dollars, to be paid out of the General Fund of said city and county.

Disposition  
of female  
prisoners.

SEC. 3. Upon such approval of said department, and furnishing thereof, the Court of Sessions, the County Court, and the Police Court of said city and county, shall order any female who may be convicted of any misdemeanor in such Courts, and sentenced to be punished by imprisonment in the County Jail, to be imprisoned during the term of such imprisonment as may be adjudged to them in such female department, and such imprisonment shall be deemed imprisonment in the County Jail of said city and county. It shall also be lawful for said Courts to imprison for safe keeping in said department, any female arrested on a charge of misdemeanor, before convicted, in their discretion. Said society, called the Magdalen Asylum, and the Lady Superior, shall be jointly and severally liable for the safe keeping and custody of all prisoners committed to said department.

Liability of  
Asylum.

Duties of  
Asylum.

SEC. 4. The prisoners in said female department aforesaid shall be regularly supplied with sufficient and wholesome food, and with all proper and necessary care and attendance, by the ladies in charge of said Magdalen Asylum; and for such food, care, and attendance, the City and County of San Francisco shall pay, monthly, and each month, to the order of the person known as the Lady Superior of said Magdalen Asylum, for the sole use and benefit of said Magdalen Asylum, the same rate of compensation, and no more, as said city and county from time to time may be required to pay for the maintenance of prisoners confined in the County Jail.

Compensa-  
tion.

Board of  
Directors.

SEC. 5. No prisoner shall be imprisoned in said department until the Directors of said Asylum, or some person for them, shall execute and deliver to the President of the Board of Supervisors of said city and county, and to their satisfaction, a good and sufficient bond in the sum of five thousand dollars, with two or more sufficient sureties; said bond to be made to said city and county, and to be conditioned for the safe keeping, custody, care, and attendance, by said ladies in charge of said Asylum, for such female prisoners as may be imprisoned in said female department.

Males not to  
be admitted.

Proviso.

SEC. 6. No male person shall be permitted to enter said female department without the permission of the Lady Superior of said Asylum, and in such case, not without being accompanied by some lady connected with said Asylum; *provided*, that any person showing any reasonable cause for entering the same, may obtain a permit from the County Judge to visit said department, and that upon presenting such order of admission, signed by the County Judge, it shall be the duty of the Lady Superior to admit such male person presenting the same, and provide some lady to accompany such person during such visit to said department, or any prisoner therein.

Violation of  
section six.

Penalty.

Proviso.

SEC. 7. Any person entering said Department in violation of the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and punished accordingly; *provided*, that nothing herein contained shall be deemed to prevent the inspection of such department by the Grand Jury, Police Commissioners, Board of Supervisors, or other officers provided by law for that purpose, nor to prevent the entry into said department

of any officer of the law by virtue of the process of any Court of competent jurisdiction.

SEC. 8. It shall be the duty of the Board of Supervisors to appoint as Turnkeys to said Department such persons as may be recommended by the Lady Superior of said Asylum, not exceeding two in number, for whose Acts as such the Lady Superior and the Directors of said Asylum shall be responsible on their bond, given according to the provisions of this Act, and for the Board of Supervisors to provide for their compensation at rates not exceeding fifty dollars per month each, and may also allow compensation to one female attendant, at a salary not to exceed forty dollars per month; but no compensation shall be paid to any such Turnkeys, attendants, or employes about said department when there are no prisoners confined therein.

SEC. 9. The Lady Superior, Directors, and Managers of said Asylum, Turnkeys, and other persons that may have the care and custody of prisoners confined in the said Female Jail Department provided for in this Act shall, in the management, control, custody, and maintenance of such prisoners, be governed by and subject to all the rules, regulations, restrictions, requirements, and liabilities, prescribed by law for Sheriffs, Turnkeys, and other officers in the management, care, and custody of prisoners, and for any breach or violation of the same, shall be subjected to the same penalties and disabilities, except as otherwise provided in this Act.

SEC. 10. All Acts and parts of Acts, so far as they conflict with this Act, and for the purposes of this Act only, are hereby repealed, and nothing in this Act shall be so construed as to prevent the Board of Supervisors of said City and County of San Francisco from removing the female prisoners imprisoned, as provided in this Act, to the present County Jail of said city and county, nor to give any right, title, or possession to said City and County of San Francisco, in or to the aforesaid lot or buildings, except during its continuance as a Jail; *provided*, that if said prisoners are so removed by said Board of Supervisors before the expiration of twelve months from the commencement of occupation of said female department of County Jail by said prisoners, the said Board of Supervisors shall make compensation to said Magdalen Asylum Society for all moneys, not exceeding five thousand dollars, expended by them in construction and fitting up of said Female Prison.

CHAP. CLXIII.—*An Act amendatory of an Act entitled an Act to provide for condemning or purchasing certain lands adjoining the State Prison Ground at Point San Quentin for State Prison purposes, approved April fifteenth, eighteen hundred and fifty-nine.*

[Approved April 8, 1863.]

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

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

Attorney  
General  
authorized to  
bring suit.

SECTION 2. Whenever said Board shall not have acquired titles by purchase or gift to such additional grounds or real estate as aforesaid, it shall be lawful for the Attorney-General, in the name of The People of the State of California, to bring suit for the condemnation of all such lands as the State's Prison Directors may deem necessary for the convenience of the Prison and the use of the State, in one of the District Courts of any county adjoining the County of Marin, describing with convenient certainty and accuracy the said grounds or real estate so required for the public use at Point San Quentin; which said petition or declaration in said suit shall be published at least once a week for four weeks in some newspaper in the county where said suit is brought, and shall contain the names of all owners or claimants of interest in said premises so far as the same are known to the Attorney-General, and shall require all persons interested in said lands to come into Court on a day to be specified in said notice, and file their objection, if any they have, to the proposed condemnation or purchase, in writing, as their answer; copies of which shall be served upon the Attorney-General, and at the time specified in said notice, or as soon thereafter as it shall be convenient, it shall be the duty of the said District Court to empanel a jury in the manner provided by law, to assess the value of the lands, described and set forth in the petition or declaration, to be appropriated for the use of the State; for which amount, when so assessed, together with the costs of said proceedings, and such expenses attending the same as the Attorney-General shall certify to the Board of State Examiners, and the said Board shall audit and allow the same; and it shall be the duty of the Controller forthwith to draw his warrant in favor of the Attorney-General on the Treasurer for said amount, which warrant it shall be the duty of the Treasurer to pay on the fifteenth day of December, eighteen hundred and sixty-three; and an appropriation for the payment of said amount is hereby made out of any money in the Treasury not otherwise appropriated, and the Attorney-General shall pay the same into the Court for the benefit of all parties interested in said proceedings. Upon the payment of said warrant into the Court, or the assessed damages in money, the County Clerk shall execute to the State of California in due form of law, a deed of said lands, reciting the proceedings in said case; which deed shall convey to the State a good and sufficient title to the said lands as against all persons whomso-

Notice to  
persons  
interested.

Jury.

Costs and  
expenses.

Payment of.

over, and thereafter the State of California shall be the owner of said grounds and real estate in fee simple absolute.

SEC. 2. This Act as amended shall take effect and be in force from the day of its passage.

CLXIV.—*An Act to extend the Rights and Privileges of the San Francisco City Water Works.*

[Approved April 8, 1863.]

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

SECTION 1. In accordance with the recommendation of the Board of Supervisors of the City and County of San Francisco, expressed in resolution number twenty-three hundred and twenty-four, passed January fifth, eighteen hundred and sixty-three, and approved January sixth, eighteen hundred and sixty-three, in relation to the San Francisco City Water Works, the said company are hereby relieved and discharged from any and all obligations whereby it has agreed to pay the said City and County of San Francisco five per cent of its gross earnings. Discharged from certain payments.

SEC. 2. It is hereby provided that should any other company, person, or persons, excepting the City and County of San Francisco, receive permission to introduce water for the purpose of supplying the said city and county therewith, no more favorable terms shall be granted to such company, person, or persons, than are now enjoyed by the San Francisco City Water Works, without extending the same to the latter company. Rights of other companies.

SEC. 3. It is hereby provided that any rights, privileges, or immunities, now enjoyed by the Spring Valley Water Works, by virtue of an Act entitled an Act to authorize George H. Ensign and others (owners of the Spring Valley Water Works) to lay down water pipes in the public streets of the City and County of San Francisco, approved April twenty-third, eighteen hundred and fifty-eight, which are more favorable than the terms heretofore granted to the San Francisco City Water Works, shall be held and enjoyed by the said company. Company to enjoy certain rights.

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

CHAP. CLXV.—*An Act supplementary to an Act entitled an Act to grant to certain parties the right of laying a Railroad Track along certain streets within the City and County of San Francisco, which became a law on the sixth day of April, A. D. eighteen hundred and fifty-seven, and the Acts amendatory thereof.*

[Approved April 8, 1863.]

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

Rights of  
company.

SECTION 1. The company known as the San Francisco Market Street Railroad Company, formed under and by virtue of the Act of this State entitled an Act to grant to certain parties the right of laying a railroad track along certain streets within the City and County of San Francisco, which became a law on the sixth day of April, A. D. eighteen hundred and fifty-seven, and the Acts amendatory thereof, is hereby authorized and empowered to lay down a single or double track along and through the centre of Market street from its intersection with California street to the water line front of the city of San Francisco, said track to be laid in conformity with the provisions of the Act under which the said company was formed, and the Acts amendatory thereof; and, *provided*, further, that the rights and privileges hereby granted to extend said railroad easterly, on Market street, to the water front of the City and County of San Francisco, are upon the condition that the owners of a majority in value of the property fronting on said street, between the present termination of said railroad and East street, do not file in the office of the Clerk of the Board of Supervisors of said city and county a protest against any extension easterly of said railroad, within three months from and after the passage of this Act, such estimate of value to be made according to the last assessment roll for said city and county; and, *provided*, further, that the rails upon such extension easterly shall be so laid that the upper surface of said rails shall not be higher than or elevated above the grade of said street.

Proviso.

Proviso.

May use  
steam  
power.

SEC. 2. The time for and during which it shall be lawful for said company to use steam as the motive power on its road, is hereby extended for a further term of five years from and after the expiration of the time to which the said privilege was heretofore granted, this extension being, in all respects, subject to the provisions of the Act and amendatory Acts aforesaid; *provided*, that this extension of time during which it shall be lawful for said company to use steam as a motive power upon certain portions of said road shall be conditioned as follows: Upon petition of the owners of a majority in value (according to the assessment roll of said city and county made next preceding the date of said petition) of the property fronting on Market street, between Tenth street and the easterly terminus of said railroad, being filed in the office of the Clerk of the Board of Supervisors of said city and county, said Board of Supervisors shall, by ordinance, forbid the use of steam as a motive power on that portion of said railroad easterly of Tenth street; said ordinance, however, not to take effect and be in



force till the expiration of one year from and after its passage; and, *provided*, further, that when any other road shall intersect the road hereby provided for, the rails of each shall be so altered or cut as to permit the cars of each to cross without obstruction.

CHAP. CLXVI.—*An Act to amend an Act entitled an Act to grant the right of way for a Railroad Track within the corporate limits of the City and County of San Francisco, approved May fourteenth, eighteen hundred and sixty-two.*

[Approved April 8, 1863.]

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

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

Section 1. The right is hereby granted to John S. Williams, his associates, and assigns, and to them and their or any of their assigns, to lay down and maintain an iron railroad track in the City and County of San Francisco, commencing on Van Ness Avenue, at the water front on the Bay of San Francisco, as now or hereafter may be established by law; thence along said Van Ness Avenue to Market street; thence along and across Market street to Wood street; thence along Wood street to Harrison street; thence along Harrison street to Johnson street; thence along Johnson street to Brannan street, with the right to run steam cars thereon, and to carry passengers and freight thereon; *provided*, the said grantees, their associates, or assigns, shall, on or before the fourteenth day of November, A. D. eighteen hundred and sixty-four, commence the construction of said road, and shall, on or before the fourteenth day of May, A. D. eighteen hundred and sixty-seven, complete the same; and, *provided*, that the said grantees shall have the right to commence the work on any portion of the line mentioned in this section; and that before the commencement of the construction of the said railroad, the grantees, their associates, and assigns, shall obtain the consent, in writing, of two thirds of the property holders along the entire line of said road, estimating by the front foot owned on said streets; and, *provided*, also, that the Board of Supervisors of the City and County of San Francisco shall have the right, whenever they shall deem that public necessity or convenience require it, to prohibit the further use of steam cars on said road, and to require the most approved pattern of street rails to be laid down in the place of those theretofore used.

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

Section 8. The franchise and privileges hereby granted shall continue for the period of twenty-five years, to date from and after the passage of this Act; and the said parties shall, on or before the first day of October, A. D. eighteen hundred and sixty-three, execute to the City and County of San Francisco a

bond, with good and sufficient sureties, to be approved by the County Judge of said city and county, conditioned in the sum of thirty thousand dollars for the completion of the railroad according to the requirements and privileges of this Act, and file the same with the Treasurer of said city and county, for the benefit thereof; and upon a failure to comply with the provisions of this section, the franchise and privileges hereby granted shall utterly cease and determine, and the amount of the said bond may be recovered from the obligors therein named, in an action brought in the name of The City and County of San Francisco.

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

CHAP. CLXVII.—*An Act to submit the question of the removal of the County Seat of Calaveras County to the qualified voters thereof.*

[Approved April 8, 1863.]

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

Election.

SECTION 1. On the fourth Monday in May, A. D. one thousand eight hundred and sixty-three, the qualified voters of Calaveras County are hereby authorized to vote upon the question of locality and establishing the county seat of said county, and to determine, by a majority of all the votes cast on said question at said election, whether the county seat shall be and remain at the Town of Mokelumne Hill, or be removed to the Town of San Andreas. The ballot at said election shall be written or printed, and shall read thus: "For County Seat—Mokelumne Hill," or "For County Seat—San Andreas." The polls for said election shall be opened in the several precincts in said county at the places designated by the Supervisors of said county, or a majority of them; and they shall cause notice of said election to be posted up in a public place in each of the election precincts of said county, at least ten days before said election, stating the time and place of holding said election, and the form of ballot to be used. The Judges and Inspectors of said election shall be appointed by the Board of Supervisors of said county, or a majority of them, in accordance with the laws regulating elections.

Removal.

SEC. 2. If it shall appear from the returns of said election that the Town of San Andreas has received a majority of all the votes cast for the county seat, then San Andreas shall be and remain the county seat of said County of Calaveras, and the Board of Supervisors of said county, or a majority of them, shall, within six months thereafter, make the necessary provisions for the removal of all books, papers, furniture, and other movable property of said county, to the Town of San Andreas, and secure suitable buildings and offices in which to transact the business of said county; and after that date, all officers required by law to reside at the county seat, shall reside and keep their offices at the Town of San Andreas; and all processes

which may at the time of such removal be returnable at Mokelumne Hill, shall be returnable at the Town of San Andreas; *provided*, that the citizens of San Andreas will, on or before said special election, contribute the sum of fifteen thousand dollars, in gold or silver coin, and deposit the same with some responsible banking firm, to be named by the Board of Supervisors, as a Fund to be used by said Board of Supervisors, or a majority of them, in defraying the expenses of the removal of said county seat, and towards the erection of the necessary county buildings at said Town of San Andreas; and, *provided*, further, that in order that no inconvenience or injury may result to the public interests of said county by the taking effect of this Act, responsible parties, residents of the Town of San Andreas, shall enter into and execute bonds, satisfactory to the Board of Supervisors of said county, or a majority of them, to provide necessary temporary buildings free of cost or expense to said county, for the use of the officials of said county. But if it shall appear from said returns that Mokelumne Hill has received a majority of all the votes cast, then Mokelumne Hill shall be and remain the county seat of said county.

SEC. 3. In the event that the Town of San Andreas shall receive a majority of all the votes cast at said election, and when the county seat shall have been removed, then the Board of Supervisors shall cause to be advertised for sale all the county lots and buildings in Mokelumne Hill; said advertisement shall be published in three newspapers, stating time, place, and terms of sale: one in San Francisco, one in Sacramento, and one in Mokelumne Hill, and shall be for the space of thirty days. Said property shall be sold to the highest bidder for cash; and the Board of Supervisors are hereby empowered to make a good and valid deed of the same; and all moneys arising from such sale shall be placed in the General Fund of said county.

SEC. 4. No person shall receive any compensation from the county for services rendered in connection with said election; but the actual and necessary expenses of all persons while in the performance of such service, shall be allowed by the Board of Supervisors, and be paid out of the same Fund and in the same manner as such expenses are generally paid.

SEC. 5. Immediately after the reception of a certified copy of this Act by the Chairman of the Board of Supervisors, he shall call a meeting of the Board to assemble at a time designated, which shall not be longer than five days after this Act is filed with said Chairman of the Board of Supervisors.

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

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

CHAP. CLXVIII.—*An Act concerning the Fees of the Tax Collector of the City and County of San Francisco on the collection of the Delinquent Taxes of the fiscal years eighteen hundred and fifty-six and seven, eighteen hundred and fifty-seven and eight, and eighteen hundred and fifty-eight and nine.*

[Approved April 8, 1863.]

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

**Fees.** SECTION 1. The Tax Collector of the City and County of San Francisco shall be allowed for collecting the delinquent taxes under an Act to confirm and legalize certain assessment rolls of the City and County of San Francisco, and to provide for the collection of the delinquent taxes thereon, approved March twenty-second, eighteen hundred and fifty-nine, and the Act amendatory thereof, approved May twentieth, eighteen hundred and sixty-one, two per cent on the amount by him collected, and he is hereby authorized to retain said fees from out of any moncoys that he may now have on hand, or that he may hereafter collect on account of said delinquent taxes, in full compensation for such collection.

SEC. 2. All Acts and parts of Acts inconsistent with the provisions of this Act, so far as they conflict with the same, are hereby repealed.

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

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CHAP. CLXIX.—*An Act granting to certain parties the right to build a Turnpike Road, at a point on the Big Tree Road, to Silver Mountain, and from thence to the Eastern Line of this State.*

[Approved April 8, 1863.]

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

**Franchise.** SECTION 1. George H. Brown, Barton Daniels, James Mc-Tucker, their associates and assigns, are hereby granted the right to build, construct, and maintain, a turnpike or toll road from a convenient point on the road known as the Big Tree and Carson Valley Turnpike, in the County of Calaveras, to a point known as Silver Mountain, in Mono County, and from thence to the eastern line of this State; *provided*, that the persons herein named shall, before they become a body politic and corporate, conform to and comply with the provisions of an Act of the Legislature of the State of California in reference to the incorporations of turnpike companies.

**Term of.** SEC. 2. The company shall be known as the "Silver Mountain Turnpike Road Company," and the franchise hereby granted shall extend for the period of twenty years. All the rights,

privileges, and immunities, conferred upon turnpike and plank road companies by general law, are hereby conferred upon the "Silver Mountain Turnpike Road Company."

SEC. 3. Upon the completion of the road from the point first <sup>tolls.</sup> designated to Silver Mountain, the parties herein mentioned, their associates and assigns, are hereby authorized to collect such tolls or charges as may be allowed by the Supervisors of Calaveras County, and it is hereby made the duty of said Board of Supervisors to establish a rate of tolls, upon the application of either of the parties named in section one of this Act, or their associates or assigns.

SEC. 4. At some conspicuous point at each end of the road, <sup>Rates of toll.</sup> and at Silver Mountain, and at any other place the company may select, there shall be conspicuously placed a sign board, which shall show the rates of toll and the regulations of the road.

SEC. 5. The parties herein mentioned, their associates and <sup>Conditions.</sup> assigns, shall complete the part of the road to Silver Mountain in two years after the passage of this Act, and to the eastern line of this State within three years from the passage of this Act.

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

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CHAP. CLXX.—*An Act to define the Boundary Line between the Counties of Amador and El Dorado.*

[Approved April 8, 1863.]

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

SECTION 1. The following shall be the boundary line between <sup>Boundaries.</sup> Amador and El Dorado Counties: Beginning in the centre of the Cosumnes River at the point where said river enters Sacramento County; thence up the middle of the channel of said river to the South Fork of said river; thence up the centre of the channel of said South Fork to the South Fork of the South Fork of said river; thence up said South Fork of the South Fork to its source; thence due east to the Amador and Nevada Wagon Road; thence along the line of said road to its junction with the Big Tree and Carson Valley Road, in Hope Valley; thence, from said junction, along the line of the road leading down said valley, through Carson Cañon, to the eastern boundary of this State. Said roads, when marking the boundary line of said counties as provided in this Act, shall be included within the boundaries of Amador County.

SEC. 2. So much of all Acts and parts of Acts as are in conflict with the provisions of this Act are hereby repealed.

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

CHAP. CLXXI.—*An Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.*

[Approved April 8, 1863.]

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

SECTION 1. Section six hundred and seven of the above entitled Act is hereby amended so as to read as follows :

To deposit  
official docu-  
ments with  
successor.

Section 607. It shall be the duty of every Justice of the Peace, upon the expiration of his term of office, to deposit with his successor his official dockets and all papers filed in his office, as well his own as those of his predecessors, or any other which may be in his custody to be kept as public records. If the office of a Justice become vacant by his death or removal from the township or city, or otherwise, before his successor is elected and qualified, the docket and papers in possession of such Justice shall be deposited in the office of some other Justice in the township, to be by him delivered to the successor of said Justice ; and while in his possession, he may issue execution on a judgment there entered and unsatisfied, in the same manner and with the same effect as the Justice by whom the judgment was entered might have done. If there be no other Justice in the township, then the dockets and papers of such Justice shall be deposited in the office of the County Clerk of the county, to be by him delivered to the successor in office of the Justice.

Vacancy.

SEC. 2. Section six hundred and eight of the above entitled Act is hereby amended so as to read as follows :

Jurisdiction  
of successor.

Section 608. Any Justice with whom the docket of his predecessor is deposited shall have and exercise over all actions and proceedings entered in the docket of his predecessor, the same jurisdiction as if originally commenced before him. In case of the creation of a new county, or the change of the boundary between two counties, any Justice into whose hands the docket of a Justice formerly acting as such within the same territory may come, shall, for the purposes of this section, be considered the successor of said former Justice.

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

CHAP. CLXXII.—*An Act supplementary to an Act entitled an Act to authorize John S. Williams, and his associates, to construct a Wharf at the foot of Franklin Street and Van Ness Avenue, in the City and County of San Francisco, approved April twenty-fifth, eighteen hundred and sixty-two.*

[Approved April 8, 1863.]

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

SECTION 1. The time within which said wharf shall be commenced is hereby extended to October twenty-fifth, eighteen hundred and sixty-four, and the time for the completion of the same is hereby extended to April twenty-fifth, eighteen hundred and sixty-seven. Time extended.

CHAP. CLXXIII.—*An Act to amend an Act to limit the time for presentation of Claims against Counties, and for receiving payment for the same, approved April second, eighteen hundred and fifty-seven.*

[Approved April 8, 1863.]

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

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

Section 4. All claims allowed by the Board of Supervisors of any county, for which warrants are not demanded and drawn from the County Auditor within one year from the date of their allowance, shall be forfeited to the county and cancelled, and the Clerk of the Board of Supervisors shall write opposite the claims so forfeited, the words "Forfeited and Cancelled." Claims forfeited.

CHAP. CLXXIV.—*An Act granting parties therein named the right to construct a Wayon Road from Cloverdale, in Sonoma County, to Mr. Donald's house, in Mendocino County, and collect tolls for traveling thereon.*

[Approved April 8, 1863.]

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

SECTION 1. Isaac P. Smith, W. S. Jarboe, and G. Canning Smith, are hereby authorized to take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon condition that they shall Grantees.

incorporate themselves under the general laws of this State regulating incorporations, and shall adopt the name "The Oak Valley Cañon Road Company," and comply with the further conditions hereinafter mentioned.

**Powers.** SEC. 2. Said company when incorporated shall have full power to build and maintain a public toll road from Cloverdale, in Sonoma County, to McDonald's house, in Mendocino County, to be located as said company shall deem most practical, and shall have the right of way for that purpose, and shall enjoy all the rights, privileges, and immunities, thereunto appertaining, for the term of twenty years from the completion of said road; **Provided,** however, that nothing herein contained shall be construed so as to authorize said company to stop up, interfere with, use, or appropriate to their own use, the public highway, or any portion thereof, now travelled and used as a public road between Cloverdale and McDonald's house; and, **provided,** further, that nothing in this Act shall be held or construed so as to authorize said company to appropriate the lands or possessions of any person or persons for said road without the consent of said persons, or without condemning the same, in the same manner as is provided for condemning lands for railroad purposes.

**Conditions.** SEC. 3. Said company shall, within one year from the passage of this Act, commence, and within two years complete said road, otherwise the rights herein granted shall be forfeited. Said company shall at all times after its completion keep said road in good order, and shall be responsible for any damages arising to persons or property travelling said road caused by neglect to keep said road in good repair.

**Tolls.** SEC. 4. Said company, after the completion of said road, shall have the right to charge and collect such tolls as may be fixed by the Board of Supervisors of Mendocino County; **provided,** that said Board shall not establish or reduce the rates of toll so as to make the dividends on said road less than twelve nor more than twenty-four per cent per annum upon the amount actually expended in the construction of said road, either in money expended, or the value of labor performed on said road.

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CHAP. CLXXV.—*An Act to amend an Act entitled an Act to grant H. J. May, Charles M. Baxter, William Kohl, and others whom they may associate with them, and their assigns, the right to lay a Railroad Track along certain streets in the City of Petaluma, and through a public road in the County of Sonoma, approved April eighteenth, eighteen hundred and sixty-two.*

[Approved April 8, 1863.]

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

SECTION 1. Section third of the above entitled Act is hereby amended so as to read as follows:



Section 3. Horses and mules or steam shall be used on said track or road. They shall not be driven at a greater speed in the limits of the said City of Petaluma than six miles per hour, under a penalty of one hundred dollars for each offence against this provision, which shall be collected, upon conviction in any Court of competent jurisdiction in said City of Petaluma, for the use and benefit of said city. Motive power, and speed.

SEC. 2. Section fifth of the above entitled Act is hereby amended so as to read as follows :

Section 5. The said parties mentioned in the first section of this Act shall have the right and power to levy and collect, for the transportation of passengers and freight, such rates of fare and freight upon said road as may be yearly prescribed by the Board of Trustees of the City of Petaluma ; *provided*, the same shall not, without the consent of the parties mentioned in the first section of this Act, be so reduced as to produce less than twenty-four per cent per annum net receipts on the amount of capital invested ; *provided*, that one half of the length of said road shall be completed within twelve months after the passage of this Act, and that the remainder of the said road shall be completed within twenty-two months after the passage of this Act. Rates of fare. Proviso.

CHAP. CLXXVI.—*An Act amendatory of and supplemental to an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties on the Controller and Treasurer, approved April twenty-first, A. D. one thousand eight hundred and fifty-eight.*

[Approved April 8, 1863.]

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

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

Section 5. The salaries of all State officers, including District Judges, shall be payable monthly, and shall be due the last day of the month ; and the Controller is authorized to draw his warrant on the Treasurer for said salaries monthly, when appropriations shall have been made therefor by law ; *provided*, that he shall have first drawn the warrants for all claims that have been audited and allowed by the Board of Examiners and transmitted to his office prior to the last day of said month. But in all other cases, previous to drawing his warrants in liquidation of any claim or demand whatsoever, the said claim or demand must have indorsed thereon the previous approval of the Board of Examiners ; and when hereafter the Controller shall by law be directed to draw his warrant upon the Treasurer of State, for any purpose whatsoever, said direction shall be construed to be subject to the provisions of this Act, unless said direction be accompanied by a special provision exempting it from the provisions of this Act, and in such case, the Controller shall draw Order of drawing warrants.

his warrant therefor in favor of the claimant in the order of its presentation.

SEC. 2. Section nine is amended so as to read as follows :

Presentation  
of claims.

Section 9. Any person or persons who may have or claim to have any demand whatever against the State, may present the same to the Board of Examiners in the form of an account or petition, (according to the nature thereof,) and it shall be the duty of the Clerk of said Board to date, number, and file such account or petition in the order of its presentation; and the Board of Examiners shall allow or disallow said accounts or petitions in the order of their presentation; *provided*, that said Board may postpone the auditing of any claim or petition, upon the application or request of the claimant or petitioner, and the claim or petition so postponed shall take its place upon the file at the time to which it was postponed in the same order as a new application.

Proviso.

SEC. 3. Section ten is amended so as to read as follows :

Approval of  
claims.

Section 10. If the Board approve the demand, as provided in section nine, as amended by section two of this Act, they shall indorse thereon, over their signatures, "Approved for the sum of ——— dollars," and if an appropriation shall have been made by law to meet the same, then they shall transmit the same to the office of the Controller of State, and the Controller shall draw his warrant for the amount so allowed, in favor of the claimant or his assigns, in the order in which the same was allowed; or, in case no appropriation has been made by law for the payment of such claim or demand, then said Board shall transmit the same to the Legislature of this State, stating their approval of the same, and their reasons therefor; but if said Board, or a majority thereof, disapprove said demand, they shall cause the same to be filed among the archives of said Board, with a statement showing such disapproval, and the reasons therefor.

Duties of  
Board.

Duty of  
Treasurer.

SEC. 4. The Treasurer shall pay all warrants drawn on him by the Controller when presented, if there be money in the Fund upon which they are drawn; if not, then he shall indorse upon the back of said warrant, "Presented this ——— day of ———, A. D. ———, and not paid for want of funds," and register the number of warrant and date of presentation, and shall pay the same in the order of its registration.

SEC. 5. So much of all Acts and parts of Acts as are in conflict with this Act are hereby repealed.

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

CHAP. CLXXVII.—*An Act to authorize the California Central Railroad Company to hold an Election.*

[Approved April 8, 1863.]

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

SECTION 1. No act of the California Central Railroad Company shall be deemed invalid, nor its corporate rights be considered determined, by reason of its failure to hold its annual elections for Directors; *provided*, that within the next ninety days it shall hold such an election.

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

CHAP. CLXXVIII.—*An Act to authorize the County of Butte to purchase and hold sixty-six thousand dollars of the First Mortgage Bonds of the California Northern Railroad Company, and to issue the Bonds of said County for the payment of the same, and for other purposes connected therewith.*

[Approved April 8, 1863.]

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

SECTION 1. The Board of Supervisors of the County of Butte are hereby authorized and directed to purchase and hold sixty-six thousand dollars of the first mortgage bonds of the California Northern Railroad Company, and to issue the same amount of the bonds of said county in payment of the same, for which purpose they shall cause to be prepared bonds of the County of Butte to the amount of sixty-six thousand dollars. Each bond shall bear date from the time of its issue, and shall call for the payment of one thousand dollars in twenty years after the date thereof, with interest at the rate of ten per cent per annum, payable semi-annually, on the first day of January and July of each year. Said bonds shall be executed by being signed by the Chairman of the Board of Supervisors, the County Treasurer, and Auditor of said County of Butte, and shall pledge the faith of said county for the payment of the same. Interest warrants or coupons shall be attached to said bonds, and shall be signed by the County Treasurer; and the said bonds, with the interest warrants or coupons, shall be payable at the office of the County Treasurer of the County of Butte.

Supervisors authorized.

Bonds.

Execution of.

Interest.

Coupons.

SEC. 2. The first mortgage bonds of the California Northern Railroad Company shall bear the same date, and their binding force and effect shall be from the date of said bonds; they shall be made payable twenty years from their date; they shall draw the same rate of interest, which said interest shall be due and payable semi-annually on the first day in July and January in each year, at the rate of ten per cent per annum. The com-

First mortgage bonds.

Jewnanco to  
Butte  
County.

pany issuing said first mortgage bonds is hereby authorized and empowered to issue sixty-six thousand dollars of said first mortgage bonds to the County of Butte, which said bonds and interest thereon shall be made payable at the office of the County Treasurer of Butte County, and the interest on said bonds shall be remitted by said county for the first two years from the date of their issue, and the Board of Supervisors of said county are hereby authorized and empowered to issue the bonds of said county to said company, in the aggregate amounting to sixty-six thousand dollars, as herein provided. Whenever an estimate of expenditure shall be presented by said company to the said Board at any regular session, for iron, ties, rolling stock, or other material delivered, or work done in the construction of or obtaining materials for the said railroad, and it shall appear to the Board by the oath of the President or Chief Engineer of the company, that the said material has been delivered on the line of or at either terminus of said road, or the work done, and that there are not other liens or incumbrances, or right of lien thereon, existing prior to the date of said first mortgage bonds, it shall, in that event, and not otherwise, be the duty of said Board of Supervisors to issue, and cause to be executed, the bonds of said county for one third of the estimate so made, in the rates of one to three; and when said company shall deliver to said Board an equal amount of its said first mortgage bonds, to deliver said county bonds at their par value to said company, and continuously thereafter, upon estimates so made, in the ratio of one to three, until the whole sixty-six thousand dollars shall have been issued and expended. Such estimate shall be made in accordance with the contract heretofore entered into by the company for the building of said road, and shall not include any material furnished or work done previous to the first day of January, one thousand eight hundred and sixty-three. Any tax payer of the County of Butte shall have the right to appear before said Board and show cause, if any, why the estimate should not be allowed, or the county bonds issued; and if he or they are dissatisfied with the decision of said Board, he or they may, by an original proceeding in the District Court of said county, have the action of said Board reviewed on *certiorari*; such proceedings shall be commenced within ten days after the decision of said Board shall have been entered; and the bonds for such estimate shall not be executed until the proceedings in this District Court shall have been finally disposed of.

Duties of  
Supervisors.

Rights of  
tax payers.

Duty of  
Supervisors

SEC. 3. It shall be the duty of the Board of Supervisors to keep a full, true, and accurate record of all its transactions relative to said county bonds and said railroad bonds, showing the date of the issuance of each bond to said railroad company, and the amount of said first mortgage bonds received by them in behalf of said County of Butte, and every matter done, acted, or transacted by them, in and about the powers and duties imposed on them by this Act.

County  
Treasurer.

SEC. 4. It shall be the duty of the County Treasurer of said County of Butte to receive and collect all interest that may become due to the said county on the first mortgage bonds owned by said county, and to place the same to the credit of the Railroad Interest Tax Fund; and in case there shall not be

money enough in that Fund to meet the interest on said bonds for the current year, it shall be the duty of the Board of Supervisors of said county, previous to the making out of the assessment list of said county in each year, to levy a special tax, to be called the "Railroad Interest Tax," sufficient to raise the amount necessary, or any deficiency thereof, to pay the interest due each year on the outstanding county bonds issued and paid out in pursuance of this or any former Act, which tax shall be levied and collected in the same manner as the general taxes of said county are levied and collected, and shall be paid over to the County Treasurer, whose duty it shall be to use the said Fund exclusively for the purpose of paying the interest coupons which may be due on said bonds, on presentation at his office.

Special  
taxes.

SEC. 5. At any time after the first day of May, A. D. one thousand eight hundred and sixty-four, the said Board of Supervisors of said County of Butte shall have power to sell said railroad bonds in the manner hereinafter provided, if it shall be deemed by them advisable for the best interests of said county, and the proceeds of such sales shall be placed in a Redemption Fund, to be used exclusively for the purpose of redeeming and paying such county bonds. All such sales shall be made at public sale, for cash, to the highest bidder, upon notice of at least thirty days in some newspaper published in said county, and shall be made at such times and in such quantities as shall secure the best prices; and not more than twenty-five thousand dollars of said railroad bonds shall be sold in any one year. Whenever the said Redemption Fund shall amount to three thousand dollars, or more, the said Treasurer shall advertise for the space of thirty days, in at least one daily newspaper published in said county, and if there be no daily newspaper published in said county, then in one or more weekly newspapers published in said county, for sealed proposals for the redemption of said county bonds. In five days after the receiving of proposals shall have expired, according to said advertised notice, the Board of Supervisors shall open the sealed proposals and shall award the said Redemption Fund to the lowest proposals; *provided*, no proposal which is not less than the par value shall be accepted; and in case the Redemption Fund is not exhausted by the acceptance of said proposals, then the said Redemption Fund, or the balance thereof, unless it amounts to less than one thousand dollars, shall be applied to the payment of said bonds in the order of the number of their issue. The said County Treasurer shall give notice of his readiness to pay such bonds by designated numbers of the same, and the time and place of payment, by advertising in the same manner as before mentioned in this section; and in case that bonds are not presented for payment as required by said notice, then and thereafter said bonds shall draw no interest, and thereupon the said County Treasurer shall apply said Fund, or the balance thereof, to the payment of the bond next entitled to precedence in the order of the number of their issue, in case the same shall be presented for payment. The mode and manner for redeeming and paying said bonds provided for in this section shall be continued from time to time, as long as there are moneys in said Redemption Fund, and until the whole of said bonds are finally redeemed and paid.

Supervisors  
may sell rail-  
road bonds.

Proviso.

Payment of  
bonds.

Sec. 6. The bonds of the County of Butte authorized to be issued under this Act shall be irrespective of and in addition to the one hundred and thirty-four thousand dollars issued by said county under the law of March fourteenth, eighteen hundred and sixty, entitled an Act to authorize the County of Butte to purchase and hold two hundred thousand dollars of the first mortgage bonds of the California Northern Railroad Company, and issue bonds of said county for the payment of the same.

Amount  
of bonds  
limited.

Sec. 7. *Provided*, that all the bonds to be purchased and held by the county under the provisions of this bill, and purchased and held under an Act entitled an Act to authorize the County of Butte to purchase and hold two hundred thousand dollars of the first mortgage bonds of the California Northern Railroad Company, and issue bonds of said county for the payment of the same, approved March fourteenth, one thousand eight hundred and sixty, and also, of an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to authorize the County of Butte to purchase and hold two hundred thousand dollars of the first mortgage bonds of the California Northern Railroad Company, and issue bonds of said county for the payment of the same, approved March the twenty-ninth, eighteen hundred and sixty, in the aggregate shall not exceed in amount two hundred thousand dollars.

Proviso.

Sec. 8. *Provided*, that the California Northern Railroad Company is hereby allowed until the first day of November, eighteen hundred and sixty-three, to construct and complete the railroad between the town of Oroville, in Butte County, and tide water, by way of Marysville or Sacramento, or otherwise; *provided*, that on or before the first day of September, eighteen hundred and sixty-three, the obligors on a certain bond given to the County of Butte, pursuant to section six of Chapter One Hundred and Sixty-Four of the laws of the State of California, passed March twenty-ninth, eighteen hundred and sixty, shall, by themselves, or their duly constituted Attorneys, indorse and execute on said bond the words, "This bond shall be construed to be conditioned for the completion of the California Northern Railroad Company's road by the first of November, eighteen hundred and sixty-three," and upon said indorsement being made said bond shall be deemed and construed to be conditioned for the construction of said road within the time so extended as aforesaid.

Proviso.

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

CHAP. CLXXIX.—*An Act to extend the time for the completion of the San Francisco and Marysville Railroad.*

[Approved April 8, 1863.]

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

Extension.

SECTION 1. The San Francisco and Marysville Railroad Company is hereby granted until the twenty-sixth day of October,

A. D. eighteen hundred and sixty-five, to construct and complete their railroad from the City of Marysville, in Yuba County, to the Town of Benicia or Vallejo, in Solano County, California. And all the rights, franchises, and privileges heretofore granted to or acquired by said company under the laws of this State, are hereby extended to the twenty-sixth day of October, A. D. eighteen hundred and sixty-five, except the one half of all the Overflowed and Swamp Land lying within the Counties of Sutter, Yolo, and Colusa, through which said road shall be constructed, and lying within the following boundaries, to wit: in the County of Sutter, between the mouth or Sink of Butte creek, and the junction of the Sacramento and Feather Rivers; and in Yolo and Colusa Counties, between the Towns of Colusa, and Knight's Landing in Yolo County, the said land to be designated by odd and even sections, according to the plan of the survey of the United States, and granted to said company by Act of the Legislature in eighteen hundred and fifty-eight, under an Act entitled an Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain rights and privileges, approved April twenty-fourth, eighteen hundred and fifty-eight; and all other rights, franchises, and privileges, acquired by said company, shall not in any manner be impaired or invalidated by reason of this extension.

Exception.

CHAP. CLXXX.—*An Act to change the name of Cincinnatus Schultz.*

[Approved April 8, 1863.]

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

SECTION 1. It shall be lawful for the person now bearing the name of Cincinnatus Schultz, to change the said name to Willard John Brown.

Name changed.

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

CHAP. CLXXXI.—*An Act to regulate Milcege in the Counties of Del Norte and Klamath.*

[Approved April 8, 1863.]

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

SECTION 1. In the Counties of Del Norte and Klamath, the Sheriff is hereby allowed the sum of fifty cents per mile for

Milcege.

**Proviso.** travelling in any given case where process or any papers are to be served, to be computed from the Court House; *provided*, that if any two or more papers in the same suit require to be served, one mileage only shall be charged, and shall only be allowed mileage in going to serve the same.

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

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

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CHAP. CLXXXII.—*An Act to extend to the Counties of Sutter and Sonoma the provisions of an Act entitled an Act to organize Townships, and regulate their Powers and Duties, and submit the same to the vote of the people, approved May fifteenth, eighteen hundred and sixty-two.*

[Approved April 8, 1863.]

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

**Election.**

SECTION 1. The provisions of an Act entitled an Act to organize townships, and regulate their powers and duties, and submit the same to a vote of the people, approved May fifteenth, eighteen hundred and sixty-two, is hereby extended and made applicable to the Counties of Sutter and Sonoma, on condition that the Board of Supervisors of their respective counties shall first submit the question to the people of the said counties, at the next general election; and the people are hereby authorized to vote on the same by ballot, upon which shall be written or printed "Township Law—Yes," or "Township Law—No;" and if the affirmative have the majority, then the above named Act shall be in full force from and after the second Tuesday of April, eighteen hundred and sixty-four; but if the negative have the majority, then the above named Act shall not apply or be in force in the Counties of Sutter and Sonoma.

**Ballots.**

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

CHAP. CLXXXIII.—*An Act to authorize the Superintendent of Public Schools of the County of Trinity to pay the Claim of John H. Hough.*

[Approved April 8, 1863.]

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

**To draw warrant.**

SECTION 1. The Superintendent of Public Schools of the County of Trinity is hereby authorized and required to draw his warrant in favor of John H. Hough, of said county, for one hundred and thirty dollars, payable out of any School Funds



set apart for or belonging to the Douglas City School District, in the County of Trinity, such amount having been advanced by said Hough, in the year A. D. eighteen hundred and sixty-two, for the payment of a claim against the School Fund of said district.

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

CHAP. CLXXXIV.—*An Act to authorize and empower John S. Rutherford and George E. Webber to construct and maintain Booms on the Guallalla River, in Mendocino County.*

[Approved April 8, 1863.]

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

SECTION 1. It shall be lawful for John S. Rutherford and George E. Webber, and their associates, who now own, or their assigns who may hereafter erect, purchase, or own, or be in possession of any saw mill or mills, whether propelled by water or steam power, for the manufacture of lumber, on the Guallalla River, in the County of Mendocino, State of California, to build, erect, hang, or purchase, and maintain, when in their estimation the same may be necessary to facilitate the manufacture of lumber, such boom or booms as may be necessary for that purpose; *provided*, that in the construction or erection of any such boom or booms as aforesaid, the person or persons erecting, purchasing, or owning the same shall not obstruct or prevent the free navigation of said river. Right granted.

SEC. 2. If any person or persons in constructing any boom or booms shall obstruct or prevent the free navigation of said river, such person or persons shall be liable to the party or parties injured thereby, for all damages which such party or parties may sustain by reason of such obstruction, to be recovered in any Court of competent jurisdiction, with costs of suit, as in other cases. Obstruction of navigation  
Damages.

SEC. 3. Any person or persons who shall wilfully or maliciously destroy or injure said booms, or any of them, shall be deemed guilty of malicious mischief, as in other cases, and on conviction thereof before any Criminal Court of competent jurisdiction, shall be punishable by fine of not less than one hundred dollars and not more than five hundred dollars, or by imprisonment in the County Jail not less than thirty days nor more than six months, and shall be liable to the party or parties injured or damaged for all damages sustained by the owner or owners thereof, as in other cases for the destruction of private property. Malicious injury.  
Penalty.

SEC. 4. Nothing in this Act contained shall be so construed as to authorize or empower the persons in the first section of this Act named, or any of them, or their assigns, to collect tolls or water rents for the use of such boom or booms. Restriction.

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

CHAP. CLXXXV.—*An Act to amend an Act entitled an Act to amend an Act regulating Marriages, passed April twenty-second, eighteen hundred and fifty.*

[Approved April 9, 1863.]

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

SECTION 1. Section seven of said Act shall be amended so as to read as follows :

To obtain license.

Section 7. No persons shall be joined in marriage unless such persons shall have first obtained a license therefor from the Clerk of the County Court of the county in which the marriage is to be celebrated, which license shall authorize any Judge, Justice of the Peace, Clergyman, or Preacher of the Gospel, to celebrate and certify such marriage ; but no such license shall be granted for the marriage of any male under twenty-one years of age, or for any female under the age of eighteen years, without the consent of his or her father, or if he be dead or incapable, of his or her mother, or Guardian, to be noted in such license, or unless the party or parties under said ages, respectively, shall have been previously married ; and if any Clerk shall issue a license for the marriage of any such minor, without consent as aforesaid, he shall forfeit and pay a sum not less than one hundred dollars, nor more than one thousand dollars, to the use of such father, mother, or Guardian, to be sued for and recovered in any Court having cognizance thereof ; and for the purpose of ascertaining the age of the parties, such Clerk is hereby authorized to examine either party, or other witnesses, on oath ; and the Clerk shall be entitled to receive for such certificate the sum of two dollars, one half of which he shall pay to the Recorder of the county for recording the license and certificate, except in counties where the Clerk and Recorders receive salaries, then he shall pay the two dollars into the County Treasurer ; *provided*, unmarried persons living and cohabiting together as husband and wife, may be married without license or public record thereof ; *provided*, the Clergyman performing the ceremony shall make a record thereof in the church register.

Proviso.

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

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

CHAP. CLXXXVI.—*An Act to amend an Act entitled an Act to repeal an Act to incorporate the City of Sonoma, passed April fourth, eighteen hundred and fifty, approved April twenty-sixth, eighteen hundred and sixty-two.*

[Approved April 10, 1863.]

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

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

Section 3. The said Trustees shall take immediate charge of all books, records, papers, and property of every description, belonging to the said city, and shall cause a notice to be published to the creditors of said city of Sonoma in some newspaper of general circulation published in the City of San Francisco, at least once a week for three months, and in any of the newspapers published in the County of Sonoma, one month, notifying them to present their claims against the city within six months of the date of publication, or that they will be barred. When claims are presented, the said Trustees, a majority of whom may have power to act, shall indorse upon the claim its allowance, either in whole or in part, or its rejection, as the case may be. They shall also sell all property belonging to said city, except the Plaza, certain highways, books, papers, and archives, to the best advantage; and to facilitate such sale said Trustees shall have power to sell the streets, required to be sold by this Act, at private sale, to the owners of property along the line of and adjoining said streets, at the minimum price of fifteen dollars per acre; and all streets not necessary for public use, and not sold at private sale within sixty days after the passage of this Act, shall be offered at public sale on ten days notice, at the minimum price of five dollars per acre. All other property shall be sold at public auction, in the same manner as is provided for the sale of streets.

Duties of Trustees.

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

Section 6. Whenever money to the amount of five hundred dollars, belonging to said city, shall come into the hands of said Trustees, they shall, within ten days thereafter, advertise to receive sealed bids, on a named day, for cancelling the city's indebtedness to that amount, and the person or persons submitting the lowest bid or bids shall be awarded the funds on hand; should there be a surplus of the funds on hand after the debts are paid, the same shall be paid over to the Road Fund, and be applied by the Board of Supervisors to the improvement of the highways within the limits of the city. Should there be a deficiency, the same shall be supplied by a direct tax, to be levied and collected as other taxes are levied and collected, upon the inhabitants residing within the limits of said city, at such rate that the whole deficiency shall be supplied in from one to three years, at the discretion of the Trustees; the tax so levied and collected to be called the Sonoma City Fund, and to be paid by the County Treasurer to the order of the said Trustees.

Surplus.

**Payment of expenses.** All expenses incurred by the Trustees in the settlement of the affairs of said city shall be paid out of the moneys coming into their hands belonging to such city; said expenses to be audited by the Board of Supervisors of Sonoma County.

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

**Sale of useless streets.** Section 7. All streets and alleys in said city, which, in the judgment of the Trustees, are not needed for public use, shall be sold as herein provided for; and such as are, in their judgment, needed for public use, are hereby declared to be public highways and county roads; and the Plaza in said city shall remain perpetually a public Plaza. It is further provided, that all the books and papers forming the archives of the City of Sonoma, and all the papers appertaining to the settlement of the affairs of said city, and the sale of streets and plazas, shall be placed in the office of the County Recorder, to be by him kept as other county records; and the record books of the conveyance of the public lands of said city, when filed in said office of the County Recorder, shall have the same effect and import the same notice to all parties as if the same were re-recorded.

**Archives.**

SEC. 4. Sections three, six, and seven of said Act are hereby repealed.

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

CHAP. CLXXXVII.—*An Act to assist in filling up the Regiments of California Volunteers, and to aid certain officers for that purpose.*

[Approved April 10, 1863.]

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

**Appropriation.**

SECTION 1. The sum of twenty-four thousand two hundred and sixty dollars of the moneys now in the State Treasury arising from the exchange of gold for legal tender notes in the payment by the State Treasurer of Federal War Tax assessed against the State of California, be and the same are hereby placed in the Treasury as a "Military Recruiting Fund."

**Pro rata.**

SEC. 2. The following sums are hereby appropriated to the recruiting of volunteers in this State, in the following proportion, viz: The sum of six thousand two hundred and eighty-nine dollars and sixty cents is appropriated to the seven companies of the First Cavalry, California Volunteers; the sum of eight thousand nine hundred and eighty-five dollars and fifteen cents is appropriated to the Sixth Regiment of Infantry, California Volunteers; the sum of five thousand three hundred and ninety-one dollars and nine cents is appropriated to the First Battalion Mountaineers, California Volunteers; and the sum of three thousand five hundred and ninety-four dollars and sixteen cents is appropriated to the four companies Native California Cavalry.

SEC. 3. The said sum of money shall be applied exclusively to defray the expenses of recruiting, and the travelling and other necessary expenses of the recruiting officers of the companies of said volunteers, in the following proportion, to wit: to each company, the sum of eight hundred and ninety-eight dollars and fifty-one cents. Application of moneys.

SEC. 4. The Controller is hereby directed to draw his warrants on the State Treasurer for the amounts herein specified, in favor of the Colonel or other commanding officer of the regiment or battalion, for the amounts above specified, on the special Fund herein designated, and the Treasurer of State is hereby authorized and required to pay said warrants to the said Colonel or other commanding officer of the regiment or battalion, who is hereby constituted the disbursing officer of said funds. Duty of Controller and Treasurer.

SEC. 5. The said disbursing officers will distribute the funds in their hands in the proportion of eight hundred and ninety-eight dollars and fifty-one cents to the commissioned officers in each company, in the following proportion, to wit: the sum of four hundred and ninety-eight dollars and fifty-one cents to each Captain, and the sum of two hundred dollars to each Lieutenant, at the time and in the manner designated in the next section of this Act. Duty of disbursing officers.

SEC. 6. The said recruiting officers shall produce duplicate vouchers, duly sworn to, of the necessary travelling expenses and subsistence of their recruits previous to being forwarded to the general rendezvous, and all necessary incidental expenses, and forward the same to the said disbursing officer, together with his certificate that the same is true and correct, and that the items of expenses therein stated have been necessarily incurred; and the said disbursing officer, if he finds the same to be correct, and that the items for expenses therein stated have been necessarily incurred, shall forward one copy of said voucher to the Adjutant-General of the State of California, and shall retain the other as his receipt or voucher for the amount allowed, and shall pay over to said recruiting officers the amount so allowed. Reports of officers.

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

CHAP. CLXXXVIII.—*An Act to amend an Act entitled an Act to authorize Eugene L. Sullivan, Nathaniel Holland, and John Benson, and their associates and assigns, to lay down Gas Pipes in the City and County of San Francisco, approved May second, eighteen hundred and sixty-two.*

[Approved April 10, 1863.]

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

SECTION 1. Section two of said Act is hereby amended so as to read as follows: In consideration of the rights hereby granted, the said grantees, and their associates and assigns, on or before Duties of grantees.

the first day of November, A. D. eighteen hundred and sixty-three, shall commence and prosecute the work in good faith, and on or before the first day of May, A. D. eighteen hundred and sixty-five, shall erect the necessary buildings and apparatus for the manufacture of at least fifty thousand cubic feet of gas in each twenty-four hours, and shall lay down at least two miles of main pipe through the public streets of the City and County of San Francisco, and supply gas through the same. On or before the first day of May, A. D. eighteen hundred and sixty-six, the said grantees, and their associates and assigns, shall lay down three additional miles of street main pipe, and shall at all times thereafter, during the continuance of the franchise privileges hereby granted, supply gas through the same for the use of the City and County of San Francisco, and their inhabitants; *provided*, said grantees shall not charge, collect, or receive more than six dollars for each one thousand cubic feet of gas for the first five years, and not more than five dollars for each one thousand feet thereafter.

Proviso.

Grantees restricted.

Proviso.

Forfeiture.

Duty of City and County Attorney.

SEC. 2. Section five of said Act is hereby amended so as to read as follows: Under the provisions of this Act, said grantees, and their associates and assigns, shall not erect or maintain any works or apparatus for the manufacture of gas within the district bounded on the north by Francisco street, on the west and southwest by Jones and Simmons streets, on the south by Brannan street, and on the east by the water front of said City and County of San Francisco; *provided*, that nothing in this Act shall authorize the grantees herein named, and their assigns, to build or maintain any works or erections which shall be a nuisance; *provided*, further, that no franchise or privilege shall be claimed or held under this Act unless entirely new buildings and furnaces for the manufacture of gas shall be erected, and main pipes for the conveyance of the gas shall be laid down wholly unconnected with any gas building now standing, or gas pipes now laid down, or which may be hereafter erected or laid down by any other Gas Company, and unless said building and main pipes be kept and maintained entirely unconnected with any gas building heretofore erected, or main gas pipes laid down heretofore, or which may be hereafter erected or laid down by any other Gas Company; and, *provided*, that any violation or infringement of the provisions of this proviso shall work a forfeiture of all rights, franchises, and immunities herein granted, and such franchises, rights, and immunities shall, *ipso facto*, cease and be void, and all the said property and rights shall rest in the City and County of San Francisco; and it shall be and is hereby made the duty of the City and County Attorney of the City and County of San Francisco to commence and prosecute proceedings for the enforcement thereof.

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

CHAP. CLXXXIX.—*An Act to amend an Act entitled an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, approved May twentieth, eighteen hundred and sixty-one.*

[Approved April 11, 1863.]

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

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

Section 24. The following shall be the rates of pilotage into or out of the harbor of San Francisco: All vessels over one hundred and fifty, and under five hundred tons, seven dollars per foot draft; and all vessels over five hundred tons, seven dollars per foot draft, and four cents per ton for each and every ton of her registered measurement. All vessels engaged in the whaling trade, one dollar per foot draft. When a vessel is spoken, and the services of a Pilot is declined, one half of the rates shall be paid. All Government vessels, ten dollars per foot draft; *provided*, that all vessels engaged in the coasting trade between any port or ports of the State of California, and any port or ports in the State of Oregon and the Territory of Washington, and which are registered in the State of California, shall be exempt from the provisions of this Act, unless a Pilot be actually employed. Rates of Pilotage.  
Proviso.

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

CHAP. CXC.—*An Act to provide for the holding of a Special Term of the District Court in Los Angeles County.*

[Approved April 11, 1863.]

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

SECTION 1. It shall be lawful for the District Judge of the First Judicial District to hold a special term of the District Court in and for the County of Los Angeles, commencing on the third Monday in April, eighteen hundred and sixty-three; and all the acts of said Court at said special term shall be as effective and binding in law as though done at the regular term of said Court. Special term.

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

CHAP. CXCI.—Whereas, Colonel Roderick Matheson, a citizen of the State of California, was killed while leading his regiment in the battle and victory of "Crampton Gap," on the second day of October, A. D. eighteen hundred and sixty-two, thus, in the last of a series of gallant actions in which he had taken honorable part, giving his life to his country, and leaving his wife and children to the protection and care of the State; therefore, be it enacted as follows: An Act for the relief of the family of Colonel Roderick Matheson.

[Approved April 11, 1863.]

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

Appropriation.

Commissioners.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the General Fund not otherwise appropriated, to be invested for the benefit of the widow and children of Roderick Matheson, late of Sonoma County, under the direction of the Attorney-General, the Senator and Representatives in Assembly of the County of Sonoma, who are hereby constituted a Commission for that purpose; and the Controller of State is hereby required to draw his warrant on the General Fund in favor of the Attorney-General for the sum of five thousand dollars, and the Treasurer is required to pay the same, which amount shall be invested under the direction of a majority of said Commission.

SEC. 2. The said Commission is required and directed to report their action to the next Legislature.

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

CHAP. CXCII.—An Act supplementary and amendatory of an Act to provide for the construction of a Wagon Road by the Board of Supervisors of Tehama County, approved January twenty-seventh, eighteen hundred and sixty-three.

[Approved April 11, 1863.]

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

Powers of Supervisors

SECTION 1. The Board of Supervisors of Tehama County are hereby authorized and empowered to locate, construct, and maintain, in addition to the wagon road authorized by said Act, a branch to said wagon road, commencing at such point on the route adopted, or that may be hereafter adopted for the construction of said wagon road, under said Act, as said Board of Supervisors may deem advisable, and from thence to the eastern boundary line of this State, south of Honey Lake, and all rights, privileges, and restrictions now existing and that may hereafter be granted, applicable to said wagon road, shall also be applicable to the branch wagon road authorized by this Act.

SEC. 2. The said Board of Supervisors of Tehama County



shall have until the first day of June next to survey and locate Location. or cause to be surveyed and located the route of said branch road, and shall have a preference over all others in the right of selection thereof.

SEC. 3. This Act shall take effect immediately.

CHAP. CXCVIII.—*An Act to amend an Act entitled an Act to authorize the construction of a Wagon Road from the City of San Bernardino, through Devil's Cañon, to the Mojave River, in San Bernardino County, approved April tenth, A. D. one thousand eight hundred and sixty-two.*

[Approved April 13, 1863.]

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

SECTION 1. Section one of an Act entitled an Act to authorize the construction of a wagon road from the City of San Bernardino, through Devil's Cañon, to the Mojave River, in San Bernardino County, shall be amended so as to read as follows:

Section 1. George Garner, Edward Daly, and G. S. Chapin, Franchise. and their associates or assigns, are hereby authorized to construct a wagon road, not to exceed eighty feet in width, commencing at the City of San Bernardino, and running to the base of the mountain, at the mouth of Devil's Cañon, thence up said cañon to the summit of the mountain, thence in as straight a line as practicable to a point on the Mojave River intersecting the road now travelled from Cajon Pass to Ianes; and the said grantees, and their associates or assigns, shall be authorized to collect tolls on said road for a period of twenty years from Tolls. and after the completion thereof, either wholly or only to the summit of the said mountain.

SEC. 2. Section three of said Act shall be amended so as to read as follows:

Section 3. The said road shall be surveyed and completed Conditions. on or before the tenth day of October, A. D. eighteen hundred and sixty-four, either wholly or to the summit of said mountain, and shall not hinder, or obstruct, nor interfere with any other travelled road in said county.

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

CHAP. CXCIV.—*An Act to regulate and license Places of Public Amusements.*

[Approved April 13, 1863.]

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

License.

SECTION 1. It shall not be lawful to exhibit to the public in any building, garden, or grounds, concert room, or other place, within this State, any theatrical, dramatic, melodeon, or other performance, interlude, tragedy, comedy, opera, ballet, play, farce, negro minstrelsy, or other dancing, or any other entertainment of the stage, or any part or parts therein, or any caravan, menagerie, bull and bear fights, collection of animals, equestrian circus, or any performance of jugglers, necromancers, wire or rope dancers, acrobats, wax-work figures, for public amusement, until a license for such exhibition shall have been first had and

Violations of Act.

obtained, as required by this Act; and every manager or proprietor of any such theatre, exhibition, or performance, who shall neglect to take out such license, or consent to cause or allow any such exhibition or performance, or any single one of them, or any part thereof, without such license, and every person aiding in such exhibition, and every owner or lessee of any building, part of a building, garden, grounds, concert room, or other room or place, who shall lease or let the same for the purpose of any such exhibition or performance, or assent that the same be used for any such purpose, except as permitted by such license, and without such license having been previously obtained, and then in force if the same should be used for such purpose, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not less than one hundred

Penalties.

dollars nor more than two thousand dollars, or imprisoned in the County Jail for a period not exceeding one year, or by both such fine or imprisonment, in the discretion of the Court; and each day's continuance of any violation of this section shall be a separate offence. Such illegal performance or exhibition may be restrained by injunction, granted by any District or County Court, or by a Judge of either of said Courts, in any county where such offence is committed, upon the application of any citizen complaining upon oath that such offence has been committed and is being continued. Upon the trial of any criminal action provided for in this section, the defendant shall be deemed not to have procured any such license, unless he prove the contrary.

Courts may restrain by injunction.

SEC. 2. There shall be levied and collected a quarter yearly license tax as follows:

Amount of license.

*First*—From the manager or lessee of every theatre, five dollars per day, if granted for a less term than one month; if granted for one month, one hundred dollars shall be paid; if for three months, two hundred dollars shall be paid; if for one year, six hundred dollars; and for each exhibition of serouaders, negro minstrels, opera, melodeon performance, dancing or ballet, the same pay for license as is herein required for theatre license.

*Second*—For each exhibition for pay of bull and bear fight, Same. twenty-five dollars; for each caravan, or managerio, or any collection of animals, circus, equestrian or acrobatic performance, for public amusement, ten dollars for each exhibition; and for each show of any figures, jugglers, uccromancers, wire or rope dancing, slight of hand exhibition, for charge or reward, ten dollars per day. All licenses required by this Act shall be issued by the Controller of State, and furnished to the Auditors of the several counties in the same manner that he is now required by law to furnish licenses for State and county purposes; and the licenses shall be collected and paid over in the same manner as they are now required by law to collect licenses for State and county purposes; and such Collectors shall have the same compensation for making such collections as they are now permitted by law to receive for collecting licenses for State and county purposes.

Issuance of licenses.

SEC. 3. It shall not be lawful to sell or furnish any wines, beers, or strong or spirituous liquors, to any person in the auditorium or lobbies of the place of exhibition or performance of any of the exhibitions, performances, or entertainments mentioned in the first section of this Act, or in any apartment connected therewith by any door, window, or other aperture; nor shall it be lawful to employ, or furnish, or permit, or assent to the employment or attendance of any female to wait on or attend in any manner, or furnish refreshments to the audience or spectators, or any of them, at any exhibition, performance, or entertainment mentioned in the first section of this Act, or at any other place of public amusement in this State.

Sale of wines liquors, etc. prohibited.

Female waiters forbidden.

SEC. 4. No license shall be granted for any exhibition or performance given in violation of the third section of this Act; and every exhibition, performance, or entertainment, at which any of the provisions of the third section of this Act shall be violated, shall of itself vacate and annul, and render void and of no effect, any license which shall have been previously obtained by any manager, proprietor, owner, or lessee, consenting to or causing or allowing such violation, or letting any part of a building used for the purpose of such exhibition and performance for any purpose prohibited in section third of this Act; and any license required by the first section may also be revoked and annulled by the officer or officers granting the same, upon proof of a violation of any of the provisions of this Act. Such proof shall be taken before such officer, upon notice of not less than two days, to show cause why such license shall not be revoked. Said officer shall hear the proofs and allegations in the case, determine the same summarily, and no appeal shall be taken or review be had from such determination; and any person whose license shall have been revoked or annulled shall not thereafter be entitled to a license under the provisions of this Act. On any examination before an officer, pursuant to a notice to show cause as aforesaid, the accused party may be a witness in his own behalf.

Vacation of license.

Proof of violation of Act.

SEC. 5. Any person violating any of the provisions of sections two, three, and four of this Act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by imprisonment in the County Jail for a term not less than three

Penalties.

months nor more than six months, or by a fine not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment.

Penalties.

SEC. 6. Every person who shall cause or employ any female to dance, promenade, or otherwise exhibit herself for hire, drink, or gain, in any drinking saloon, dance cellar, ball room, public garden, public highway, or in any place whatsoever where there is connected therewith, in any manner, the sale or use, as a beverage, of any spirituous, vinous, or malt liquors, or who shall allow the same in any premises under his control where malt, vinous, or spirituous liquors are sold or used, where two or more persons are assembled together, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not less than fifty nor more than five hundred dollars, or by imprisonment in the County Jail not exceeding three months, or by both such fine and imprisonment; and every female so dancing, promenading, or exhibiting herself, as herein aforesaid, shall be likewise deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the County Jail not exceeding one month, or by both such fine and imprisonment.

Persons employing females to dance, etc.

SEC. 7. Every person who shall cause, or procure, or employ any female to play, for hire, drink, or gain, upon any accordeon, cymbal, hurdygurdy, tambourine, or any other musical instrument, in any drinking saloon, ball room, dance cellar, public garden, or any public highway, or on any ship, steamboat, or rail car, or in any place whatsoever where there is connected therewith, in any manner, the sale or use of any intoxicating, spirituous, vinous, or malt liquors, or who shall allow the same in any premises under his control, where spirituous, vinous, or malt liquors are sold or used, where two or more persons are assembled together, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not less than fifty nor more than five hundred dollars, or by imprisonment in the County Jail not exceeding three months, or by both such fine and imprisonment; and any female so playing upon any accordeon, cymbal, hurdygurdy, tambourine, or any other musical instrument whatsoever, shall be likewise deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the County Jail not exceeding one month, or by both such fine and imprisonment.

Penalties.

Duties of officers.

SEC. 8. It shall be the duty of every Chief of Police, Sheriff, Deputy Sheriff, Constable, Captain of Police, Policeman, and every other police officer, to enter, at any time, said places of amusement, and to arrest and convey any person or persons violating any provisions of this Act forthwith before any Police Justice, Judge, or Magistrate, to be examined and dealt with according to law.

Disposition of fines, etc.

SEC. 9. All fines and penalties collected by virtue of this Act, shall be paid, one half into the School Fund of the State, and one half into the School Fund of the county in which the same may be recovered.

SEC. 10. The licenses provided for in this Act shall be col-

lected by the Collectors or other officers now authorized by law Collection of licenses. to collect State and county licenses.

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

CHAP. CXCV.—*An Act for the Incorporation of the Town of Dutch Flat, in Placer County.*

[Approved April 13, 1863.]

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

SECTION 1. The inhabitants of the Town of Dutch Flat, Town incorporated. County of Placer, are hereby constituted a body corporate and politic, under the name and style of "The Town of Dutch Flat," and by that name and style they and their successors shall be known in law, and have perpetual succession, and be invested with all the rights and privileges conferred by and be subject to all liabilities, restrictions, and provisions of an Act entitled an Act to provide for the incorporation of towns, approved April nineteenth, eighteen hundred and fifty-six, so far as the provisions of said Act may be consistent with the provisions of this Act.

SEC. 2. The corporation limits of said town shall be as follows: Commencing at a point south of the Dutch Flat Steam Saw Mill, at an oak tree south of said mill, and forty-two feet from the end of the log track; thence on an air line to a point five hundred feet east of the Dutch Flat Saw Mill; thence to a point five hundred feet north of the county road leading to Nevada Territory; thence to a point one hundred feet north of A. Bartley's house; thence to a point one hundred feet north of the Casino Garden; thence west to G. P. Beal's house; thence to a point one hundred feet west of N. W. Blanchard's barn; and thence to the place of beginning. Boundaries.

SEC. 3. The officers of the said corporation shall consist of a Board of five Trustees, a Treasurer, a Clerk, who shall be ex officio Assessor, a Marshal, who shall be ex officio Collector, and a Night Watch, and no other. Officers.

SEC. 4. The officers of the town shall all be elected by the legal voters, (except the Night Watch, who shall be appointed by the Trustees, and hold his or their office during the pleasure of the Board,) and shall hold their offices for the term of one year, or until their successors are elected and qualified. Election of.

SEC. 5. The compensation of the Board of Trustees shall be one dollar per annum each. The Clerk shall receive the sum of one dollar for every attendance on the Board of Trustees when in session, and shall receive the sum of fifty dollars for his services as Assessor. The Marshal shall receive the same fees for his services as are allowed to the Constables of Placer County for like services, and shall receive such per centage upon all moneys collected by him as Collector as the Board of Trustees Pay of officers.

may determine, the same not to exceed four per centum. The Night Watch shall receive such compensation as the Trustees may deem just, the same not to exceed ninety dollars per month. All officers elected under this Act shall take the oath of office and file their respective bonds within ten days after their election.

Meetings of Trustees.

SEC. 6. The Trustees shall, on the first Monday after their election, meet for the transaction of business, and shall thereafter meet on the succeeding Monday of each month for the transaction of such business as may come before them.

Vacancies.

SEC. 7. If at any time either or any of the officers created by this Act shall, by sickness, absence, or otherwise, be unable to perform the duties of his office for a period of three months at any one time, his office shall be declared vacant by the Trustees. If any such vacancy shall occur in the corporation at any time three months or more previous to a regular election, the same shall be filled by a special election, to be called by the Board of Trustees for that purpose, by giving ten days notice thereof. Should such vacancy occur less than three months next preceding a regular election, such vacancy may be filled by the Trustees.

Powers of Trustees.

SEC. 8. The Board of Trustees shall have power to pass such ordinances as they may deem necessary to prevent and remove nuisances; to license theatres, menageries, and all other shows or exhibitions where money is charged for admission; to alter, keep open, grade, and repair, and lay out streets, alleys, and sidewalks, for the town; and to collect annually a tax on all the property in the town, not exceeding one fourth of one per cent on the assessed value thereof; to levy and collect a poll tax, not exceeding one dollar per annum, on every male inhabitant, of twenty-one years and upwards; to levy and collect a road tax, established by general law, on every male able bodied inhabitant between the ages of twenty-one and fifty years, said tax to be faithfully applied to road and street purposes within the corporation limits; to impose and collect a tax on dogs, not exceeding six dollars per annum on every dog running at large within the incorporate limits of the town; to provide for the impounding of swine and cattle; and to pass all ordinances necessary for the protection of the town against fire.

Board restricted in contracting debts.

SEC. 9. The Board of Trustees of said town shall not have power to contract any debt in amount exceeding the sum of one hundred dollars, unless the ordinance for the same shall first be submitted to and adopted by a majority of the legal voters of the town voting for the same, nor shall any expense be incurred except as above provided for.

Justices of the Peace.

SEC. 10. The Justices of the Peace and Constables, within the corporate limits of the town, shall be conservators of the peace therein, and shall have jurisdiction in all civil and criminal cases not inconsistent with their jurisdiction as conferred by law.

Qualification of voters.

SEC. 11. No person shall be entitled to vote at any special or regular election, for any of the officers of this corporation, or on questions submitted by the Board of Trustees, unless such person shall have first resided in the corporation limits for the period of ten days next preceding such election, and shall have

paid his corporation tax for the current year; *provided*, that the provisions of this section shall not take effect until after the first election of officers for said town.

SEC. 12. No street shall be laid out, altered, opened, or repaired, except upon a petition signed by the owners of two thirds in value of the property affected thereby; and then to pay the expense attendant upon the same, the Board of Trustees shall levy a tax on all the property affected thereby according to its assessed value, which tax shall be levied and collected as other taxes are under this Act. Streets.

SEC. 13. Allen Towle, L. Arnstein, Henry Kunkle, C. Hoover, and J. D. Hilton, are hereby appointed Commissioners, who, within ten days after the passage of this Act, shall give notice that within one week from the date of said notice, an election will be held at the time and place designated in the notice, at which election the qualified voters of the Town of Dutch Flat will be called upon to vote on the question of the incorporation of said town. Said Commissioners shall cause ballots to be prepared, on which shall be written or printed "Corporation—Yes," or "Corporation—No;" and said Commissioners shall constitute the Judges, Inspectors, and Clerks of said election, and shall hold the same, and declare the result. If at such election a majority of the ballots shall have written or printed on them the words "Corporation—Yes," then this Act shall take effect, and said Commissioners shall declare said town incorporated, and shall hold an election for the officers provided under this Act, on the fifteenth day of April, one thousand eight hundred and sixty-three; but if a majority of such ballots shall have written or printed on them the words "Corporation—No," then said Commissioners shall declare this Act rejected, and the same shall not go into effect. Commissioners of election.

SEC. 14. The annual election for officers of said town shall take place on the first Monday in May, one thousand eight hundred and sixty-three, and on the first Monday in May in each year thereafter. Ballots.

SEC. 15. This Act shall take effect and be in force from and after its passage. Duties of Commissioners.

CHAP. CXCVI.—*An Act extending the provisions of an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers, approved March twentieth, eighteen hundred and fifty-five, to the County of San Diego.*

[Approved April 13, 1863.]

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

SECTION 1. The provisions of an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March twentieth, eighteen

hundred and fifty-five, are hereby made applicable to the County of San Diego.

SEC. 2. All Acts or parts of Acts in any manner in conflict with the provisions of this Act are hereby repealed, so far as relates to the County of San Diego.

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

CHAP. CXCVII.—*An Act authorizing and requiring the Auditor of San Bernardino County to make out a Delinquent Tax List.*

[Approved April 13, 1863.]

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

Duty of Auditor.

SECTION 1. The Auditor of San Bernardino County is hereby authorized and required, on application of the District Attorney of said county, to make out and deliver to said Attorney, duly certified under his official seal, a list of all persons and property owing taxes in said county and which were delinquent at the close of the official business of the Tax Collector of said county on the third Monday of February, one thousand eight hundred and sixty-three, as shown by the duplicate assessment roll.

Delinquent list to be evidence.

SEC. 2. Said delinquent list, showing unpaid taxes against any person or property, shall be prima facie evidence in any Court to prove the assessment, the property assessed, the delinquency, the amount of taxes due and unpaid, and that all the forms of law in relation to the levy and assessment of such taxes have been complied with.

Pay of Auditor.

SEC. 3. The said Auditor shall be allowed the sum of twenty-five dollars for his services in making out said delinquent lists, to be paid by the District Attorney out of the first money collected by said Attorney on the said delinquent list, after the same shall have been made out and delivered to the District Attorney, as required by this Act.

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

CHAP. CXCVIII.—*An Act to confer further powers upon the Board of Education of the City and County of San Francisco.*

[Approved April 13, 1863.]

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

SECTION 1. The Board of Education of the City and County of San Francisco have further powers hereby conferred upon them, as follows:



*First*—To allow and order paid out of the School Fund, not exceeding six hundred and fifty dollars, for the removal of the remains of the late Thomas J. Nevins. Powers.

*Second*—To allow and order paid the claim of Wm. McG. Barry, amounting to one hundred and thirty dollars, for services as Teacher, and repairs to school building in eighteen hundred and fifty-six.

*Third*—To allow and order paid out of the School Fund, such sums as are now due or may hereafter become due for grading, or otherwise improving streets, sidewalks, or alleys, in front of school property; and it is hereby made the duty of said Board to pay for grading of streets already done in whole or in part; *provided*, the same has been done under the direction of the Superintendent of Streets and Highways.

CHAP. CXCIX.—*An Act supplemental to an Act entitled an Act supplemental to an Act to incorporate a State Agricultural Society, approved May thirteenth, one thousand eight hundred and fifty-four, and amended March thirtieth, one thousand eight hundred and fifty-eight, approved March twelfth, eighteen hundred and sixty-three.*

[Approved April 18, 1863.]

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

SECTION 1. The Board of Directors mentioned in section one of the Act to which this Act is supplemental, shall audit all claims or demands against the State Agricultural Society that have accrued prior to the first day of January, eighteen hundred and sixty-three, and allow such as may be just and proper, and cause their warrants to be drawn on the Treasurer of said Society, payable out of the General Fund; said warrants shall be signed by the President and Secretary of said Board of Directors, and the Treasurer shall pay the same in the order of their presentation, if there be money in said Fund; but if not, then he shall indorse on the back of the warrant: Presented, and not paid for want of funds, this \_\_\_\_\_ day of \_\_\_\_\_, Anno Domini eighteen hundred and sixty \_\_\_\_\_; and said warrants shall draw interest at the rate of ten per cent per annum, from the date of presentation until paid. Board of Directors to audit claims.

SEC. 2. All assets, moneys, and debts, due said Society, that accrued prior to the first day of January, eighteen hundred and sixty-three, shall be placed to the credit of the General Fund, for the liquidation of the debts of said society created prior to the first day of January, eighteen hundred and sixty-three; and all moneys received during each fiscal year hereafter, shall be placed to the credit of a Fund to be known as a Special Fund, for the payment of the current expenses, premiums, and awards for the year in which the same was received, and to liquidate the outstanding indebtedness of said society, as hereinafter provided; and all moneys received from appropriations, donations, Warrants. Payments into General Fund. Special Fund.

or from any other source, and all property acquired, shall be exempt from attachment and execution for any debt or liability other than those created during that fiscal year.

Payment of  
claims.

SEC. 3. The Directors shall, each year, pay all claims or demands, and premiums awarded, before the last day of December, from said Special Fund; and if any money remains in said Special Fund after the liquidation of all claims and demands of that fiscal year, then the Directors shall advertise in some newspaper published in Sacramento, that they will receive proposals for the surrendering of the outstanding warrants against the General Fund, naming the time and place when they will be received and opened. Said Board shall accept the bids that will surrender said warrants for the lowest per cent, until all the money remaining in said Fund is expended; and the Board may accept a bid for a part of any warrant, and issue a new warrant for the balance due on such warrant; *provided*, said Directors shall not receive any bid above par, or for any claims or demand that is not presented, allowed, and a warrant drawn as provided in section one of this Act, within ninety days from the passage of this Act.

Acceptance  
of bids.

Proviso.

Premiums.

SEC. 4. No debt or demand of any kind against said society, shall be paid by the Treasurer or any other person until it shall have first been audited by the Board of Directors, and on a warrant drawn upon the Treasurer, signed by the President and Secretary; and no premiums that may have been awarded by any committee shall be paid until it has been approved by the Board of Directors.

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

#### CHAP. CC.—*An Act concerning Records of District Courts.*

[Approved April 13, 1863.]

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

Indexes to  
be kept by  
County  
Clerk.

SECTION 1. Every County Clerk shall keep in separate volumes an index of all suits which may hereafter be commenced in the District Court in and for his county, labelled "General Index—Plaintiffs," each page of which shall be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Plaintiffs," "Defendants," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page of Minute Book of District Court;" also, an index of all suits commenced in the District Court in which his county is comprised, labelled "General Index—Defendants," each page of which shall be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Defendants," "Plaintiffs," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page in Order Book of District Court."

SEC. 2. Whenever it shall appear to the satisfaction of any District Judge, that the index of cases commenced in the several counties of his Judicial District are imperfect from age, wear, or otherwise, he may, in his discretion, direct an order to be entered in the minutes of the District Court directing the County Clerk to conform with the provisions of section one of this Act. Clerk may re-index by order of Judge.

SEC. 3. The County Clerk shall receive as compensation for his services as aforesaid, fifty cents for each case so indexed, to be taxed and collected as other costs. Fees.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. This Act shall take effect from and after its passage.

CHAP. CCI.—*An Act to regulate the Fees of certain Officers in Calaveras County.*

[Approved April 13, 1863.]

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

SECTION 1. Such fees are allowed to the officers in Calaveras County, herein named, for their services rendered in discharging the duties imposed on them by law, as herein provided, and such officers may lawfully charge, demand, and receive the same.

SEC. 2. The fees of the Clerk of the District Court shall be as follows: Clerk of District Court.

For entering each action on the register, and making the necessary entries therein, during the progress of the trial, for each folio, thirty cents.

For issuing every writ, or process, under seal, one dollar.

For issuing a subpoena, for each witness, twenty-five cents.

For filing each paper, twenty-five cents.

For entering every motion, rule, order, or default, fifty cents.

For entering every discontinuance, dismissal, or nonsuit, fifty cents.

For entering every cause on the calendar, and making a copy for the bar, for each term of the Court, one dollar.

For receiving and entering each verdict of a jury, one dollar.

For entering every final judgment, for the first folio, one dollar; for each subsequent folio, thirty cents.

For filing judgment roll, twenty-five cents.

For entering judgment on judgment docket, fifty cents.

For entering satisfaction of judgment, seventy-five cents.

For administering every oath or affirmation, twenty-five cents.

For certifying every oath or affirmation, twenty-five cents.

For copy of any proceeding, record, or paper, for each folio, thirty cents.

For every certificate under seal, one dollar.

For searching the files of each year in his office, but not to charge suitors or Attorneys, seventy-five cents.

Clerk of  
District  
Court.

For issuing every commission to take testimony, seventy-five cents.

For taking down testimony of witness during trial, for each folio, thirty cents.

For issuing every execution, or other final process, seventy-five cents.

For issuing every decree or order of sale of mortgaged property, one dollar.

For issuing writ of injunction or attachment, one dollar.

For entering judgment by confession, the same fees as in other cases for entering judgment.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents.

For taking each bond required by law, fifty cents; for justification thereto, fifty cents for each surety.

For acknowledgment of deed, or other instrument, including all writing, and the seal, for each name thereto, seventy-five cents.

When the Court is sitting as a Court of criminal jurisdiction, he shall receive for the trial of each issue, three dollars. He shall receive no other fee for any service whatever in a criminal action or proceeding, except for copies of papers, for each folio, thirty cents.

SEC. 3. The fees of the Clerk of the County Court shall be as follows :

For filing all papers sent on appeal from Justices' Courts, in each cause, one dollar.

For all other services, the same fees as are allowed in the District Court for similar services.

Clerk of  
County  
Court.

Of Court of  
Sessions.

SEC. 4. The Clerk of the Court of Sessions shall receive the same fees as are allowed the Clerk of the District Court in criminal cases.

Of Probate  
Court.

SEC. 5. The fees of the Clerk of the Probate Court shall be as follows :

For issuing letters of administration or testamentary, one dollar.

For certificate of appointment of Appraisers or Guardian, seventy-five cents.

For writing and posting notices, when required, for each copy, fifty cents.

For notice given by publication, in addition to the cost of publication, fifty cents.

For recording wills, for each folio, thirty cents.

For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

County Re-  
corder.

SEC. 6. The fees of the County Recorder shall be as follows :  
For recording any instrument, paper, or notice, when required, for each folio, thirty cents.

For copies of any papers or records, per folio, thirty cents.

For filing or receiving every instrument for record, and making the necessary entries thereon, thirty cents.

For making in the several indexes required all the entries required of the filing and recording any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents.

For every certificate, under seal, to copies of records or papers in his office, when required, seventy-five cents. County Recorder.

For every entry of discharge of mortgage on margin of record, fifty cents.

For searching records and files of each year in his office, when required, twenty-five cents.

For abstract or certificate of title, when required, for each conveyance or incumbrance certified, seventy-five cents.

For recording every town plat, for every course, twenty-five cents.

For figures, and lettering plats and maps, per folio, seventy-five cents.

For taking and writing acknowledgments, including seal, for each signature, seventy-five cents.

For filing and entering a minute of certificate of tax sale, fifty cents.

For filing and entering a minute of certificate of Sheriff's sale, fifty cents.

For recording marriage certificate, one dollar.

For filing and keeping each paper not required to be recorded, and indorsing same, if required, twenty-five cents.

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

CHAP. CCII.—*An Act to authorize P. S. Palmstream to establish, keep up, and maintain a Public Ferry across Big River, in Mendocino County, near the Big River Mills.*

[Approved April 13, 1863.]

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

SECTION 1. P. S. Palmstream is hereby granted the right to construct, build, keep up, and run a ferry across Big River, in Mendocino County, near Big River Mills, and collect such tolls as may be fixed by the Board of Supervisors of said county, entered on the minutes of their proceedings; *provided*, that said ferry shall in no wise interfere with the free navigation of said river; *provided*, further, that the provisions of this Act shall not be held to prevent the proper authorities from granting the right to construct a bridge at that point at any time hereafter. Franchise  
Tolls.  
Proviso.

SEC. 2. The said franchise herein granted shall extend to and be for a term of fifteen years from the passage of this Act; *provided*, that said Palmstream or his assignees shall file a bond in the same manner as is by law required to be filed in cases where licenses are obtained from the Board of Supervisors. This Act shall take effect immediately after its passage.

CHAP. CCIII.—*An Act regulating the Fees of Office of Justices of the Peace and Constables in the County of San Joaquin.*

[Approved April 13, 1863.]

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

SECTION 1. The Justices of the Peace and Constables in the County of San Joaquin are allowed such fees as are herein provided, for their services rendered in the discharge of the duties imposed on them by law, and such officers may lawfully charge, demand, and receive the same.

Fees of  
Justices.

SEC. 2. The fees of Justice of the Peace in said county shall be as follows :

For filing each paper, twenty-five cents.

For issuing any writ or process by which suit is commenced, fifty cents.

For entering each cause upon his docket, fifty cents.

For subpoena to each witness, twenty-five cents.

For administering an oath or affirmation, twenty-five cents.

For certifying the same, twenty-five cents.

For issuing writ of attachment, or of arrest, or for the delivery of property, one dollar.

For entering any final judgment, per folio, for the first folio, one dollar; for each additional folio, twenty cents.

For taking justification on bond, fifty cents.

For swearing a jury, fifty cents.

For taking depositions, per folio, twenty cents.

For entering satisfaction of a judgment, twenty-five cents.

For copy of judgment, order, docket, proceedings, or paper in his office, for each folio, twenty cents.

For transcript of judgment, per folio, twenty cents.

For commission to take testimony, one dollar.

For issuing supersedeas to an execution, fifty cents.

For making up and transmitting papers on appeal, two dollars.

For issuing a search warrant, one dollar.

For all services or proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars.

For taking bail after commitment in a criminal case, one dollar.

For entering cause, without process, one dollar.

For entering judgment by confession, and only on affidavit, as required in the District Court, three dollars.

For entering every motion, rule, order, verdict, or default, twenty-five cents.

For solemnizing a marriage, five dollars.

Constables.

SEC. 3. The fees of Constables in said county shall be as follows :

For serving a summons in a civil suit, for each defendant, one dollar.

For each copy of summons, fifty cents.

For summoning a jury before a Justice of the Peace, in either a civil or criminal case, two dollars. Constables.

For taking a bond required to be taken, fifty cents.

For summoning each witness, twenty-five cents; but no fees shall be charged for copies of subpoenas.

For summoning and swearing a jury to try the rights of property, and taking the verdict, three dollars.

For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, attachment, or order, upon the affidavit of the Constable that such charges are correct, and such expenses were necessarily incurred.

For collecting all sums on execution, three per cent, to be charged against the defendant in the execution.

Constables shall receive for each mile necessarily travelled (in going only) to serve a summons, attachment, order, execution, subpoena, venire, or notice, in civil cases, thirty cents per mile; but no mileage shall be allowed for the service of any such process when served within one mile from the Court from which it is issued; and when two or more persons living in the same direction are served in the same suit, mileage shall only be charged for the most distant.

For serving a warrant or order for the delivery of personal property, or for making an arrest in a civil case, or for serving an attachment against the property of a defendant, one dollar and fifty cents; and for any copy of such process, if required to be served by law, twenty-five cents.

For making an arrest in a criminal proceeding, two dollars.

For serving a subpoena in a criminal proceeding, twenty-five cents; but no fees shall be allowed for copies thereof.

For service of process in a criminal proceeding, for each mile necessarily travelled, in going only, twenty cents; and if an arrest is made, for each mile necessarily travelled in returning with the prisoner or prisoners to the Justice's office, fifteen cents, when the conveyance for the prisoner or prisoners is furnished by the officer. For each mile necessarily travelled in taking a prisoner from the office of the Justice to prison, twenty-five cents; but no mileage shall be allowed for the service of any process in a criminal case, when the same is served within one mile of the office of the Justice by whom such process has been issued.

For serving any process in a criminal proceeding, when two or more persons to be served live in the same direction, the Constable shall only be allowed mileage for the most distant.

For taking charge of Jury, and attending on Court, in each case, when required, one dollar.

SEC. 4. All Acts and parts of Acts so far as they are inconsistent with this Act are hereby repealed. Acts repealed.

SEC. 5. This Act shall take effect from and after the first Monday of October, eighteen hundred and sixty-three.

CHAP. CCIV.—*An Act to authorize the Guardian of certain Minor Children to convey their Real Estate.*

[Approved April 13, 1863.]

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

Guardian  
may sell  
property.

SECTION 1. The Guardian, now or hereafter to be appointed, of Miguel Avila, Juan Avila, Ramon Avila, and Delfina Avila, minor children of Miguel Avila, is hereby authorized to sell the real estate of the said minors, situate in the County of San Luis Obispo, in the State of California, or any part of such real estate, or any interest they, or either of them, may have therein, on such terms, and in such manner, either at public or private sale, as to the said Guardian may seem most advantageous to said minors.

Conditions  
of sale.

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

Guardian  
may execute  
deeds.

SEC. 3. The said Guardian, upon any such sale or sales being made and approved, and upon the filing of the bond as hereinbefore provided, if such bond shall have been required, may execute, acknowledge, and deliver to the purchaser or purchasers, a good and sufficient deed or deeds of conveyance of the premises sold, which shall operate to convey the interest of the said minors to the premises, in the same manner and to the same effect as if the said minors had executed, acknowledged, and delivered such deed or deeds, when of competent age and discretion, for that purpose.

SEC. 4. This Act shall take effect immediately after its passage.

CHAP. CCV.—*An Act concerning Roads and Highways in the County of Nevada.*

[Approved April 14, 1863.]

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

Roads  
declared  
public  
highways.

SECTION 1. All roads in the County of Nevada which have been in use as thoroughfares for wagons for a period of six months preceding the passage of this Act, and all roads which are now used as such which have been heretofore declared such by the Board of Supervisors, or which may hereafter be declared such by the Board of Township Trustees, shall be and the same are hereby declared public highways in the meaning of this Act; *provided*, that roads over mining lands, used for the purpose of



conveying lumber to mining claims, shall not be considered public highways, unless specially so declared by the Board of Trustees.

SEC. 2. It shall be the duty of the Board of Trustees to divide their respective townships into a suitable number of Road Districts; they shall furnish to each Road Overseer a description of the boundaries of his district, and in case of a vacancy in the office of Road Overseer, they shall fill such vacancy by appointment. Duty of Trustees.

SEC. 3. Each Road Overseer shall, before entering upon the discharge of his duties, enter into a bond, with two or more sureties, to be approved by the Board of Township Trustees, in such sum as the Board of Trustees may specify, conditioned for the faithful discharge of his duties as Road Overseer, which bond shall be executed to The People of the township in which his Road District is located. Overseer to give bonds.

SEC. 4. The Road Overseers shall cause all the public highways within their respective districts to be kept clear from obstructions, and in good repair, causing banks to be graded, bridges and causeways to be constructed, where they may be necessary, to keep the same in repair, and to renew the same when destroyed, and to open new roads when ordered by the Board of Trustees. Duty of Overseer.

SEC. 5. The Road Overseers shall have the authority to make use of any gravel, dirt, rock, or timber, which may be absolutely necessary for improving the roads, from any adjacent unimproved lands; and the Board of Trustees may allow such damages, if any there be, to the owners of said lands as they shall deem just.

SEC. 6. The Board of Trustees shall cause proper blank receipts to be printed, of a uniform appearance, which receipts shall be signed by the Treasurer of the township, in writing; no other receipts than those above mentioned shall be used by the Road Overseer, or given in payment for work and labor performed upon the roads, or for its equivalent in money, as hereinafter provided. Road receipts.

SEC. 7. The Treasurer of each township, immediately after the Road Overseers shall have entered upon the discharge of their duties, shall issue to each Road Overseer in his township as many road receipts as such Road Overseer may require, taking his receipt for the same; and the receipts so delivered to such Overseer shall be accounted as so much cash paid him, at four dollars each. The Road Overseers shall settle their accounts with the Board of Trustees semi-annually, to wit: On the last Monday in October, and the last Monday in April, in each year; and all road receipts returned by them to the Treasurer shall be deducted from the amount issued to each Overseer, and the Overseers shall account to the Board of Trustees at their annual settlement for all receipts not returned by them. Duty of Treasurer.

SEC. 8. Every able bodied male resident of Nevada County, over twenty-one and under fifty years of age, shall be required to perform, either in person or by substitute, two days labor on the highways, in their respective Road Districts, which labor shall be performed at any time during the year when required by the Road Overseer; or in default of performing labor, shall Persons liable to work on roads.

pay to the Road Overseer of his district the sum of four dollars, for the benefit of the highways of the district. Whenever the labor required by this section has been performed by any person, or instead thereof, money paid, the Road Overseer shall deliver to the person entitled thereto a proper receipt, signed by the Township Treasurer, and countersigned by himself, specifying in said receipt whether received in money or labor; and no receipt shall be given for labor performed upon the roads unless two days work has been performed to the satisfaction of the Road Overseer.

Notice to be given.

SEC. 9. The Road Overseer shall notify, in writing, each person resident in his district, not exempt, to appear on a certain day named, at a given hour of the day, and at a certain designated place, to do and perform the labor required of him by section eight of this Act; and any person thus notified who shall fail to appear, either in person or by substitute, at the day, hour, and place designated, or who appearing, shall refuse to perform the labor required of him, shall be considered as a delinquent, and shall be proceeded against as such; and the Road Overseer shall proceed to collect of him, in money, the sum of four dollars, in manner and form as hereinafter provided; *provided*, that nothing herein contained shall be so construed as to prevent the Road Overseer from accepting the labor at any time from the delinquent, if he shall deem the same advisable.

Delinquents.

How proceeded against.

SEC. 10. Whenever any person shall be declared a delinquent as provided in section nine of this Act, it shall be the duty of the Road Overseer to levy upon any property of said delinquent which may be found, and to sell the same at auction to the highest bidder for cash, or so much thereof as may be necessary to pay the amount of his delinquency and costs of levy and sale; *provided*, that no sale shall be valid unless due notice thereof has been posted in three of the most public places within the district, of the time and place of such sale, at least three days previous thereto. The Road Overseer shall be entitled to charge three dollars for his services in levying upon and advertising property and in selling the same, but the same shall not in any manner become a charge against the township.

Same.

SEC. 11. Moneys, credits, and effects of the delinquent may be attached in the hands of third parties by the Road Overseer, by delivering to the party having such credits, moneys, or effects of the delinquent, a written order of garnishment, requiring said party to pay to him the sum of money due by delinquent; and if the person thus served with notice shall pay the amount demanded, the Road Overseer shall deliver to him a receipt therefor, including the cost and charges allowed to the Overseer, viz: three dollars; and the receipt thus delivered shall be a legal offset to any claim existing against the party garnished in favor of the delinquent. If the party on whom the garnishment is served shall neglect or refuse to pay to the Overseer the sum demanded, within three days after receiving said notice, the Overseer shall apply to any Justice of the Peace of his township for an order requiring such person so served as aforesaid to be and appear before him forthwith, or on a certain day named in such order, to answer, under oath, concerning any moneys, credits, or effects, in his hands belonging to the delinquent; and

if it shall appear by the answer of the party, to the satisfaction of the Justice, that he has moneys, credits, or effects in his hands belonging to the delinquent, the Justice shall enter in his docket a judgment against the party thus examined for the sum of seven dollars and costs, four dollars of which sum shall be paid to the Road Overseer, and applied by him to the construction and repair of the highways in his district, and three dollars to the Road Overseer for his services. Upon receiving the said sum of seven dollars, the Overseer shall execute a receipt for the sum of four dollars, signed by the Township Treasurer, and a receipt for the remainder, signed by himself. The judgment rendered against the person served with garnishment shall be collected in the same manner as other judgments in Justices' Courts, and shall be a legal offset against the delinquent in favor of the judgment debtor.

SEC. 12. The Road Overseer shall have power to let contracts for the construction, repair, and improvement of roads and bridges in their respective districts, when the amount of such contract shall not exceed the sum of two hundred and fifty dollars; *provided*, that all contracts exceeding the sum of fifty dollars shall be let to the lowest responsible bidder, and that no contract exceeding the sum of fifty dollars shall be let, unless due notice of the time and place of letting has been given by posting notices in at least three of the most public places in the district, at least one week prior to the letting, specifying the work to be done, and asking for sealed proposals. All contracts for the construction, repair, and improvement of roads or bridges, involving an expenditure of more than two hundred and fifty dollars, shall be let by the Board of Township Trustees, to the lowest responsible bidder, notice of such letting to be published in a newspaper within the township, if there be one; if not, then by posting notices in five of the most public places in the township, asking for sealed proposals.

Powers and duties of Road Overseer.

Proviso.

SEC. 13. All improvements upon the public highways shall be under the supervision and direction of the Road Overseers of the district in which the improvement is made, and no contractor shall receive pay in full for work performed under his contract, until the Road Overseer has accepted the work in writing; the certificate of acceptance by the Overseer shall be considered by the Board of Trustees as sufficient authority that the work has been completed according to contract.

SEC. 14. The Board of Trustees shall have power to open new roads within their respective townships whenever the public necessities shall require it; they may also vacate or close such roads as may become unnecessary and useless. Upon presentation to the Board of Trustees of a petition signed by five or more persons, residents of the township, praying for a road to be laid out within the township, or for a road to be laid out from the dwelling or ranch of any person to a public road, or from one public road to another, and designating the points of the road to be established as prayed for, they shall cause notice to be given to the parties owning the land over which such road is to be located, and if such owner shall make no objection to the location of said road over their land, the prayer of the petitioners shall be granted, and the road prayed for shall be opened

Powers of Board of Trustees.

by the Overseer of the district, upon the order of the Board of Trustees; but if objections are made by any person owning the land over which said road is to be located, the Board of Trustees shall consider and determine the same, and if they shall be of the opinion that the road is necessary, they shall appoint three persons as Viewers, the County Surveyor being one, to view out and locate said road, and to appraise the damage to the land of the objectors; and upon a return of the certificate of the Viewers, together with the appraisement, and if satisfied with the same, shall declare the same to be a public highway, and cause a notice of their action to be served on the Road Overseer of the district in which said road is located. They shall also order the payment for damages allowed, to be paid out of the Township Treasury, out of moneys not otherwise appropriated; *provided*, however, that if the Board of Trustees shall so determine, the damages awarded shall be paid by the person or persons petitioning for such road. The Viewers shall receive for their services three dollars per day for each and every day actually employed, and twenty cents per mile necessarily travelled in going to and returning from the place where the contemplated road is situated, to be paid by the party or parties praying for such road, if the same shall not be granted; but if granted, then the fees of the Viewers shall be paid by the township or by the party or parties praying for the road, as the Board of Trustees shall determine.

Proviso.

Pay of Road Viewers.

Board of Trustees may levy a road tax.

SEC. 15. The Board of Trustees shall have power to levy a property tax, not to exceed five cents on each one hundred dollars, for road purposes, to be levied and collected at the same time and in the same manner as other property taxes are collected; *provided*, that the provisions of this section shall not apply to any incorporated city of the county, and the property tax, thus levied and collected shall be paid into the Township Treasury, and shall be a Road Fund for the benefit of the roads within the township, and shall be expended by the Road Overseers, under the direction of the Board of Trustees.

Road Overseer to keep account of moneys collected, etc

SEC. 16. Each Road Overseer shall keep a correct account of all moneys collected by him in his district for road purposes, together with the names of persons who pay in cash; the amount paid by each; the names of those who perform labor; the number of days work performed by each; and the names of delinquents. At each half-yearly settlement with the Board of Trustees, each Road Overseer shall render his half-yearly account to said Board, verified before some officer having power to administer oaths, in which he shall exhibit the whole amount collected by him during the preceding half year, the date when, and from whom received; the amount expended by him, to whom, and for what purpose paid; the number of days he has been actually employed upon the road in his district, with the names of the persons in his employ, distinguishing between those working under pay and those performing labor as required by section eight of this Act; the whole number of receipts delivered, distinguishing between those given for labor and those given for money; and the names of all delinquents. He shall also furnish a schedule of all property belonging to his Road District. Upon receiving the report of the Overseer, to be made

on the last Monday in April, the Board of Trustees shall make a final settlement with the Overseers, and shall allow them for their services for each day actually and necessarily employed by them upon the roads in their respective districts, not exceeding the sum of five dollars per day, which sum may be retained by the Overseers out of the money collected by them in their respective districts. The Road Overseers shall also be entitled to retain the sum of fifty cents for each road receipt delivered by them for cash; but the time spent by the Overseers in selling receipts for cash shall not be construed as time spent in actual work on the roads.

Sec. 17. Each Road Overseer shall be the custodian of all personal property belonging to his district, and shall be responsible for its loss. He shall deliver the same to his successor in office on demand, and take a receipt of him for the same, specifying each article, which receipt shall be deposited in the Township Clerk's office. And be responsible for district property.

Sec. 18. The delinquent list of the year next preceding, shall be transferred by the Township Clerk to the Road Overseer of the proper district in each township, and the same shall be collected in the same manner as is heretofore provided for the collection of road taxes for the current year then next ensuing; and the Road Overseers shall be entitled to the same compensation for collecting the delinquent list as they are entitled to receive for collecting the road tax as provided in the provisions of this Act. Delinquent list to be given to Road Overseer.

Sec. 19. If any person shall wilfully obstruct any public highway, or any street or lane, by felling any tree across the same, or by placing any other obstruction therein, or shall destroy any ford or crossing of any creek, gulch, river, or stream of any character, by digging away the banks, or by damming, deepening, or widening the same, or by filling up, or in any manner injuring or destroying any gutter or sewer constructed for the purpose of carrying away water from any road, he or they shall be liable to a prosecution before any Justice of the Peace of the township, by any Overseer of the Road District in which the offence is committed, and upon conviction, shall pay a fine of not less than twenty nor more than fifty dollars, and shall forfeit five dollars for every day he shall suffer such obstruction to remain after he shall have been ordered to remove the same by the Overseer; *provided*, that if any person or persons shall wish to dig or construct any ditch across any public highway, street, or lane, for the purpose of conveying water for mining, mechanical, agricultural, or other necessary or useful purpose, they shall be permitted to dig or construct such ditch, in which case the owner or owners of such ditch shall construct or cause to be constructed and keep in repair, at their own expense, good and substantial bridges or crossings over such ditch. If the owner or owners of any such ditch or ditches shall fail or neglect to construct such bridges or crossings, and keep the same in repair, he or they shall be liable to prosecution and fine, as heretofore provided in this section. Penalty for obstructing road.

Sec. 20. If any person shall wilfully destroy or injure any bridge, plank road, or causeway, or remove any of the plank or Further penalty.

timber therefrom, or cut down or injure any tree planted or growing as a shade tree in any highway, street or lane, or damage any such highway, street, or lane, by digging in it, he shall be liable to be prosecuted before any Justice of the Peace of the township, by the Road Overseer of the district in which the offence is committed, and on conviction, shall be fined in any sum not less than five nor more than one hundred dollars.

Actions, how commenced.

SEC. 21. All actions commenced under the provisions of this Act shall be in the name of The People of the township in which the action is commenced; and no officer or resident of such township, otherwise competent, shall be deemed incompetent to act as such officer, or as a juror or witness in such case, because of any interest he may have in the event of such suit, by reason of his being a resident of such township merely.

Fines.

SEC. 22. All fines collected under the provisions of this Act shall be paid into the Township Treasury, as a Road Fund for the benefit of the roads in the district in which the same is collected.

Failure of Overseer to perform duty

SEC. 23. Any Road Overseer who shall fail to remove or cause to be removed any obstructions in the roads of their respective districts, within a reasonable time after being notified that such obstruction exists, shall be liable, upon conviction before any Justice of the Peace, at the suit of any citizen, to be fined in any sum not exceeding twenty-five dollars and costs, and shall forfeit the sum of five dollars for each and every day thereafter that he shall suffer such obstruction to remain, to be recovered in like manner at the suit of any citizen; he shall also be liable on his bond for all damages resulting from such obstruction.

SEC. 24. All Acts or parts of Acts which conflict with the provisions of this Act, so far as they relate to the County of Nevada, are hereby repealed.

SEC. 25. The provisions of this Act shall not apply to any city or incorporated town in Nevada County.

SEC. 26. This Act shall be in force from and after the first Monday in May, A. D. eighteen hundred and sixty-three.

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CHAP. CCVI.—*An Act amendatory of an Act amendatory of and supplementary to an Act to incorporate the Town of Columbia, in the County of Tuolumne, approved April ninth, one thousand eight hundred and fifty-seven, approved March twenty-fifth, eighteen hundred and fifty-eight.*

[Approved April 14, 1863.]

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

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

Officers to be elected.

SECTION 4. There shall also be elected, in like manner, on the said second Monday in May of each year, a City Treasurer and

Assessor, who shall each hold office for one year, and until their successors are elected and qualified. They shall, before entering upon the duties of their several offices, take and subscribe the oath of office as prescribed by law, and shall give bonds, in such sum as the Board of Trustees may determine, for the faithful performance of their official duties. Their duties shall be defined by the Board of Trustees, and they shall receive such compensation for their services as the Trustees may, from time to time, direct; *provided*, that the salary of the Treasurer shall in no event exceed the sum of fifty dollars per annum, and the salary of the Assessor the sum of one hundred dollars per annum.

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

Section 5. The Board of Trustees shall have power to appoint a Collector of city taxes and licenses, and to fix his compensation; the same not to exceed five per cent on the amount of taxes and licenses collected. The said Collector, before entering upon the duties of his office, shall take and subscribe the oath of office prescribed by law, and shall give bonds, in such sum as the Trustees may direct, for the faithful performance of his official duties. They shall also have power to open, alter, extend, establish, pave, grade, gutter, or otherwise improve and regulate streets, lanes, and alleys; *provided*, that no street shall be graded, paved, or guttered, except at the solicitation of a majority of the lot owners on said street or section of street so proposed to be graded, paved, or guttered, and that the expense thereof shall be apportioned to and paid by the several lots adjacent to such improvements, according to the number of feet in front they shall severally contain; to regulate and establish the grade and width of sidewalks and public crossings, and prevent obstructions in or upon the same; to construct and keep in repair bridges; to erect any public buildings, reservoirs, or aqueducts, for the use of said city, and raise money by tax to erect or construct the same with, which money so to be raised, shall be assessed upon and collected from the inhabitants of said city, in the same manner as other taxes are assessed and collected; *provided*, that no taxes shall be assessed or collected for erecting any public buildings, reservoirs, or aqueducts, without the consent of the legal voters, expressed by ballot, at a special election called by the Trustees to vote upon such question; to open and establish public squares, and burial grounds; to construct flumes or aqueducts for drainage and relieving the streets and thoroughfares of the city from water; and to prevent and restrain the running of water for private purposes, by individuals or private associations, over and through said streets and thoroughfares. They shall have power to organize and support Common Schools and Academies; to make regulations for securing the health, cleanliness, ornament, peace, and good order of the city; and, in the event of an epidemic or contagious disease, to appoint a Board of Health, to consist of not less than seven members, and a competent Physician, to be the Health Officer thereof, all of whom shall serve without fee or compensation;

to make regulations for preventing and extinguishing fires; to organize and control the Fire Department; and to divide the city into two or more wards, and establish the boundaries thereof. They shall have power to levy and collect taxes, not exceeding one per cent per annum on the assessed value of the real and personal property of the city, for defraying the ordinary expenses of the city, and for the support of Free Schools; *provided*, one fourth, at least, of such tax so raised shall be appropriated to the support of such schools; to license exhibitions, theatres, circus companies, shows, amusements, bowling alleys, and billiard tables, saloons, bars, and drinking places, auctioneers, bankers, peddlers, pawnbrokers, raffles, and lawful games; to suppress all occupations, places, houses, and exhibitions, which are against good morals and contrary to public order and decency; to regulate and prevent the erection of slaughter houses within the city limits; to remove and abate nuisances, and to prevent and restrain riots or disorders; to prohibit the running at large, within the corporate limits of the city, of all cattle, goats, sheep, hogs, or other animals, and to impound and sell the same, after public notice of ten days, unless the fees and expenses then accrued for impounding shall be paid by the owners or claimants of the animals so impounded, and if sold, any balance remaining, over and above the fees, expenses, and costs of sale, shall be paid by the party receiving the purchase money to the owner or claimant of the property sold; to prohibit and restrain the running at large of dogs, and to license the keeping of the same, and may cause to be killed all dogs found at large upon which the license has not been paid; and if any party shall neglect, refuse, or fail to pay any license provided for under the provisions of this Act, in such sum or sums as the Board of Trustees shall, by ordinance, establish, the same may be recovered of such party, by suit, in the name of The City, before any Court of competent jurisdiction, together with all costs of suit.

Sec. 3. Section seven of said Act is hereby amended so as to read as follows:

**Elections.** Section 7. All elections and returns under this Act shall be regulated in the same manner as is prescribed in the Act providing for general State elections. The Trustees shall have power to appoint Judges and Inspectors of Elections, and to provide for their compensation, which shall in no case exceed the sum of three dollars per day to each person, and to judge of the correctness of election returns and determine contested elections. Whenever any vacancy shall occur, from death, removal, or from any other cause, in the Board of Trustees, or in the office of City Treasurer or Assessor, the Trustees shall, if the unexpired term exceeds the period of six months, order an election to fill such vacancy, giving at least five days public notice of such special election. If the unexpired term be less than six months, the Board of Trustees shall proceed to fill such vacancy by appointment. If any person fail to pay any tax levied upon his or her real or personal property, the Collector may collect and recover the same by suit, in the name of The City, before any Court of competent jurisdiction, together with all costs of suit, or may enforce the collection of such taxes by seizing and selling

**Vacancies.**



the property of the party delinquent in the mode prescribed by law for the collecting of State and county taxes; and any property so sold shall be sold subject to all the provisions, and the officer selling shall enjoy all the rights and be subject to all the duties, prescribed by law for the collection of State and county taxes. The Collector shall make a monthly report to the Board of Trustees of all moneys by him received, and from what sources received, and the amount so reported shall be entered upon the minutes of the meetings, when made. The Trustees shall have power to make by-laws and ordinances not repugnant to the laws or Constitution of this State, and the enacting clause to such ordinances shall be in the following words: "The inhabitants of the City of Columbia, represented in the City Council, do enact as follows;" and they may impose fines, penalties, and forfeitures, for breaches of ordinances, and may appropriate the same, when collected, for the benefit of the city; *provided*, that all ordinances and by-laws passed by the Trustees shall be published in one or more newspapers published in the city, and shall be signed by the President or acting President of the City Council, and by the City Clerk, and recorded in the city records; and, *provided*, further, that no fine be imposed exceeding two hundred dollars for any one breach of any ordinance, or offender be liable to imprisonment for more than sixty days for any one offence. All fines, penalties, and forfeitures shall be collected by suit, to be instituted by the Board of Trustees or the Collector, in the name of The City, before any Justice of the Peace or Court of competent jurisdiction; such fines and forfeitures, when collected, shall be placed to the credit of the city, with the City Treasurer. In the event that any officer shall fail to pay over any money received by him under the provisions of this Act to the party entitled thereto, he shall be liable for such default, and may be proceeded against upon his official bond, in the name of The City, in the manner authorized by law. The Board of Trustees shall not incur or create a debt which, singly or in the aggregate, shall, at one time, exceed the sum of three thousand dollars.

Duties of Collector.

By-laws, or ordinances, etc

Proviso.

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

Section 9. The President of the Board of Trustees shall, on the first Saturday in May in each year, make out and publish a full and correct statement of all moneys received and expended, from whom and for what purpose received, and to whom and for what purpose expended, during the year next preceding; and if the President of said Board of Trustees shall omit or neglect to make out and cause to be published such statement as he is above required to perform and publish, he shall be deemed guilty of a misdemeanor, and on conviction thereof, in any Court of competent jurisdiction, he may be fined in any sum not less than one hundred dollars, nor more than five hundred dollars.

Yearly statement to be published.

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

CHAP. CCVII.—*An Act to authorize the Board of Supervisors of the County of Santa Clara to take and subscribe one hundred and fifty thousand dollars to the Capital Stock of the Western Pacific Railroad Company, and to provide for the payment of the same, and other matters relating thereto.*

[Approved April 14, 1863.]

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

Election.

SECTION 1. The Board of Supervisors of the County of Santa Clara shall order a special election to be held in said county, at the several places of holding elections therein, on the first Tuesday of June next, for the purpose of submitting to the qualified electors of said county the proposition for said Board of Supervisors to take and subscribe one hundred and fifty thousand dollars to the capital stock of the Western Pacific Railroad Company, by which a railroad communication shall be formed between a point on the San Francisco and San José Railroad, at the City of San José, and to pass through the Counties of Santa Clara, Alameda, Contra Costa, and San Joaquin, to connect with the Central Pacific Railroad, so that when said roads shall be completed, there will be a continuous line of railroad from the City of San Francisco to the eastern boundary of the State of California, there to connect with the other portions of the Pacific Railroad to the Missouri River.

Ballots.

SEC. 2. The said Board of Supervisors shall cause notice of at least twenty days to be published in one or more newspapers printed and published in the said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. Each of the voters voting at said election shall have written or printed upon his ballot the words "Pacific Railroad Subscription—Yes," or the words "Pacific Railroad Subscription—No." Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against said proposition shall have the word "No," written or printed thereon. Said election shall be conducted in the same manner as other elections for county officers, and sealed returns shall be made of the votes cast on said proposition, within five days after the said election, and in the same manner as provided for in case of the election of county officers, to the Clerk of said county, of the number of votes voting "Yes," and the number voting "No," which returns shall be, on said fifth day, or on the Saturday following the day of said election, opened and counted in the same manner as the returns of the votes for county officers, and when so opened and counted, the result thereof shall be declared officially by the said Board of Supervisors, who shall, at the time prescribed for the opening and counting of the returns of said election, meet as a Board for that purpose, and for perfecting the subscription of stock, as hereinafter provided.

Returns of election.

Subscription to stock.

SEC. 3. If, at the said election, a greater number of the electors of said county voting upon said proposition shall vote "Yes" than shall vote "No," then, and in that event, the Board

of Supervisors of said county, in the name of said county, is hereby authorized, empowered, and shall immediately after the said election is so officially declared, take and subscribe, for the use, benefit, and advantage of said county, to the capital stock of "The Western Pacific Railroad Company," a corporation duly organized under and in pursuance of the laws of this State, on the thirteenth day of December, A. D. eighteen hundred and sixty-two, for the purpose mentioned in section one of this Act, stock to the amount of one hundred and fifty thousand dollars, and therefor to pledge the faith of said county for the payment of the same in the manner hereinafter provided.

Sec. 4. The said subscription shall be made by a committee of two members of said Board of Supervisors, to be appointed by an order of the said Board for that purpose, and who shall perform that duty immediately thereafter; and the said subscription shall be made, and so received, conditioned to be paid in the bonds of said county, issued as hereinafter directed, and not otherwise; and for such subscription, said bonds shall be received at par, dollar for dollar. Conditions.

Sec. 5. The said Board of Supervisors of said county, from time to time, as the work progresses on the said "The Western Pacific Railroad," and as the payments of said subscription to such capital stock shall be required to be made by the Board of Directors of the said "The Western Pacific Railroad Company," shall, by order, direct the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, who, for that purpose, in addition to their other duties as such officers, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Pacific Railroad Loan Commissioners" of said county, as such Loan Commissioners, to issue bonds in the sum of one thousand dollars each, for such amounts of such subscription to said capital stock as said Board of Supervisors may direct. Said bonds shall draw interest at the rate of seven per cent per annum from the date of their issue, and the principal thereof shall be made payable, on a specified day, to be named in the bonds, which shall be twenty years after the date of their issue, at the office of the Treasurer of said county; and both the principal and interest of said bonds shall be payable in United States gold coin, dollar for dollar; the interest accruing on said bonds shall be due and payable semi-annually, so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day, to be named in coupons, at said Treasurer's office; said bonds shall be signed by the Chairman of said Board of Supervisors, and the Auditor, and Treasurer of said county, as such officers, and ex officio "Pacific Railroad Loan Commissioners," and when so signed, shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same, as such Clerk, in the presence of a quorum of such Board, at a meeting thereof; and the said Board of Supervisors shall cause the fact of such countersigning of said bonds to be entered upon their journal or record, together with the number, date, and amount of bonds so countersigned by such Clerk; and upon the countersigning of said bonds, the said Board of Supervisors shall cause the seal of said county to be affixed to each bond, and appoint a com- Loan Commissioners.

To issue bonds.

Interest, and when payable.

Manner of signing bonds.

mittee of two of their number to deliver said bonds to the said "The Western Pacific Railroad Company," to whom the same shall be issued, and made payable to said company or bearer; and the said committee shall take a receipt from the Secretary of said company for the bonds so delivered to them, setting forth the number, dates, and amounts of the bonds so delivered, and report the same to said Board of Supervisors.

Coupons.

SEC. 6. Coupons for the interest shall be attached to each bond, so that the coupons may be removed without mutilation to the bond; said coupons shall be signed by the said Loan Commissioners. When any interest shall be paid upon a bond issued as herein provided, the Treasurer of said county shall receive the detached coupons for the interest then due and paid, and deliver the same to the Auditor of said county, taking his receipt therefor, who shall file the same in his office, and make a report thereof at the next meeting of the Board of Supervisors.

Moneys to be used in Santa Clara County

SEC. 7. The bonds issued from time to time in payment of such stock subscription, by virtue of the provisions of this Act, and at least an equal amount of any other funds that may be obtained by said company from other stockholders, or otherwise, or that may be furnished and supplied by the contractors who are or may be engaged in the construction of said railroad for said company, shall be expended from time to time, as the said bonds are required to be issued, in the actual construction of that portion of said company's road situated in the said County of Santa Clara, to the extent and amount of the graduation and full preparation of said road for the superstructure thereof; and thereafter the said company may lay out and expend any balance or overplus of said bonds, if any there should be after the graduation of the said road in said county, as before stipulated, on any portion of said road that they, the said company, may see proper, so that the same is applied in the construction and completion of said road. It shall be the duty of the Secretary and Chief Engineer of said company, from time to time, as the said bonds are required to be issued, to make reports, under oath, in writing, and lay the same before the said Board of Supervisors, of the progress of the work, and the amount thereof done and performed, as near as the same can be ascertained, on said road, and in each county through which the same is or shall be located. And if, after the issuance of such bonds in payment of the first instalment on such subscription, there should be at any time any failure or refusal in the expenditure of said bonds, with other funds, in the mode and manner provided by this section, in the construction of said road, then, and in that event, the said Board of Supervisors may, at their option, withhold any further payment on such subscription, and shall not thereafter be liable to any future calls for assessments thereon; and if so declared by said Board of Supervisors, the said subscription shall be held void and of no effect, and the said company shall be liable to said county for any amounts that may have been previously paid on such subscription at the time of such failure or refusal, recoverable at law in any Court having jurisdiction.

Reports by officers of railroad company.

SEC. 8. The said Board of Supervisors shall, previous to the making out of the duplicate of or general assessment list for said

county in each year, levy a tax, to be styled a "Pacific Railroad Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds, issued hereunder, and previous to the making of the said duplicate of or general assessment list of said county, in the year eighteen hundred and seventy-three, and for every year thereafter, until the said bonds issued under this Act shall be paid and liquidated, the said Board of Supervisors shall, should it be necessary, levy a tax, not exceeding fifteen cents on the one hundred dollars worth of taxable property of said county, for the purpose of raising a Fund for the liquidation of said bonds, which shall be styled a "Pacific Railroad Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected, shall be paid in to the County Treasurer, who shall account for and deliver the same over to the said Loan Commissioners, to be by them applied:

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

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

SEC. 9. If there shall be collected as such interest tax, in any one year, a sum greater than is required to pay the annual interest on said bonds issued hereunder, then the said Loan Commissioners shall pass over such surplus into the said Loan Fund.

SEC. 10. The said Loan Commissioners shall make arrangements for the payment of the interest on said bonds when the same falls due, at least thirty days before the time of payment, and in the event said Interest Fund is insufficient, the said Treasurer shall draw on the Common or General Fund of said county for such purpose, and deliver the same to said Commissioners; and in the event that these Funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements or loans, as may be necessary for the payment of said interest and the protection of the faith of the said county.

SEC. 11. Whenever, at any time, there shall be in said Loan Fund a sum of money amounting to five thousand dollars or upwards, the said Commissioners shall advertise in a public newspaper published in said county, and also in one newspaper published in the City of San Francisco, for a space of four weeks, for sealed proposals for the redemption of said bonds; and ten days from the expiration of the time for such publication, the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Loan Fund then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and, *provided*, should there be no proposals made for less than par value, then the payment of said Loan Fund on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give four weeks notice of the number of the bonds to be so paid, after which time such bonds shall cease to draw interest; and, *provided*, whenever there may be sufficient moneys in such Loan

Interest tax.

Pacific Railroad Fund.

Surplus in Interest Fund.

Duty of Loan Commissioners.

Surplus in Loan Fund, and redemption of bonds.

Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of the said Commissioners to advertise, in like manner, for the space of four weeks, for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw interest. Any moneys remaining in said Loan Fund after the redemption of said bonds, shall be by the said Commissioners paid over to the County Treasurer, to be by him held subject to the order of said Board of Supervisors.

Cancellation  
of bonds.

SEC. 12. Whenever any bonds shall have been paid and redeemed by the said Commissioners, they shall mark the same "cancelled," over their signatures as such Commissioners, and immediately deliver the same to the County Clerk, taking his receipt therefor; and the said County Clerk, upon the receipt of such cancelled bonds, shall file the same in his office.

Duty of  
County  
Clerk.

SEC. 13. The County Clerk shall open with the said Commissioners a "Pacific Railroad Interest Tax Account," and a "Pacific Railroad Loan Fund Account," and shall balance and settle the same quarterly, on the first Mondays of April, July, October, and January, of each year.

Liabilities of  
officers, and  
their com-  
pensation.

SEC. 14. The said Commissioners, and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall, in all things herein required of them, be subject to all the liabilities and penalties to which they are subjected in the performance of any other of the duties of their respective offices, and they shall, where the fees or salary is not fixed by law for the services herein required, be allowed by the Board of Supervisors a reasonable compensation therefor, to be paid by said county, as other fees and salaries are paid; and the said Board of Supervisors may, and they are hereby fully authorized so to do, require of each of said Commissioners such bonds and security for the performance of their duties herein required of them as they, the said Board of Supervisors, shall deem proper; *provided*, however, that the penal sums of such bonds, to each of said Commissioners, shall not exceed five thousand dollars. The said Commissioners shall, when so required, execute the said bonds in the same manner as other official bonds are executed, and to be approved by said Board of Supervisors, and filed in the office of the County Clerk.

Bonds of  
officers.

Powers of  
Supervisors

SEC. 15. The said Board of Supervisors shall have authority to authorize a committee of any one or more of their number, or any other persons, to cast all votes representing the capital stock so subscribed by them; and they shall, by order made for that purpose, have full power to sell, transfer, and assign, the said capital stock, or any part thereof, so taken by them under the provisions of this Act, whenever, on a submission to the qualified voters of said county, at any county or general election, of a proposition to sell the same, a majority of the votes cast thereat shall direct and approve of such sale.

SEC. 16. The said Board of Supervisors, for and on behalf of said county, shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all of the dividends, issues, and profits, arising from such subscription to said capital stock, and shall set apart and transfer the same, together with the taxes that may be paid by said

company to said county from time to time, to the said Loan Fund, to be applied by the said Loan Commissioners to the payment of the interest on the bonds issued as herein provided, and the redemption of the principal thereof in the manner provided by section eleven of this Act; and after the full payment of said bonds and the interest on the same, the said dividends, issues, and profits, arising from such stock subscription shall be applied as follows: one third part thereof to the School Fund of said county, and the remaining two thirds to the General Fund.

SEC. 17. The said subscription of stock authorized by virtue of the provisions of this Act, shall be made by said Board of Supervisors on the books of the said "The Western Pacific Railroad Company," upon and subject to the express condition that the said County of Santa Clara shall not be liable or bound for any of the debts or liabilities of said company beyond or exceeding the amount of stock thus subscribed or held; and all contracts made by said company for the construction and equipment of said company's road, after such subscription shall have been made, shall be subject to and shall contain an express stipulation to that effect, and all such contracts shall be subject to such condition, though the same should not be inserted or expressed therein; and in case the said company shall fail or refuse to make such stipulation in all of their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover from said company any previous payments that may have been made thereon at the time of such failure or refusal. And the said county shall never make any other or further subscription to the capital stock of said company than that provided for by this Act.

SEC. 18. This Act shall be taken and deemed a public Act and shall be in force and take effect from and after its passage.

CHAP. CCVIII.—*An Act to regulate the Fees of Officers in the Counties of Shasta, Trinity, and Klamath.*

[Approved April 14, 1863.]

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

SECTION 1. In the Counties of Shasta and Trinity, such fees are allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed upon them by law, as herein provided; and such officers may lawfully charge, demand, and receive the same.

## FEES OF THE CLERK OF THE DISTRICT COURT.

Clerk of  
District  
Court.

SEC. 2. For entering each suit on the Clerk's Register of Actions, and making the necessary entries therein, prior to judgment, for each folio, twenty-five cents.

For issuing every writ or process under seal, fifty cents.

For issuing subpoena for a single witness, fifty cents; and for each name of witness, exceeding one, in subpoena, ten cents; and should the party or person asking the subpoena request it, the Clerk shall insert any number of names of witnesses required, not exceeding ten.

For filing each paper, fifteen cents.

For entering every motion, rule, order, or default, twenty-five cents.

For entering every discontinuance, dismissal, or non-suit, twenty-five cents.

For entering every cause on the calendar, and making a copy thereof for the Bar, for each time of the Court, fifty cents.

For calling and swearing every jury, including all preliminary oaths as to qualifications, fifty cents.

For receiving and entering each verdict of a jury, fifty cents; and for each special verdict of a jury, twenty-five cents for each folio exceeding one.

For entering every final judgment, for the first folio, one dollar; each subsequent folio, twenty-five cents.

For filing judgment roll, twenty-five cents.

For entering judgment on judgment docket, twenty-five cents.

For entering satisfaction of judgment, fifty cents.

For administering every oath or affirmation, (except to jurors,) fifteen cents.

For administering every oath or affirmation, and certifying the same, twenty-five cents.

For copy of any proceeding, record, or paper, for each folio, twenty-five cents.

For every certificate, under seal, fifty cents.

For searching the files of each year in his office, (but not to charge suitors and Attorneys,) fifty cents.

For issuing every commission to take testimony, fifty cents.

For taking down testimony of witnesses during the trial, for each folio, twenty-five cents, to be paid by the party requiring the same.

For issuing every execution, or other final process, fifty cents.

For issuing every decree, or order of sale of mortgaged property, seventy-five cents.

For issuing writs of injunction, or attachments, fifty cents.

For entering judgment by confession, the same fees as entering other judgments.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents.

For taking each bond required by law, fifty cents; for taking justification thereto, fifty cents.

For acknowledgment of deeds or other instruments, including all writings, and the seal, for the first name thereto, one dollar; and for each additional name thereto, twenty-five cents.

When the Court is sitting as a Court of criminal jurisdiction,



he shall receive for the trial of each issue where the charge is misdemeanor, three dollars; for the trial of each issue where the charge is felony, five dollars. He shall receive no other fee for any service whatever in a criminal action or proceeding, except for copies of papers, for each folio, twenty-five cents.

#### FEEES OF CLERK OF COUNTY COURT.

Sec. 3. For issuing marriage certificate, two dollars.

For filing all the papers sent on appeal from Justice's Court. Clerk of County Court.  
in each cause, and making the necessary entries concerning the same, one dollar and fifty cents.

For all other services, the same fees as are allowed in the District Court for similar services.

#### FEEES OF CLERK OF PROBATE COURT.

Sec. 4. For issuing letters testamentary, or of administration, fifty cents. Of Probate Court.

For certificate of appointing Appraisers, or Guardians, fifty cents.

For writing and posting notices, when required, for each copy, fifty cents.

For recording wills, per folio, twenty-five cents.

For all other services, the same as are allowed the Clerk of the District Court for similar services.

For notice given by publication, in addition to the cost of publication, fifty cents.

#### FEEES OF COUNTY RECORDER.

Sec. 5. For recording any instrument, paper, or notice, when required, for each folio, twenty-five cents. County Recorder.

For copies of any record, or paper, per folio, twenty-five cents.

For filing or receiving every instrument for record, and making the necessary entries thereon, twenty-five cents.

For making, in the several indexes required, all the entries required of the filing and recording any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents.

For every certificate, under seal, to copies of papers or records in his office, when required, fifty cents.

For every entry of discharge of mortgage on margin of record, fifty cents.

For searching records and files of each year in his office, when required, forty cents.

For abstract or certificate of title, when required, for each conveyance or incumbrance certified, fifty cents.

For recording every town plat, for every course, fifteen cents.

For figures, and lettering plats, and maps, per folio, fifty cents; *provided*, the fees for recording any town plat shall not exceed the sum of one hundred dollars.

For taking and writing acknowledgments, including seal, for

the first signature, one dollar, and for each additional one, twenty-five cents.

For filing and entering a minute of certificate of Sheriff's sale, fifty cents.

For filing and entering a minute of certificate of tax sale, fifty cents.

For recording marriage certificate, together with the license, one dollar.

For filing and keeping each paper not required to be recorded, and indorsing same, if required, twenty-five cents.

#### FEES OF SHERIFF.

Sheriff.

SEC. 6. For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on every defendant, one dollar and fifty cents.

For travelling in making service, per mile, in going only, to be computed in all cases from the Court House of the county, forty cents; *provided*, that if any two or more papers required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged.

For taking bonds or undertaking, in any case in which he is authorized to take the same, one dollar and fifty cents.

For copy of any writ, process, or other paper, when demanded or required by law, for each folio, twenty-five cents.

For serving every notice, rule, or order, fifty cents.

For serving a subpoena, for each witness summoned, including copy of same, fifty cents.

For travelling, per mile, in serving each subpoena or venire, in going only, but when two or more witnesses or jurors live in the same direction, travelling fees shall be charged only for the most distant, forty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, and with travelling fees as on a summons, two dollars; but no travelling fees shall be allowed on such attachment, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may be executed at the time of the service of the summons, unless for the distance actually travelled beyond that required to serve the summons.

For serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, two dollars.

For making and posting notices and advertising property for sale on execution, or under any judgment, or order of sale, not to include the cost of publication in a newspaper, two dollars.

For commission for receiving and paying over money on execution or process, where land or personal property has been levied on, advertised, and sold, on the first one thousand dollars, three per cent, and on all sums above that amount, two per cent.

For commissions for receiving and paying over money on execution, without levy, or when the land or goods levied on shall not be sold, three per cent on the first one thousand dollars, and two per cent on all over that sum; the fees herein allowed for

the levy of an execution, and for advertising, and for making Sheriff. or collecting the money on an execution, shall be collected from the defendant, by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing every Sheriff's deed, to be paid for by the grantee, who shall, in addition, pay for the acknowledgment thereof, five dollars.

For serving a writ of possession or restitution, putting any person entitled into possession of premises, and removing the occupant, five dollars.

For travel in the service of any process not hereinbefore mentioned, for each mile necessarily travelled, in going only, forty cents.

For attending, when required, on any Court, in person or by Deputy, for each day, to be paid out of the County Treasury, four dollars.

For bringing up a prisoner on a habeas corpus, to testify or answer in any Court, or for examination as to the cause of his arrest and detention, or to give bail, one dollar and fifty cents; and for travelling each mile from the jail, in going only, forty cents.

He shall also be allowed such further compensation for his trouble and expense in taking possession of property under attachment or execution, or other process, and of preserving the same, as the Court from which the writ or order may issue shall certify to be just and reasonable.

For holding each inquest or trial of right of property, when required, to include all service in the matter except mileage, five dollars.

For attending on Supreme Court, either in person or by Deputy, to be paid out of the State Treasury as other claims, for each day, four dollars.

For making every arrest in a criminal proceeding, two dollars.

For serving each subpoena in criminal proceedings, fifty cents.

For executing every sentence of death, fifty dollars.

For summoning a grand jury, fifteen dollars.

For summoning each trial jury of twelve persons, six dollars.

For each additional juror, twenty-five cents.

For service of any process in criminal cases, for each mile necessarily travelled, twenty cents; and the same mileage for taking a prisoner before a magistrate or to prison. In serving subpoena or venire in criminal cases, he shall receive mileage for the most distant only, when witnesses or jurors live in the same direction.

For all services in Justice's Court, the same fees as are allowed to Constables in like cases.

#### FEES OF CORONER.

SEC. 7. All services in summoning jury of inquest, three Coroner. dollars.

For swearing a jury, seventy-five cents.

For issuing a warrant of arrest, fifty cents.

For issuing subpoena, for each witness, twenty-five cents.

For each mile necessarily travelled in going to the place of the dead body, twenty-five cents; which fees, in all inquests, shall be paid out of the County Treasury, as other demands.

For all services rendered by him when acting as Sheriff, the same fees as are allowed to the Sheriff for similar services.

For swearing each witness, twenty-five cents.

For taking down the testimony of each witness, per folio, twenty-five cents.

#### FEEES OF COUNTY AUDITOR.

County Auditor.

SEC. 8. For filing Treasurer's receipts, and issuing license, to be paid by the party, twenty-five cents.

#### FEEES OF CONSTABLES.

Constables.

SEC. 9. For serving summons in a civil suit, for each defendant, one dollar.

For summoning a jury before a Justice of the Peace, two dollars.

For taking a bond required to be taken, fifty cents.

For summoning each witness, twenty-five cents.

For serving an attachment against the property of a defendant, two dollars.

For summoning and swearing a jury to try the rights of property, and taking the verdict, three dollars.

For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct, and the expense necessarily incurred.

For collecting all sums on execution, three per cent; to be charged against the defendant in the execution.

Constables shall receive, in serving summons, attachments, order, execution, venire, notice, and subpoena, in civil cases, for each mile necessarily travelled, in going only, but when two or more persons are served in the same suit, mileage shall only be charged for the most distant, if they live in the same direction, forty cents.

For serving a warrant or order for the delivery of personal property, or making an arrest in civil cases, two dollars.

For service and travel in criminal cases, the same fees as Sheriffs for similar service.

For all other services, except attending Court, the same fees as are allowed to Sheriffs for similar services.

This section, so far as it relates to Constables, shall be in force in the County of Klamath, and all Acts in conflict with the same are hereby repealed.

#### FEEES OF JUSTICES OF THE PEACE.

Justices of the Peace.

SEC. 10. For filing each paper, twenty-five cents.

Issuing any writ, or process, by which suit is commenced, fifty cents.

For entering such cause upon his docket, fifty cents.

For subpoena for each witness, twenty-five cents.

For administering an oath or affirmation, twenty-five cents.

Justice of  
the Peace.

For certifying the same, twenty-five cents.

For each certificate, twenty-five cents.

For issuing writs of attachment, or of arrests, or for the delivery of property, one dollar and fifty cents.

For entering any final judgment, per folio, for the first folio, one dollar; for each additional folio, twenty-five cents.

For taking and approving any bond or undertaking, directed by law to be taken or approved by him, twenty-five cents.

For taking justification to a bond, fifty cents.

For swearing a jury, fifty cents.

For taking depositions, per folio, twenty-five cents.

For entering satisfaction of judgment, twenty-five cents.

For copy of judgment, order, docket, proceedings, or papers, in his office, for each folio, twenty-five cents.

For transcript of judgment, per folio, twenty-five cents.

For issuing commission to take testimony, one dollar.

For issuing supersedeas to an execution, twenty-five cents.

For making up and transmitting transcript and papers on an appeal, one dollar and fifty cents.

For issuing search warrants, one dollar.

For issuing an execution, twenty-five cents.

For celebrating marriage, and returning certificate thereof to the Recorder, five dollars.

For all service and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars.

For taking bail after commitment in criminal cases, one dollar.

For entering cause without process, one dollar.

For entering judgment by confession, and only on affidavit, as required in the District Court, three dollars.

For entering every motion, rule, order, verdict, or default, twenty-five cents.

SEC. 11. So much of this Act as relates to fees or compensation in the office of Clerk of District Court, Clerk of County Court, Clerk of Probate Court, County Recorder, County Auditor, Sheriff, and Coroner, shall take effect and be in force from and after the first Monday in March, one thousand eight hundred and sixty-four, and so much thereof as relates to fees or compensation in the office of Constable and Justice of the Peace, shall take effect and be in force from and after the first Monday in October, one thousand eight hundred and sixty-three.

To take  
effect.

SEC. 12. All Acts or parts of Acts in conflict or inconsistent with the provisions of this Act, so far as the same relate to the fees of the officers hereinbefore mentioned in the Counties of Shasta and Trinity, are hereby repealed; *provided*, that nothing in this Act shall be construed to change or modify the fees or compensation of any county or township officer in said counties during the legal term of the present incumbents.

Acts  
repealed.

Proviso.

CHAP. CCIX.—*An Act granting certain rights to the Central Pacific Railroad Company of California, and for other purposes.*

[Approved April 14, 1863.]

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

Right of  
way in the  
City of  
Sacramento  
granted.

SECTION 1. There is hereby granted to the Central Pacific Railroad Company of California, a corporation duly organized under and in pursuance of the laws of this State, their successors, and assigns, the right of way, and the right to construct, lay down, and operate, by steam power or otherwise, railway tracks within the limits of the City of Sacramento, and across and along certain streets of said city; but not upon or along any street east of Front and south of I street, and not upon or along any street east of Sixth street and south of the levee recently constructed, as now located in the northerly part of said city; and for that purpose, such railroad may enter the northerly or easterly portion of said city at such point as in the judgment of the officers of said company will be most convenient to the point where said railroad shall cross the American River; and said company are hereby authorized to lay the track of their said railroad upon the top of the levee recently constructed in the northerly portion of said city, also upon and along that part of said levee lying north or northeast of said city, hereby granting to said company the right of way for their said railroad upon and along all those streets and parts of streets, alleys and parts of alleys, lots and parts of lots, and public squares, upon which said levee is built, along the line of said levee, and hereby granting to said company the right to extend and lay their track, with necessary side tracks, turn outs, and switches, upon said levee, from the point where said railroad may intersect or connect with said levee, westerly, along, upon, or north of said levee to the intersection of Front and K streets; and if, in order to reach deep water, it shall become necessary to pile or fill out in the river at or above K street, the said company, their successors, and assigns, shall have the right to pile or fill out to deep water, and the corporate authorities of the City of Sacramento, or the City and County of Sacramento, shall, after demand made by said company, decide which method shall be adopted without unnecessary delay. Said decision shall be made by ordinance; and said corporate authorities may require said company to construct good and substantial wharves along the whole or any part of the extent of such piling or filling. Said company shall have the right to depart from said levee at any place or places where an abrupt or short turn in the line of said levee may render such departure necessary in order to obtain the proper curvature for their said line of railroad, with the right to construct and erect such machine shops, storehouses, car buildings, watering places, turn tables, and other buildings and erections necessary for the operation of their said railroad, upon any lots, streets, and alleys within the limits of said city lying north of said levee; and the further right and privilege is hereby granted to said company to

construct, lay down, and operate said railroad and a branch or branches on the north side of said levee, from the intersection of Sixth and E streets, or such other place in that vicinity as may be deemed most advisable by said company, in a westerly direction to Front street, near the water works building; and for the purpose aforesaid, there is hereby granted to said company, their successors, and assigns, the right of way on the north side of said levee, across, upon, over, and along any of such streets, parts of streets, and river front of said city, together with the use of said levee, within and north or northeast of said city; and there is hereby further granted to said company, their successors, and assigns, the water front along the Sacramento River, in front of said city, lying between the Sacramento River and a line running parallel to and eighty (80) feet westerly from the east side of Front street, from the north side of K street, northerly, hereby granting to said company the right and privilege of erecting and maintaining on and along said water front their railroad and such wharves, landings, storehouses, warehouses, stations, and other buildings and erections as may be necessary or convenient for the transaction and performance of the business of said railroad, reserving, however, the right to the City of Sacramento, and said right is hereby granted to said city, to collect wharfage, tonnage, and levee dues. The grant of said water front, except the right of way thereon, to said company is upon the condition, however, that said company shall construct and operate fifty miles of their said railroad, continuously, from said City of Sacramento, within five years from the passage of this Act; and in case of the failure of said company so to do, said water front shall revert to said city. There is further granted to said company the right of constructing and building one or more tracks, with all necessary side tracks, turn outs, switches, and turn tables along said line of railroad and water front.

Right of way and other rights granted to company.

SEC. 2. There is hereby further granted to said company, their successors, and assigns, the right of way, and the right to construct their said railroad over and upon, and the right to take earth and other materials from any and all tract or tracts of land, within or without the limits of said City of Sacramento, lying north of K street, which have been or may be appropriated or condemned for public use by the Board of Levee Commissioners for levee purposes, or to furnish materials for the construction of said levee, or to turn or straighten the channel of the American River, under the provisions of an Act entitled an Act concerning the construction and repair of levees in the County of Sacramento, and the mode of raising revenue therefor, approved April ninth, one thousand eight hundred and sixty-two.

Rights granted.

SEC. 3. There is hereby further granted to the said Central Pacific Railroad Company of California, their successors, and assigns, all that tract lying within the boundaries of said City of Sacramento, and commonly known as "Sutter Lake," or "The Slough," the same being fully and particularly described in the second section of an Act entitled an Act granting certain

Grant of Sutter Lake.

Swamp and Overflowed Lands to the City of Sacramento. approved March thirty-first, one thousand eight hundred and fifty-seven.

Duties of  
company as  
to levee, etc.

SEC. 4. The said railroad company shall, at all times, after using the said levee for railroad purposes as aforesaid, and while so using the same, keep in good repair and maintain at its present height such portion of said levee as may be used by said company for railroad purposes as aforesaid; and shall also make and keep in repair all necessary crossings over the said levee and railroad.

Conditions.

SEC. 5. The said Central Pacific Railroad Company of California shall so construct that portion of the track of said railroad along I and Front streets, between Sixth and K streets, that the track shall present a smooth and uniform surface, even with the top of the rails, so that vehicles may pass over and across the same without difficulty or obstruction; and a failure and refusal by said railroad company to comply with any of the above provisions, within a reasonable time after notice, shall be held and deemed a forfeiture of the right to use the said streets of said city, or any portion thereof, by said company for railroad purposes as aforesaid.

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

CHAP. CCX.—*An Act to authorize the Mechanics' Institute of the City of San Francisco to sell, mortgage, and convey Real Estate.*

[Approved April 14, 1863.]

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

Authority to  
sell, mort-  
gage, etc.

SECTION 1. The President and The Board of Directors of the Mechanics' Institute of the City of San Francisco, are hereby authorized and empowered to sell the real estate of said Institute, or borrow in the name of and for and in behalf of said Mechanics' Institute of the City of San Francisco, such sums of money as may be necessary to erect, repair, or complete any buildings to be owned, leased, and occupied by the said Institute; and in the name of and for and in behalf of said Institute, to execute any instruments in writing, or evidences of indebtedness, or mortgages, or deeds of trust, containing usual or necessary covenants requisite to obtain and secure the payment by said Institute of the money borrowed for the purposes aforesaid, and to bind the property of said Institute for the payment thereof. Such instruments in writing, or mortgages, or deeds of trust, shall only be made after a meeting of the stockholders in said Institute shall have been called by a notice to such stockholders by advertisement of at least two weeks, in every issue, in one or more of the daily newspapers published in the City and County of San Francisco, setting forth the time, place, and object of the meeting, and after the majority in value of such



stockholders at such meeting shall have authorized the said mortgage or deed to be made.

SEC. 2. The said Institute and its property shall be held bound by the act of said President and the Board of Directors, and by every instrument executed by said President and the Board of Directors; and in every deed, mortgage, or deed of trust, executed in pursuance of this Act, the recitals in such deed, or deeds of trust, or mortgages, of the notice, meeting, and approval of stockholders, shall be conclusive proof of the due publication of such notice, and of the due approval of said stockholders, and any deed, or deeds of trust, or mortgages, with recitals therein, executed by said President and the Board of Directors of said Institute, shall be effectual and conclusive against the said Institute, and all the members and stockholders thereof; and the receipt of said President and Board of Directors shall be a sufficient discharge to any party loaning money to said Institute from all obligation to see to the proper application of the money so loaned; *provided*, nothing in this Act shall affect any remedy of the stockholders against said President or Directors for an illegal act, or a misappropriation of moneys obtained under this Act.

Form of conveyance.

Proviso.

SEC. 3. Any mortgage, deed, or deeds of trust, executed under this Act, shall have like force and effect to bind the property of said Institute, as if executed by all the stockholders of said Institute.

SEC. 4. The property of said Mechanics' Institute of the City of San Francisco shall be exempt from taxation.

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

CHAP. CXXI.—*An Act to authorize J. Bidwell, J. C. Mandeville, and others, to construct a Wagon Road in the Counties of Butte and Plumas.*

[Approved April 14, 1863.]

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

SECTION 1. J. Bidwell, J. C. Mandeville, R. M. Cochran, E. B. Pord, John Guill, and their associates, are hereby authorized to construct and keep in repair a wagon road, commencing at the Town of Chico, in the County of Butte, and running thence, by the most direct and feasible route, across the Sierra Nevada Mountains, to the eastern boundary of the State of California, at or near Honey Lake Valley.

Franchise.

SEC. 2. Said grantees shall construct a good substantial road, for the passage of loaded teams, and shall keep the bridges, grades, and culverts, in good order.

Conditions.

SEC. 3. Said grantees shall have the right to erect and maintain one toll gate for each section of twenty-five miles of said road when constructed, and the right to levy and collect tolls thereat for all animals or vehicles travelling upon the line

Right to collect tolls.

of said road. The aggregate of tolls to be collected at each of the said toll gates for travelling over said road, not to exceed the following rates, to wit: for vehicles drawn by one animal, twenty-five cents; for vehicles drawn by two animals, fifty cents; and twelve and a half cents for each additional animal; horsemen, twelve and a half cents; pack animals, ten cents each; loose stock, five cents each; sheep and swine, two cents each; *provided*, however, that if the wagon road authorized by this Act shall intersect the route of the wagon road that is now or hereafter may be adopted by authority of the Board of Supervisors of Tehama County, for the location and construction of the wagon road authorized under an Act to provide for the construction of a wagon road by the Board of Supervisors of Tehama County, approved January twenty-seventh, eighteen hundred and sixty-three, then from the first point of such intersection to the eastern terminus of the road no toll gate shall be erected or tolls collected thereon. And such first point of intersection is hereby declared to be the eastern terminus of the road authorized by this Act, instead of the eastern boundary line of the State, at or near Honey Lake Valley; and, *provided*, further, that said Board of Supervisors of Tehama County shall have until the fifteenth day of May next to make choice of survey, and lay out the line of their proposed wagon road; and nothing in this Act shall be construed to prevent, or prohibit, or in any manner interfere with the action of the said Board of Supervisors of Tehama County in the location and construction of their said road; and, *provided*, further, that no toll shall be collected in any event by parties herein authorized, or any other company, east of a north and south line running through Butte Creek Valley, in Plumas County, and in no event on the line of the present wagon road running from Dogtown to Honey Lake Valley. And, *provided*, further, that should the parties herein named at any time after the first day of June, eighteen hundred and sixty-three, conclude to and construct an entire new road from Butte Valley to Honey Lake Valley, or any portion of said route, and the same not interfering in any manner with the road from Dogtown to Honey Lake Valley, or the road from Red Bluffs to Honey Lake Valley, which have been or may hereafter be constructed, then the parties herein named shall be authorized to collect tolls on the same.

Sec. 4. The rights and privileges hereby granted shall continue for the period of twenty years; *provided*, that said road shall be kept in good travelling order.

Sec. 5. This Act shall take effect and be in force from and after the date of its passage.

СНАР. ССХИ.—*An Act to incorporate the Town of San Luis Obispo.*

[Approved April 14, 1863.]

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

SECTION 1. The inhabitants of the Town of San Luis Obispo, <sup>Incorporation.</sup> County of San Luis Obispo, are hereby constituted a body corporate and politic, under the name and style of "The Town of San Luis Obispo," and by that name and style they and their successors shall be known in law, and have perpetual succession, and be invested with all the rights and privileges conferred by and be subject to all liabilities, restrictions, and provisions of an Act entitled an Act to provide for the incorporation of towns, approved April nineteenth, one thousand eight hundred and fifty-six, so far as the provisions of said Act may be consistent with the provisions of this Act.

SEC. 2. The boundaries of said town shall be as follows: <sup>Boundaries.</sup> Commencing at a point in the centre of the River of San Luis Obispo, one half a mile below the junction of the "Arroyo de la Huerta" with the same; thence at right angles with the course of said river, southerly, three quarters of a mile; thence at right angles, easterly, parallel with the said river, two and one half miles; thence at right angles, northerly, one and one half a mile; thence at right angles, westerly, parallel with said river, two and one half miles; thence in a straight line to the place of beginning.

SEC. 3. The corporate powers and duties of said town shall <sup>Trustees.</sup> be vested in a Board of Trustees, to consist of five members, who shall be elected by the qualified electors of said town on the first Monday of May in each year, and shall hold their offices for the term of one year, and until their successors are chosen and qualified.

SEC. 4. In addition to the Board of Trustees, the officers of <sup>Officers.</sup> the town shall consist of a Clerk, Marshal, Treasurer, and Assessor, and no other; and the Trustees shall appoint all of said officers.

SEC. 5. The compensation of the Board of Trustees shall be <sup>Pay of officers.</sup> one dollar per annum, each. The compensation of the Clerk, Marshal, Treasurer, and Assessor, shall be fixed by the Board of Trustees.

SEC. 6. The Board of Trustees of said town shall not have the power to contract any debt, nor shall any expense be incurred unless there is money in the Treasury to pay the same.

SEC. 7. The Board of Trustees shall have power to pass such <sup>Powers of Trustees.</sup> ordinances as they may deem necessary to prevent and remove nuisances; to license theatres, menageries, shows, and all exhibitions where money is charged for admission; to prevent and punish breaches of the peace and disorderly conduct; and to alter, keep open, grade, and repair, and lay out streets, alleys, and sidewalks, for the town; and to collect annually a tax on all the property in the town, not exceeding one eighth of one

per cent on the assessed value thereof; and to pass all ordinances necessary for the protection of the town against fire.

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

CHAP. CCXIII.—*An Act authorizing John W. Sharp and his associates to construct and maintain a Toll Road from the eastern bank of the Sacramento River, near Georgiana Slough, to the lower Stockton Road, near Benson's Ferry, in the City and County of Sacramento.*

[Approved April 14, 1863.]

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

Franchise.

SECTION 1. John W. Sharp and his associates are hereby authorized to construct and maintain a turnpike road, commencing at the eastern bank of the Sacramento River, at such point as they may determine upon, within two miles above Tyler's Slough, in said City and County of Sacramento, and running thence easterly to the lower Stockton road, at Benson's Ferry, or such other point, northerly, on said road as they may determine upon, not more than three miles from said ferry; and may also erect and maintain any bridge or bridges that may be necessary in crossing any slough or sloughs in constructing and using said road.

Rights and privileges extended.

SEC. 2. The same rights and privileges as are now extended by the laws of this State to plank and turnpike road companies, in relation to taking property for the use of plank or turnpike roads, are hereby extended to the said John W. Sharp and his associates, and the damages to be ascertained and paid in the same manner as provided in the Act of May twelfth, eighteen hundred and fifty-three, authorizing the formation of corporations for the construction of plank or turnpike roads.

Conditions.

SEC. 3. The said road shall be a good well raised turnpike road, of sufficient width for the convenient passage of the largest teams; and the bridge or bridges shall be strong, substantial, and not less than sixteen feet in width. The said road and bridge or bridges shall be kept in good condition for travel by the largest and heaviest loaded teams at all seasons of the year, excepting times of extraordinary overflows of the Sacramento and Mokelumne Rivers.

SEC. 4. Said road and bridge or bridges shall be completed within eighteen months from the time of the passage of this Act; and in case the same are not so completed within that time, this Act shall be void, and the franchise hereby granted, forfeited.

Tolls.

SEC. 5. When the said road and bridge or bridges are completed, the said grantees shall have the right to erect and maintain toll gates on said road, and charge and collect such tolls as the Board of Supervisors of the City and County of Sacramento may annually establish; *provided*, the rates of toll so established

Proviso.

shall be such as to yield to said grantees not less than twenty-five per cent per annum on the cost of said road and bridge or bridges, including necessary annual repairs.

SEC. 6. Said grantees shall keep at each end of said road a sign board, showing the prices and regulations of the road. Sign board

SEC. 7. The rights and privileges hereby granted shall continue for twenty years; *provided*, said road and bridge or bridges shall be kept in good condition for travel. Term of franchise.

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

CHAP. CCXIV.—*An Act concerning the Office of County Clerk in the County of Yolo.*

[Approved April 14, 1863.]

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

SECTION 1. The County Clerk of Yolo County, to be elected at the next general election for county officers in said county, and his successors in office, shall be ex officio Clerk of the District Court, Clerk of the Probate Court, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization of said county, County Recorder, and Auditor; and shall perform all the duties that are or may thereafter be required of him by law in connection with his said office, and the ex officio offices thereto attached, and shall receive therefor a salary at the rate of two thousand five hundred dollars per annum; which salary shall be in full for all services required of him as aforesaid, and the money for the payment of the same shall be collected and retained by said Clerk in the manner hereinafter provided. County Clerk. Duties. Salary.

SEC. 2. The County Clerk of said county shall collect and safely keep all fees, per centage, and compensation, of whatever kind or nature, allowed him by law for services rendered by him in his several official capacities, and upon the first Monday of each and every month, shall pay the same over to the County Treasurer of said county, less the amount of salary then due him by virtue of the provisions of this Act; *provided*, it shall not be required of said Clerk to collect any fees, per centage, or compensation, for services rendered in his several official capacities, in any suit, matter, or proceeding, wherein the County of Yolo may be chargeable for the same. Duties. Proviso.

SEC. 3. The County Clerk of Yolo County shall, at the times herein provided for paying over to the said County Treasurer, make out and file with the said Treasurer a full and accurate statement, under oath, of all fees, per centage, or compensation, of whatever nature or kind, received in his said several official capacities for the preceding month, in which statement he shall set forth the causes in which or the services for which it was received, and the party or sources from which derived; and shall charge himself therein for the amounts retained by him To make statement of receipts of office.

by virtue of the provisions of this Act, stating upon what account; and it shall be the duty of said Clerk to keep, in addition to the books now or heretofore required by law, a book in which shall be entered, by items, every kind or description of services performed by him, for whom and for what services performed, the time of rendering said service, and the amount allowed by law for each particular service, which book shall be open to inspection of every tax paying inhabitant of the county, or other person interested.

Neglect of  
duty.

Penalty.

SEC. 4. For a wilful neglect, or for a refusal to comply with the provisions of this Act, or any of them, said Clerk shall be subject to a fine not exceeding five thousand dollars, to forfeit his office, to imprisonment in the State Prison not less than one year nor more than five years, or to any one or more of said penalties, in the discretion of the Court; *provided*, that nothing in this section shall be held to release him from giving any bonds required by law, or from any civil responsibility to any and all persons in relation to the business of his office that may be by general laws applicable to his said several official duties.

Duty of  
Treasurer.

SEC. 5. It shall be the duty of the County Treasurer to receive and receipt for all moneys paid over to him under the provisions of this Act, and place the same to the credit of the School Fund of the county, to be accounted for and disbursed in the same manner as other moneys belonging to said Fund.

SEC. 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they relate to the office of County Clerk of Yolo County, and the ex officio offices thereto attached in said county.

CHAP. CCXV.—*An Act concerning Street Railroads in this State.*

[Approved April 14, 1863.]

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

Penalty for  
overcharges.

SECTION 1. Any person, or persons, association, joint stock company, or corporation, now owning, using, or employing, or which may hereafter own, use, or employ, any street railroad in the carrying of passengers in this State, who shall, in person, or by agents, servants, or employes, demand or receive from any person being conveyed, or demanding to be conveyed, as a passenger, on any omnibus, car, or vehicle, employed or used on such street railroad for the conveyance of passengers, or who shall, in person, or by agents, servants, or employes, demand or receive from any person, for the sale of any omnibus or car ticket, check, or pass, to be used in payment of fare on any such railroad, as fare or compensation for such passage, conveyance, ticket, check, or pass, a sum of money greater than is or may be allowed by the terms of the Act, charter, or ordinance, giving to such person or persons, association, joint stock company, or corporation, the right to lay down and maintain such street railroad, or if such

Act, charter, or ordinance shall have been amended, than which may be allowed by such Act or ordinance amendatory thereof, shall forfeit to the person from whom such demand shall be made, or such money shall be received, for himself, as well as for the State of California, for every such demand or receipt, the sum of two hundred dollars, to be recovered in a civil action in any Justice's Court in the county, or city and county, in which such street railroad is situated; and it is further provided, that it shall be the duty of any person, or persons, corporation, joint stock company, or association, employing or running any street railroad in this State, to provide and furnish at all times the Conductor of each passenger car employed on such railroad with passenger tickets or checks, each to be good for one ride, in sufficient quantities for the accommodation of the public, and shall cause such Conductor to furnish the same to any person desiring to buy such tickets or checks, at all times, upon request; and any such person or persons, corporation, joint stock company, or association, failing to so provide tickets or refusing, by their Conductors, to furnish any person demanding the same with such tickets at the rate provided by law, shall be subject to the forfeitures hereinbefore provided in cases of overcharges for tickets, to be enforced in the same manner, and subject to the same rules.

Penalty for failure to furnish tickets.

SEC. 2. Such action shall be commenced and maintained by the person from whom such sum of money has been demanded or received, in his or her own behalf, as well as on the part and behalf of the State; and upon recovery and collection thereof, one half of the sum collected in such suit shall be, by the Justice in whose Court said suit is pending, or judgment rendered, paid to the person so bringing such suit, and one half to the County Treasurer of the county, or city and county, for the State.

Collection of penalties.

SEC. 3. Upon the trial of said action, proof that the person demanding or receiving such sum of money as fare, or for the sale of such ticket, pass, or check, was at the time of making such demand, or receiving such moneys, engaged on or at such car, omnibus, or vehicle of such railroad belonging to such person, or persons, associations, joint stock company, or corporation, shall be deemed prima facie evidence that such person so demanding or receiving such moneys was the agent, servant, and employé of the person, or persons, associations, joint stock company, or corporation so owning, using, or employing such railroad.

Trial.

SEC. 4. The person so suing under the provisions of this Act shall be deemed a competent witness in such suit, any statute or law to the contrary notwithstanding.

Evidence.

SEC. 5. Such suit shall be instituted within thirty days from and after said cause of action shall have accrued, and not afterwards.

Commence-  
ment of suit.

SEC. 6. Any person acting as Conductor upon any railroad, or agent for any railroad company, who shall violate any of the provisions of this Act, shall be deemed and held guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a

Duty of Conductors.

fine not exceeding two hundred dollars, and imprisonment in the County Jail for a term not exceeding six months, as the Court may direct.

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

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

CHAP. CCXVI.—*An Act concerning the School Fund of the State of California.*

[Approved April 14, 1863.]

Preamble.

WHEREAS, Under authority of an Act, approved May third, eighteen hundred and fifty-two, to provide for the disposal of the five hundred thousand acres of land granted to this State by an Act of Congress, passed April fourth, eighteen hundred and forty-one, there was received into the Treasury, anterior to May first, eighteen hundred and fifty-eight, the sum of four hundred and seventy-five thousand five hundred and twenty dollars, for the sale of a portion of said lands; and,

WHEREAS, In said Act, approved May third, eighteen hundred and fifty-two, it was made the duty of the State Treasurer to convert all moneys and other evidences of value therein named received for the sale of said lands, "into bonds of the Civil Funded Debt of the State, bearing seven per cent interest per annum, and to keep such bonds as a special deposit in his custody, marked 'School Fund,' to the credit of said School Fund;" and.

WHEREAS, Said provision of said Act, approved May third, eighteen hundred and fifty-two, has never been complied with, all receipts for the sale of said lands, anterior to the first day of May, eighteen hundred and fifty-eight, having been placed in the General Fund, and no conversion of such receipts into seven per cent bonds for the School Fund having ever been made;

Now, therefore, in order to carry into effect the true and just intent of said Act of May third, eighteen hundred and fifty-two, and to place the School Fund of this State in its proper condition:

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

Bonds to be redeemed for benefit of School Fund.

SECTION 1. Whenever bonds of this State, issued under authority of an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eighth, eighteen hundred and fifty-seven, or issued under an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April thirtieth, eighteen hundred and



sixty, shall be redeemed under the provisions of said Acts, such bonds, to such amount as shall thus be redeemed, with the sum of four hundred and seventy-five thousand five hundred and twenty dollars, shall not be cancelled, but shall be kept as a special deposit in the custody of the Treasurer, marked "School Fund," in the same manner and for the same purpose as are the bonds directly purchased for said School Fund.

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

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CHAP. CCXVII.—*An Act concerning Official Publications for the County of Yolo.*

[Approved April 14, 1863.]

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

SECTION 1. The Sheriff, the Board of Supervisors, County Clerk, and all other and each of the county and township officers of the County of Yolo, are hereby authorized and empowered, in all cases where official publications are required to be made by such officers, to make such publication in some newspaper printed and published in said Yolo County, or some newspaper printed and published in the City of Sacramento, at the option of the officer required by law to have such publication made. Where to be made.

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

SEC. 3. This Act shall take effect immediately.

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CHAP. CCXVIII.—*An Act to authorize the Board of Supervisors of Humboldt County to levy a Special Tax.*

[Approved April 14, 1863.]

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

SECTION 1. The Board of Supervisors of the County of Humboldt, as soon as may be after the passage of this Act, whether at a regular or special meeting, are hereby authorized and empowered to levy and assess, in addition to taxes now authorized by law, for the year eighteen hundred and sixty-three, upon the taxable property in said county, a tax, not exceeding fifty cents upon each one hundred dollars of property; and the Treasurer of said county shall set apart the money collected by said tax, and the same shall constitute a Fund, to be called the "Bounty Fund," to be applied as hereinafter mentioned. Supervisors authorized.

**Collection.** SEC. 2. The tax to be levied and assessed under the provisions of this Act, shall be collected and paid over to the County Treasurer at the same time and in the same manner as other taxes for State and county purposes are collected and paid over; *provided*, no officer shall be entitled to charge or receive any fees or compensation for any services to be performed in assessing, collecting, safe keeping, or disbursing the tax provided in this Act.

**Application of money.** SEC. 3. The money arising under the provisions of this Act shall be applied solely to the payment of a bounty, to be paid out by order of the Board of Supervisors of said county, to the volunteers called out by Proclamation of the Governor, under date of February seventh, A. D. eighteen hundred and sixty-three, for special service against the Indians in the Humboldt District in this State; *provided*, that said bounty shall only be paid to the enlisted men, and such only as are enrolled and mustered into said service from the County of Humboldt: that is to say, that enlisted men belonging to companies A and B, First Battalion, California Mountaineers; and, *provided*, further, that said bounty shall not exceed the sum of twenty-five dollars to each of said enlisted volunteers. Before any such volunteer shall receive such bounty, he shall produce to the Board of Supervisors a certificate from the officer commanding the company to which he may belong, setting forth the facts entitling him to the same.

**Proviso.**

SEC. 4. Any money that may remain in said Fund after paying the bounties herein provided, shall be transferred to the General Fund of the County of Humboldt.

SEC. 5. This Act shall take effect immediately on its passage.

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CHAP. CCXIX.—*An Act to change the name of William Henry English.*

[Approved April 14, 1863.]

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

**Name changed.**

SECTION 1. The name of William Henry English, adopted son of E. B. Goddard and Fanny Goddard, of Oakland, in Alameda County, is hereby changed to Henry Kirk Goddard.

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

CHAP. CCXX.—*An Act to repeal an Act entitled an Act fixing the compensation of the County Auditor of Tulare County, approved April nineteenth, eighteen hundred and sixty-two.*

[Approved April 14, 1863.]

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

SECTION 1. An Act entitled an Act fixing the compensation of the County Auditor of Tulare County, approved April nineteenth, eighteen hundred and sixty-two, is hereby repealed. Act repealed

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

CHAP. CCXXI.—*An Act making an appropriation for the payment of the Expenses growing out of the Indictment and Trial of Horace Smith.*

[Approved April 14, 1863.]

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

SECTION 1. The sum of two thousand two hundred and twenty-five dollars and fifteen cents (\$2,225 15) is hereby appropriated, out of any money in the General Fund in the State Treasury not otherwise appropriated, to pay the expenses growing out of the indictment and trial of Horace Smith. Appropriation.

SEC. 2. The said sum of two thousand two hundred and twenty-five dollars and fifteen cents (\$2,225 15) is hereby appropriated to the persons and parties in the several sums as follows: James S. Bovee, sixty dollars and fifty cents (\$60 50); Julius Stich, fifty-nine dollars and fifty cents (\$59 50); Edwin R. Row, fifty-nine dollars and fifty cents (\$59 50); Jasper Smith, fifty-seven dollars (\$57); J. M. McNulty, fifty-six dollars (\$56); T. O. Lewis, fifty-nine dollars and seventy-five cents (\$59 75); Charles Doane, one hundred and ninety-one dollars and eighty cents (\$191 80); Placer County, five hundred and thirteen dollars (\$513); L. L. Bullock, eleven hundred and eighteen dollars and ten cents (\$1,118 10); and E. W. Hillyer, fifty dollars (\$50). To certain parties.

SEC. 3. The Controller of State is hereby authorized and required to draw his warrant on the Treasurer of State for each of said several sums; and for the said sum appropriated to Placer County, the warrant shall be drawn payable to the Treasurer of said county.

CHAP. CCXXII.—*An Act to appropriate money for the purpose of aiding in the Construction of the Monument to the late Honorable David C. Broderick.*

[Approved April 14, 1863.]

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

Appropriation.

SECTION 1. The sum of five thousand dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, to aid in completing the construction of the monument erecting to the memory of the late Honorable David C. Broderick, in Lone Mountain Cemetery, in the City of San Francisco; and the Controller of State is hereby authorized and directed to draw his warrant in favor of William McKibben, President of the Broderick Monument Executive Fund, for the said sum of five thousand dollars, two thousand dollars thereof on the passage of this Act, and three thousand dollars in one year from and after the passage of this Act.

SEC. 2. This Act shall take effect immediately.

CHAP. CCXXIII.—*An Act to repeal an Act entitled an Act to make County Warrants receivable in payment of taxes in Tulare County.*

[Approved April 14, 1863.]

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

Act repealed

SECTION 1. An Act entitled an Act to make county warrants receivable in payment of taxes in Tulare County, approved April twenty-fourth, eighteen hundred and sixty-two, is hereby repealed.

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

CHAP. CCXXIV.—*An Act to authorize and require the County Superintendent of Common Schools of Solano County to apportion money to Rio Vista School District, in said county.*

[Approved April 14, 1863.]

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

Duty of Superintendent.

SECTION 1. The County Superintendent of Common Schools of Solano County is hereby authorized and required to apportion to the Rio Vista School District its full proportion of the Public School money for the school year ending October first,

eighteen hundred and sixty-three, the same as though the said Rio Vista School District had maintained a school during the year ending October first, eighteen hundred and sixty-two, as required by law.

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

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CHAP. CCXXV.—*An Act to authorize the transfer of Moneys in the Treasury of the County of San Joaquin.*

[Approved April 14, 1863.]

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

SECTION 1. The Board of Supervisors of San Joaquin County are hereby authorized and empowered, if in their discretion they deem proper so to do, to transfer any and all moneys at present in the Treasury of said county to the credit of the Road Debt Tax Fund, to the Road and Bridge Fund of said county. Transfer authorized

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

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

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CHAP. CCXXVI.—*An Act to appropriate money to pay the claim of F. F. Fargo.*

[Approved April 14, 1863.]

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

SECTION 1. The sum of seventeen hundred eighty-six dollars and forty-five cents is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to pay the claim of F. F. Fargo, Clerk of the Supreme Court, for services in cases in which the State was a party; and the Controller of State is hereby authorized and directed to draw his warrant on the Treasurer in favor of said F. F. Fargo, for the sum above appropriated, and the Treasurer is authorized to pay the same. Appropriation.

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

CHAP. CCXXVII.—*An Act to authorize the Board of Supervisors in and for the County of Amador to levy an additional Tax for county expenditures in said county.*

[Approved April 14, 1863.]

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

Supervisors  
authorized.

SECTION 1. The Board of Supervisors of Amador County are hereby authorized and requested to levy and cause to be collected, for the year A. D. eighteen hundred and sixty-three, a tax of forty cents on each one hundred dollars of taxable property of said county, for general county purposes, in addition to the tax now authorized by law to be levied and collected in said county for county expenditures, and the income derived from the provisions of this Act shall be expended as other moneys in the General Fund of said county.

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

CHAP. CCXXVIII.—*An Act to authorize the Board of Supervisors of Placer County to purchase or construct a County Hospital.*

[Approved April 14, 1863.]

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

Appropriation  
authorized.

SECTION 1. The Board of Supervisors of Placer County are authorized and empowered to appropriate from the General Fund any sum not exceeding five thousand dollars, for the purchase or construction of a County Hospital for the use of the indigent sick of said county.

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

CHAP. CCXXIX.—*An Act to authorize Rafaela Rodriguez de Villa, parent and Guardian of Antonio Villa, a minor, to sell the real estate of said minor at private sale.*

[Approved April 14, 1863.]

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

Authority to  
sell granted.

SECTION 1. Rafaela Rodriguez de Villa, the parent and Guardian of Antonio Villa, a minor, is hereby authorized and empowered to sell, at private sale, and to convey by good and sufficient deed of conveyance, the real estate of said minor, situated in the County of San Luis Obispo; *provided*, that said Guardian

shall, before making said sale, enter into such bonds as may be required of her by the Probate Court of said county of San Luis Obispo; and, *provided*, also, that said sale shall be duly approved by the Judge of the Probate Court of said county.

SEC. 2. This Act shall take effect immediately.

CHAP. CCXXX.—*An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts ancillary thereof.*

[Approved April 14, 1863.]

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

SECTION 1. Section one hundred and thirty-six of said Act is amended so as to read as follows:

Section 136. Whenever the defendant shall have appeared in the action, he may, upon reasonable notice to the plaintiff, apply to the Court in which the action is pending, or to the Judge thereof, or to a County Judge, for an order to discharge the attachment wholly or in part, and upon the execution of the undertaking mentioned in the next section, such order may be granted, releasing from the operation of the attachment any or all of the property attached, and all of the property so released, and all of the proceeds of the sales thereof, be delivered to the defendant, upon the justification of the sureties on the undertaking, if required by the plaintiff.

Application  
to discharge  
attachment.

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

Section 137. Before the granting of such order, the Court or Judge shall require an undertaking, executed by the defendant and at least two sureties, residents and freeholders or householders in the county, to the effect that, in case plaintiff recover judgment in the action, defendant will, on demand, re-deliver such attached property so released, to the proper officer, to be applied to the payment of the judgment, and that in default thereof defendant and sureties will, on demand, pay to plaintiff the full value of the property released. The Court or Judge granting such release may fix the sum for which the undertaking shall be executed, and if necessary in fixing such sum to know the value of the property released, the same may be appraised by three disinterested persons, to be appointed for that purpose. The sureties may be required to justify before the Court or Judge, and the property attached shall not be released from the attachment without their justification, if the same be required.

Bonds to be  
given by  
defendant  
upon dis-  
charge of  
attachment.

CHAP. CCXXXI.—*An Act to provide for furnishing the County Officers of Amador County with the Statutes of the State of California, and the Supreme Court Reports.*

[Approved April 14, 1863.]

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

Secretary of State to furnish Statutes and Supreme Court Reports.

SECTION 1. The Secretary of State is hereby authorized and empowered to procure and furnish to the following named officers of Amador County, one copy, each, of the Statutes of the State of California, to wit: to the County Judge, County Clerk, Sheriff, District Attorney, Recorder, Treasurer, Public Administrator, County Surveyor, and Coroner.

SEC. 2. The said Secretary shall also procure and furnish to the County Judge, County Clerk, and District Attorney of Amador County, one set, each, of the Supreme Court Reports of said State; *provided*, that no copies shall be supplied by the Secretary of State to either of the officers named in section first who shall have in their possession duplicates which were not destroyed, and which now belong to the county.

SEC. 3. The Secretary of State shall not supply to either the County Judge, the County Clerk, or the District Attorney, any copies of the above named Supreme Court Reports where duplicates belong to the officers above named.

Officers to forward affidavits, etc.

SEC. 4. And each of the officers named in this Act shall forward an affidavit, properly attested before a Notary Public, to the Secretary of State, testifying that all the books required by this Act for the use of his office were destroyed, and that no duplicates remain; or if any such remain, only the copies destroyed shall be supplied, provided they are now in possession of the State.

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

CHAP. CCXXXII.—*An Act concerning the office of District Assessor in the County of Yolo.*

[Approved April 14, 1863.]

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

Compensation of Assessor.

SECTION 1. Each District or County Assessor in the County of Yolo shall keep a daily account of the number of days he shall be actually employed in the discharge of his official duties, and shall present the same, after he shall have completed his official duties for the year, to the Board of Supervisors, at the time that they meet as a Board of Equalization; and for the purpose of auditing said account, the Board shall act as a Board of Supervisors; which account shall be verified before the Clerk of the



Board, and the Assessor shall be required to answer all questions under oath which may be propounded by the District Attorney or Board of Supervisors; and it shall be the duty of the Board to allow such Assessor a just and reasonable compensation for his services, not exceeding eight dollars per day; but in case it shall appear to the satisfaction of the Board, from such examination of the Assessor, and on inspection of the assessment roll, and other official acts, that he has been negligent in the discharge of his duties, or has made an excessive or improper charge against the county, to reduce his account to whatever amount they may deem just.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act, so far as the same relate to the County of Yolo, are hereby repealed.

SEC. 3. This Act shall take effect immediately.

CHAP. CCXXXIII.—*An Act to ratify and confirm a certain Indenture of Extension, and renewal of a certain Indenture of Lease, to Edward Minturn.*

[Approved April 14, 1863.]

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

SECTION 1. That certain indenture or instrument of writing, made and bearing date on the ninth day of March, eighteen hundred and sixty-three, between the City and County of San Francisco, by Dominick Gavin, G. W. Bell, and Giles H. Gray, the Judiciary Committee of the Board of Supervisors of said city and county, thereto duly authorized by said Board, and John Middleton, William Hooper, and William M. Tent, Charles M. Hitchcock, and Samuel Knight, Commissioners of the Funded Debt of said city, parties of the first part, and Edward Minturn, party of the second part, renewing and extending to said Edward Minturn, for the term and period of ten years from and after the twenty-second day of May, A. D. eighteen hundred and sixty-three, a certain indenture of lease, made on the thirteenth day of May, A. D. eighteen hundred and fifty-one, by the Commissioners of the Sinking Fund of the City of San Francisco, State of California, to James S. Graham and Garret W. Ryckman, and their assigns, for the period of twelve years from the date of said indenture of lease, that certain lot or gore of land situated in said city, and bounded by Markot, Front, and Pine streets, which said indenture of lease is of record in the County Recorder's office of the City and County of San Francisco, in Liber One of leases, at page three hundred and sixty-one, is hereby ratified and confirmed, and the same shall be deemed and construed by all the Courts of this State to be valid and effectual to renew and extend to said Edward Minturn the said indenture of lease of said lot of land for the term and period

Indenture confirmed.

and upon the conditions expressed in said indenture of extension and renewal.

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

CHAP. CCXXXIV.—*An Act to amend an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March twentieth, eighteen hundred and fifty-five.*

[Approved April 14, 1863.]

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

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

Section 18. Each member of the Board of Supervisors shall be entitled to receive for his service for each day's necessary attendance on the business of the county, a sum to be fixed by the Board, not exceeding four dollars per day, and not to exceed in the aggregate during any one year one hundred and fifty dollars, and he shall receive twenty-five cents per mile for each mile necessarily travelled in going to and returning from the county seat; *provided*, that no charge shall be made for more than one trip going from and returning to the residence of such Supervisor at each term held; and, *provided*, that no Supervisor shall be allowed more than one day's per diem for any one day by reason of his being on the committees appointed by the Board, or for any other cause, and no further allowance whatever shall be made for services as a member of the Board; *provided*, further, that in the Counties of Calaveras, Colusa, Nevada, Placer, Sutter, El Dorado, and Tuolumne, a greater per diem may be paid, not exceeding eight dollars, and in these last named counties the aggregate of per diem during any one year shall not exceed five hundred dollars to each member of the Board; *provided*, further, that in the County of Mariposa the per diem shall not exceed six dollars, and in the aggregate not to exceed three hundred and fifty dollars to each member for any one year; and, *provided*, further, that in the Counties of Klamath, San Joaquin, Shasta, Sierra, Siskiyou, Butte, Plumas, Yuba, and Trinity, the per diem shall not exceed six dollars, and in the aggregate not to exceed two hundred and fifty dollars; and, *provided*, further, that in the County of Sacramento the per diem to be paid to the Supervisors for their services shall be six dollars to each, but the aggregate of per diem as aforesaid shall not exceed eight hundred dollars for any one year to each Supervisor.

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

CHAP. CCXXXV.—*An Act concerning Roads and Highways in Colusa County.*

[Approved April 14, 1863.]

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

SECTION 1. The provisions of an Act entitled an Act concerning roads and highways in certain counties of this State, approved May fourteenth, eighteen hundred and sixty-one, are hereby extended and made applicable to the County of Colusa. <sup>Act applicable.</sup>

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

CHAP. CCXXXVI.—*An Act to grant the right to construct a Turnpike Road from the Town of Sutter Creek to Volcano, in the County of Amador.*

[Approved April 14, 1863.]

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

SECTION 1. A. Hayward, James Tullock, R. C. Downs, E. B. Woolby, C. C. Belding, S. Hanford, John Keyes, F. Richling, together with such associates as they may admit, and their heirs and assigns, shall take, have, and enjoy, all the rights, privileges, right of way, franchises, and immunities, as herein-after mentioned, upon condition that they and their associates shall incorporate themselves under the general law of the State regulating corporations, and providing for the incorporation of plank and turnpike road companies, and shall abide by and fulfil the further conditions hereinafter mentioned. <sup>Grantees.</sup>

SEC. 2. The said company shall have full power to build and maintain a public turnpike road, commencing at the Town of Sutter Creek, and running from thence along the route surveyed by Hanford, in February, A. D. eighteen hundred and sixty-three, or as near thereto as may be practicable, to Volcano, in said county, and enjoy all the rights, privileges, and immunities thereunto appertaining, and shall have the right of way, which is hereby granted and ceded to said company, for the term of twenty years, and the State enters into these covenants, and grants these rights and privileges upon the express condition, that within one year said company shall commence, and within two years complete, said turnpike road, from and after the passage of this Act; *provided*, that said turnpike shall not interfere with or obstruct any public road or roads now in use. <sup>Powers.</sup>

SEC. 3. The laws of this State providing for the incorporation of plank and turnpike road companies, are hereby extended to and made applicable to said Sutter Creek and Volcano. <sup>Laws made applicable.</sup>

Turnpike Road Company, when not in conflict with the provisions of this Act.

**Conditions.** SEC. 4. The said turnpike shall be constructed of sufficient width to admit of the passage of the largest sized teams, and the said road shall be kept at all seasons of the year in good condition for travel for the largest and heaviest teams.

**Tolls.** SEC. 5. The said company, upon the completion of said turnpike road, shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of Amador County may annually fix; *provided*, the rates of toll shall not be placed so low as to net less than fifteen per cent per annum upon the cost of the construction of said road, over and above the expense of keeping the same in repair, and collecting the tolls thereon.

**Scale of prices.** SEC. 6. The said company shall keep at each end of said road a sign board, which shall show the scale of prices and regulations of said road.

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

CHAP. CCXXXVII.—*An Act to authorize the Board of Supervisors of the County of Stanislaus to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto.*

[Approved April 17, 1863.]

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

**Election.** SECTION 1. It shall be the duty of the Board of Supervisors of the County of Stanislaus, if they shall deem it expedient, to order a special election to be held in said county, at the several places for holding elections therein, on or before the twelfth day of May, eighteen hundred and sixty-three, for the purpose of submitting to the qualified electors of said county the proposition for said Board of Supervisors to take and subscribe twenty-five thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, by which a railroad communication shall be formed between Stockton and Copperopolis.

**Ballots.** SEC. 2. It shall be the duty of the said Board of Supervisors to cause notice of at least twenty days to be published in one or more newspapers printed and published in the said county, or in an adjoining county, stating the proposition to be submitted to the said electors, and the time and manner of voting thereon. It shall be the further duty of said Board of Supervisors to cause ballots to be prepared, with the words "Subscription of twenty-five thousand dollars to the Stockton and Copperopolis Railroad Company," printed thereon. Every ballot in favor of said proposition shall have the word "Yes," written or printed thereon, and every ballot against said proposition shall have the word "No," written or printed thereon. Said

election shall be conducted in the same manner as other elections for county officers, and sealed returns shall be made of the vote cast on said proposition within five days after the said election, and in the same manner as provided for in the case of the election of the county officers, to the Clerk of said County, of the number of voters voting "Yes," and the number voting "No," which returns shall be, on said fifth day, or on the sixth day following the day of said election, opened and counted in the same manner as the returns of the votes for county officers; and when so opened and counted, the result thereof shall be declared officially by the said Board of Supervisors, who shall, at the time proscribed for the opening and counting of the returns of said election, meet as a Board for that purpose, and for perfecting the subscription of stock, as hereinafter provided.

Returns of election.

SEC. 3. If, at said election, a greater number of the electors of said county voting upon said proposition shall vote "Yes," than shall vote "No," then, and in that event, is the Board of Supervisors of said county, in the name of said county, hereby authorized, empowered, and directed, immediately after the result of said election is so officially declared, to take and subscribe, for the use, benefit, and advantage of said county, to the capital stock of the Stockton and Copperopolis Railroad Company, a corporation duly organized under the laws of this State, on the eighth day of January, A. D. one thousand eight hundred and sixty-three, for the purpose mentioned in section one of this Act, stock to the amount of twenty-five thousand dollars, and therefor to pledge the faith of said county for the payment of the same, in the manner hereinafter provided.

Subscription

SEC. 4. The said subscription shall be made by a committee of two members of said Board of Supervisors, to be appointed by an order of said Board for that purpose, and who shall perform that duty immediately thereafter.

SEC. 5. The said subscription shall be made, and so received, conditioned to be paid in the bonds of said county, issued as hereinafter directed, and not otherwise; and for such subscription said bonds shall be received at par, dollar for dollar.

SEC. 6. The said Board of Supervisors of said county, from time to time, as the payment of said subscription to such capital so subscribed shall be required to be made by the Board of Directors of said railroad company, not exceeding at any one time, however, an instalment of ten per cent upon the amount of said subscription, in the same manner and upon the same terms as other stockholders, shall, by order, direct the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, who, for that purpose, in addition to their other duties as such officers, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Loan Commissioners" of said county, as such Loan Commissioners, to issue bonds in the sums of two hundred and fifty, five hundred, and one thousand dollars, for such amount of such subscription to said capital stock as said Board of Supervisors may direct. Said bonds shall draw interest at the rate of eight per cent per annum from the date of their issue, and the principal thereof shall be made payable on a specified day, to be named in the bonds, which shall be fifteen years after the date of their issue,

Issuance of bonds.

Interest.

Signatures to  
bonds, etc.

at the office of the Treasurer of said county; the interest accruing on said bonds shall be due and payable semi-annually, so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day, to be named in the coupons, at said Treasurer's office, as before provided for the payment of the principal of said bonds. Said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, as such officers and ex officio Loan Commissioners, and when so signed, shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same, as such Clerk, in the presence of a quorum of such Board, at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by such Clerk; and upon the countersigning of said bonds, it shall be the duty of said Board of Supervisors to cause the seal of said county to be affixed to each bond, and appoint a committee of two of their number to deliver said bond to the said railroad company to whom the same shall be issued; and it shall be the duty of such committee to take a receipt from the Secretary of said railroad company for the bonds so delivered by them, setting forth the number, dates, and amounts of the bonds so delivered, and report the same to the Board of Supervisors.

Coupons.

SEC. 7. Coupons for the interest shall be attached to each bond, so that the coupons may be removed without mutilation to the bond; said coupons shall be signed by the said Loan Commissioners. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, and deliver the same to the Clerk of said county, taking his receipt therefor, whose duty it shall be to write the word "cancelled" across said coupons, and file the same in his office, and make a report thereof at the next meeting of the Board of Supervisors.

Moneys to be  
expended in  
the county.

SEC. 8. The bonds issued from time to time in payment of such stock subscription by virtue of the provisions of this Act, and at least an equal amount of any other funds that may be obtained by said company from other stockholders, or otherwise, or that may be furnished and supplied by the contractors who are or may be engaged in the construction of said road for said company, shall be expended from time to time, as the said bonds are required to be issued, in the actual construction of that portion of said company's road situated in the said County of Stanislaus, to the extent and amount of the graduation and full preparation of said road for the superstruction thereof; and thereafter the said company may lay out and expend any balance or overplus of said bonds, if any there should be after the graduation of said road in said county, as before stipulated, on any portion of said road that they, the said company, may see proper, so that the same is applied in the construction and completion of said road. It shall be the duty of the Secretary and Chief Engineer of said company, from time to time, as the said bonds are required to be issued, to make reports, under oath, in writing, and lay the same before the said Board of Supervisors,

of the progress of the work, and the amount thereof done and performed, as near as the same can be ascertained, on said road, and in each county through which the same is or shall be located. And if, after the issuance of such bonds in payment of the first instalment of ten per cent on such subscription, there should be at any time any failure or refusal in the expenditure of said bonds, with the other funds, in the mode and manner provided by this section, in the construction of said road, then and in that event the said Board of Supervisors may, at their option, withhold any further payment on such subscription, and shall not thereafter be liable for any future calls for assessments thereon; and if so declared by said Board of Supervisors, the said subscription shall be held void and of no effect, and the said company shall be liable to said county for any amounts that may have been previously paid on such subscription at the time of such failure or refusal, recoverable at law in any Court having jurisdiction.

SEC. 9. It shall be the duty of the said Board of Supervisors, Interest tax. previous to the making out and delivery of the original assessment roll, as corrected by the Board of Equalization, to the Tax Collector of the county, in each year, to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued hereunder; and previous to the making out and delivery of said roll of said county in the year A. D. eighteen hundred and sixty-three, and for every year thereafter until the said bonds issued under this Act shall be paid and liquidated, the said Board shall, should it be necessary, levy a tax, not exceeding ten cents on the one hundred dollars worth of taxable property of said county, for the purpose of raising a Fund for the liquidation of said bonds, which shall be styled a "Loan Fund." Loan Fund. The said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected shall be paid in to the County Treasurer, who shall account for and deliver the same over to the said Loan Commissioners, to be by them applied as follows:

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

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

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

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

for the payment of said interest and the protection of the faith of said county.

**Surplus in Loan Fund.** SEC. 12. Whenever, at any time, there shall be in said Loan Fund a sum of money amounting to two thousand dollars or upwards, the said Commissioners shall advertise in a public newspaper published in said county, or in an adjoining county, for the space of four weeks, for sealed proposals for the redemption of said bonds, and ten days from the expiration of the time for such publication, the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Loan Fund then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and, *provided*, should there be no proposals made for less than par value, then the payment of said Loan Fund on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give four weeks notice of the number of bonds to be paid, after which time such bonds shall cease to draw interest; and, *provided*, whenever there may be sufficient moneys in said Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of said Commissioners to advertise in like manner for the space of four weeks for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw interest. Any moneys remaining in said Loan Fund after the redemption of said bonds, shall be, by the said Commissioners, paid over to the County Treasurer, to be by him held subject to the order of said Board of Supervisors.

**Proviso.**

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

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

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

**Compensation.**

**Proviso.**



are executed, and to be approved by said Board of Supervisors, and filed in the office of the County Clerk.

SEC. 16. The said Board of Supervisors shall have authority <sup>Powers of Supervisors</sup> to authorize a committee of any one or more of their number, or any other person, to cast all votes representing the capital stock so subscribed by them, and they shall, by order made for that purpose, have full power to sell, transfer, and assign the said capital stock, or any part thereof, so taken by them under the provisions of this Act, whenever, on submission to the qualified voters of said county, at any county or general election, of a proposition to sell the same, a majority of the votes cast thereat shall approve such sale.

SEC. 17. The Board of Supervisors shall have all the rights <sup>Surplus.</sup> and powers appertaining to any other subscriber to such capital stock, and shall receive all the dividends, issues, and profits arising from such subscription to said capital stock, and shall set apart and transfer the same, together with the taxes that may be paid by said company to said county from time to time, to the said Loan Fund, to be applied by the said Loan Commissioners to the payment of the interest on the bonds issued as herein provided, and the redemption of the principal thereof, in the manner provided by section twelve of this Act; and after the full payment of said bonds, and the interest on the same, the said dividends, issues, and profits arising from such stock subscription, shall be applied as follows: one third part thereof to the School Fund of said county, and the remaining two thirds to the General Fund.

SEC. 18. The subscription of stock authorized by virtue of <sup>Conditions of subscription.</sup> the provisions of this Act shall be made by said Board of Supervisors on the books of said company upon the express condition that the said county shall not be liable for any of the debts or liabilities of said company beyond the amount so subscribed; and this provision as to the liability of said county shall be a part of and expressly stipulated in all contracts made by said company for the construction and equipment of said road; and in case said company shall fail or refuse to make such stipulation in all their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover from said company any previous payments that may have been made thereon at the time of such failure or refusal. And the said county shall never make any other or further subscription to the capital stock of said company than that provided for by this Act.

SEC. 19. This Act shall be taken and deemed a public Act and shall take effect from and after its passage.

CHAP. CCXXXVIII.—*An Act to authorize the sale of certain property of Jesse Cope, and other minors.*

[Approved April 17, 1863.]

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

Sale  
authorized.

SECTION 1. Allen J. Cope, as Guardian, now or hereafter to be appointed, of his infant son Jesse Cope; James M. Brown, as Guardian, now or hereafter to be appointed, of his infant sons John G. Brown and William A. Brown; John S. Stratton, as Guardian, now or hereafter to be appointed, of his infant son Emerson Stratton; Matthew J. Talbot, as Guardian, now or hereafter to be appointed, of his infant son Homer T. Talbot; John W. Gilbert, as Guardian, now or hereafter to be appointed, of his infant son George G. Gilbert; John H. O'Brien, as Guardian, now or hereafter to be appointed, of his infant brother James R. O'Brien, of whom he is nearest of kin, are hereby severally and respectively authorized to sell and convey, as hereinafter mentioned, the certain mining claims belonging to their said wards, respectively, situated on the south side of the Cosumnes River, about six miles above Michigan Bar, and in the County of Amador, and being shares or interests in the ledges, veins, or lodes of copper ore claimed by the Cosumnes Copper Mining Company, and known as the "Indian Creek Lode" and the "Cosumnes Lode."

Conveyance.

SEC. 2. The said Guardians may severally make their deed or deeds of conveyance of the property above mentioned, which deed or deeds shall convey all the right, title, and interest of said minors in said mining claims to the purchaser or purchasers.

Bond of  
Guardians.

SEC. 3. Before performing any act authorized by this Act, said Guardians shall each, severally, give his bond in the sum of one thousand dollars, to be approved by the Probate Judge of Sacramento County, and filed in the office of the Clerk of the Probate Court thereof, conditioned for the faithful discharge of his duties, and that he will apply all the proceeds of such sales under this Act for the use and benefit of said minors.

SEC. 4. Within three months after the completion of any sale under this Act by any of the above named Guardians, such Guardian shall file in the office of the Clerk of the Probate Court of Sacramento County, a statement of all acts and proceedings by him had or done by virtue of this Act.

Minor  
authorized  
to sell  
property.

SEC. 5. Samuel Rosenbergh, a resident of Michigan Bar, in Sacramento County, being a minor of the age of nineteen years, and having no kin in this State, and having for several years last past been doing business and providing for his own support, is hereby authorized to sell, and by his own deed to convey his mining claims in the above mentioned lodes in the same manner and with the same effect as he might or could do if he were of lawful age.

Same.

SEC. 6. Henry Koher, a resident of the City of Sacramento, and a minor of the age of eighteen years, and providing for his own support, is hereby authorized to sell, and by his own deed to convey his mining claims in the above mentioned ledges or lodes

in the same manner and with the same effect as he might or could do if he were of lawful age.

SEC. 7. This Act shall take effect immediately after its passage.

CHAP. CCXXXIX.—*An Act amendatory of and supplemental to an Act entitled an Act to provide for the Establishment, Maintenance, and Protection of Public and Private Roads in the County of Santa Cruz.*

[Approved April 17, 1863.]

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

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

Section 6. If any person or persons, claiming damages on account of the location or alterations of any road under the provisions of this Act, shall be dissatisfied with the award of the Road Viewers, and cannot agree with the Board of Supervisors as to the amount of damages sustained, and shall refuse to receive the same, such person or persons shall, within ten days from the time of final hearing, commence an action against the county, by name, for such damages, in a Court of competent jurisdiction, which action shall be conducted in like manner as other actions in civil cases in the Courts of Justice of this State, except as hereinafter provided. The complaint shall be in writing, and shall be verified by the oath of the plaintiff; and the summons, with a copy of the complaint, shall be served upon the District Attorney of the county, which shall be sufficient notice to the county; and it shall be the duty of the District Attorney to appear on the part of the county, and defend all actions commenced under the provisions of this Act. Unless such action is commenced within the time and in the manner as in this section provided, the award of the Road Viewers shall become final. The Board of Supervisors may, at any time before the trial in such action, rescind the order establishing the location or alteration of such road, and in such case all actions for damages on account of such location or alteration shall be dismissed, and the cost shall be taxed against the county.

SEC. 2. Instead of the labor to be performed, as provided in section eleven of said Act, the Board of Supervisors may annually levy, in any one or all of the Road Districts of said county, a road poll tax, of not exceeding three dollars, on all able bodied men between the ages of twenty-one and fifty years; such tax shall be collected by the Road Masters in their respective Districts as soon as practicable after the making of such order. If any person liable to pay such tax shall refuse or neglect to pay the same, the Road Master shall have the power to and shall proceed to collect the same in the same manner as is by law provided for the collection of poll taxes.

SEC. 3. The Board of Supervisors shall cause proper blank

Receipts. road poll tax receipts to be furnished, of a uniform appearance, which shall be numbered consecutively, and signed by the Chairman thereof, who shall thereupon deliver the same to the Clerk of the Board of Supervisors, taking his receipt therefor. The Clerk of the Board of Supervisors shall sign said road poll tax receipts, and issue to each Road Master such number of said receipts as may be needed by him, taking his receipt therefor. No other receipts for road poll taxes, or for labor performed on the roads, shall be used. In the final settlement, on the first Monday in February of each year, each Road Master shall be charged with all road poll tax receipts issued to him and which shall not then be returned by him to the Clerk of the Board of Supervisors.

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

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CHAP. CCXL.—*An Act for the Relief of Martin Winslow.*

[Approved April 17, 1863.]

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

Appropriation.

SECTION 1. The sum of one thousand dollars is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and the Controller of State is hereby authorized and directed to draw his warrant therefor, in favor of Martin Winslow, who has been disabled for life while in the service of the State, at the California State Prison, on the fourth day of July, A. D. eighteen hundred and sixty-two.

SEC. 2. This Act shall take effect on the first day of November, eighteen hundred and sixty-three.

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CHAP. CCXLI.—*An Act to authorize the Board of Supervisors of the County of Napa to allow the Claim of Charles Murphy.*

[Approved April 17, 1863.]

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

Authority granted.

SECTION 1. The Board of Supervisors of the County of Napa are hereby authorized to allow and order to be paid out of the General Fund of said Napa County, to Charles Murphy, the sum of two thousand two hundred and fifty-nine dollars and fifty cents, or such smaller sum as said Board of Supervisors, upon investigation, shall decide to be just and equitable payment, for extra work and labor performed and materials furnished, in the year eighteen hundred and sixty, in the construction of a bridge over Napa River, where the extension of First

street of Napa City crosses said river; *provided*, that nothing in this section shall be construed as intended to oblige the said Board to allow the said claim, unless the same shall be deemed by them equitable and just. PROVISO.

SEC. 2. The Auditor of said county is hereby authorized and directed to audit, and the Treasurer of the same to pay out of the General Fund of said county, said sum of two thousand two hundred and fifty-nine dollars and fifty cents, or such smaller sum as may be allowed said Charles Murphy by said Board.

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

CHAP. CCXLIII.—*An Act to amend an Act in relation to Public Roads in the County of Amador, and to the Road Fund of said County, approved March thirteenth, eighteen hundred and sixty-two.*

[Approved April 17, 1863.]

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

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

Section 11. The Road Overseer shall pay to the County Treasurer, on the first Monday of each month, the total amount collected, less the per centage which he is entitled to receive as herein provided, and take a receipt for the amount paid, which receipt shall be filed with the County Auditor. The Road Overseer shall also make a settlement with the Auditor, on the first Monday of April subsequent to entering upon the duties of his office, and every three months thereafter during the continuance of the same, and return all road poll tax receipts unsold. Upon making such quarterly settlement, and upon the return of all unsold road poll tax receipts, he shall receive a certificate from the Auditor, certifying that he has settled in full, and that all road poll tax receipts issued to him have been accounted for, and the Auditor shall credit the Road Overseer with fifteen per cent of the amount collected by said Road Overseer, which he shall be entitled to receive for his services in making such collections. Duties of Road Overseers.  
Compensation.

SEC. 2. This Act shall take effect on and after its passage, and all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

CHAPTER CXXLIII.—*An Act to separate the office of County Recorder from the office of County Clerk in the County of Napa.*

[Approved April 17, 1863.]

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

Offices separated.

SECTION 1. From and after the first Monday in October, A. D. eighteen hundred and sixty-three, the office of County Recorder shall be separate from the office of County Clerk in the County of Napa.

Election of Recorder.

SEC. 2. At the general election in the month of September next, and thereafter at the general election of every succeeding two years, there shall be elected in said county a County Recorder, who shall enter upon the discharge of the duties of his office on the first Monday of the next month succeeding such election, and shall hold such office for the term of two years, and until his successor is elected and qualified.

Duties and liabilities.

SEC. 3. All duties and liabilities heretofore imposed upon the Clerk of said County as Recorder, shall be performed by said County Recorder elected under the provisions of this Act; and said County Recorder shall be required to give such bond or bonds as by law are required to be given by the County Clerks as Recorders, to be approved and filed in the same manner; and such Recorder shall have power to appoint Deputies, who may discharge all of the duties of their principal.

Duty of County Clerk.

SEC. 4. Upon the qualification of said Recorder to perform the duties of his office, it shall be the duty of the County Clerk of said county to deliver to him, on demand, all papers, books, materials, and other property belonging to the offices of Recorder and Auditor of said county.

Auditor.

SEC. 5. The Recorder to be elected under the provisions of this Act shall also be ex-officio Auditor of said county, and shall do and perform all of the duties of Auditor thereof.

SEC. 6. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they apply to Napa and Mendocino Counties.

CHAPTER CXXLIV.—*An Act to authorize the re-location of the Route of the Railroad of the Central Pacific Railroad Company of California, and other matters relating thereto.*

[Approved April 17, 1863.]

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

Re-location authorized.

SECTION 1. The Central Pacific Railroad Company of California, a corporation duly organized under the laws of the State of California, are hereby authorized to change and re-locate the line and route of their railroad from the navigable waters of

the Sacramento River, at or near the City of Sacramento, over the Sierra Nevada Mountains, to the eastern boundary line of the State of California, through such places and such counties, and to such points on the said eastern boundary line, as the Board of Directors of said company shall deem expedient, and as they shall deem the cheapest and best route for the construction and working of said railroad; and in case they shall thus change and re-locate the line of their said railroad, said company shall file the proper maps and profiles of their railroad, as thus changed and re-located, in the office of the Secretary of State, and the Clerks' office of the several counties through which the same shall be located, as provided in the Act entitled an Act to provide for the incorporation of railroad companies, and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one; and said company may also file in the office of the Secretary of State amended articles of association, setting forth the route of said railroad as thus changed and re-located, or such other amendments as the Board of Directors of said company may deem necessary or proper, and such amended articles of association shall be signed by at least a majority of the Board of Directors, and sealed with the corporate seal of said company; and from the time of filing the same, the said corporation shall be conducted under such new and amended articles, in the same manner as though the original articles had contained all the provisions of the amended articles.

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

CHAP. CCXLV.—*An Act to authorise the Executors of the Last Will and Testament of John W. Wilde, deceased, to sell and convey certain Real Estate.*

[Approved April 17, 1863.]

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

SECTION 1. The qualified Executors of the last will and testament of John W. Wilde, late of the City and County of San Francisco, State of California, deceased, are hereby authorized and empowered to sell at public or private sale, in their discretion, as shall most promote the interests of the estate of the said Wilde, and facilitate the distribution of the assets thereof, the following real estate belonging to the said estate, viz: The undivided one sixth part of all that certain lot, piece, or parcel of land, situate, lying, and being in the City of Sacramento, State of California, and known and designated upon the map or plan of said city as part of Lot Number Eight (No. 8) in the square between J and K, Front and Second streets, being the east forty feet (E. 40 feet) of said lot, fronting forty (40) feet on J street,

Re-location authorized.

Authority to sell granted.

List of property.

and eighty-five (85) feet on Second street; also, the undivided one twelfth (1-12) part of all that certain piece or parcel of land, situate, lying, and being in the City of Sacramento, State of California, known and designated on the map or plan of said city as part of Lot Number Seven in the square between J and K and Third (3d) and Fourth (4th) Streets, being the west three fourths (3/4ths) of said Lot Number Seven.

**Conveyances** SEC. 2. On making any such sale or sales, the said Executors may convey the property so sold to the purchaser or purchasers thereof, and receive the purchase money therefor, and the title so conveyed shall be valid, and convey all the right, title, interest, and estate of the said John W. Wilde in the above described premises at the time of his death.

SEC. 3. The said Executors shall account for the proceeds of such sale or sales as for any other assets in their hands pertaining to said estate.

**Confirmation of sales.** SEC. 4. No deed or conveyance of the said real estate, or any part thereof, made under the provisions of this Act, shall be valid, or convey any title, unless the sale shall have been confirmed by the Probate Court of the City and County of San Francisco aforesaid, previous to the execution of such deed or conveyance.

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

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CHAP. CCXLVI.—*An Act amendatory of and supplementary to an Act to prevent certain Animals from running at large in Napa City.*

[Approved April 17, 1863.]

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

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

Section 1. It shall not be lawful for any horses, mules, goats, hogs, or horned cattle, other than cows, as hereinafter excepted, to run at large in any of the streets of Napa City, in the County of Napa, in the State of California.

**Liability of owners, etc.** SEC. 2. Any resident and householder in Napa City may permit one cow to run at large within the limits of said city, and he shall be liable for all damages done to and in yards, gardens, or inclosures in said city, by such cow, and the animal committing damage shall not be exempt from execution issued upon a judgment rendered therefor.

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



CHAP. CCXLVII.—*An Act to amend an Act entitled an Act changing the time of assessing the value of Real and Personal Property, and collecting the Taxes levied thereon for State and County purposes, in the County of Sierra, passed April tenth, one thousand eight hundred and sixty-two.*

[Approved April 17, 1863.]

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

SECTION 1. Section eight of said Act shall be amended so as to read as follows:

Section 8. On the fourth Monday in September, in each year, the Tax Collector shall, at the close of his official business on that day, enter upon the assessment roll a statement that he has made a levy upon all property therein assessed the taxes upon which have not been paid, and shall immediately ascertain the total amount of taxes delinquent, and file in the office of the Auditor a statement of said amount, verified by the oath of himself or Deputy, which list shall be completed by the second Monday in October, and shall be known as the Delinquent list.

SEC. 2. Section nine of said Act shall be amended so as to read as follows:

Section 9. On the second Monday in October, the Tax Collector shall attend at the office of the County Auditor, with his assessment roll, and the Auditor shall then and there administer to the Tax Collector an oath, which shall be written and subscribed on the assessment roll, to the effect that each person and all property assessed in said roll, on which taxes have been paid, has the word "paid" marked opposite the name of such person, or the description of such property, and the Auditor shall then foot up the amount of taxes remaining unpaid, and credit the Tax Collector with the amount, and shall make a final settlement with the Tax Collector of all taxes charged against him on account of said assessment roll.

SEC. 3. Section ten of said Act shall be amended so as to read as follows:

Section 10. At any time before the first Monday in November, and before the institution of suit, as provided in the revenue laws of this State, any delinquent tax payer may, upon certificate from the Auditor, giving a description of the property and the taxes due thereon, pay to the County Treasurer the taxes assessed against such delinquent, with five per cent additional thereon, taking from the Treasurer duplicate receipts for the amount paid, one of which shall be filed with the County Auditor, and the other with the District Attorney of the county.

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

CHAP. CCXLVIII.—*An Act to confer further powers upon the  
"Buena Vista Vinticultural Association."*

[Approved April 17, 1863.]

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

Authorized  
to own  
lands, etc.

SECTION 1. That it shall and may be lawful for "The Buena Vista Vinticultural Association" to own, possess, occupy, and cultivate any number of acres of land, not exceeding, in the aggregate, six thousand, to be devoted and used for the purposes for which said association or corporation has been organized, notwithstanding the restriction or limitation contained in the first proviso to section one of an Act to provide for the formation of corporations for certain purposes, approved April tenth, one thousand eight hundred and fifty-eight.

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

CHAP. CCXLIX.—*An Act to provide for the construction of a Wagon  
Road from Georgetown, via the north side of Lake Bigler, to the  
eastern boundary of the State.*

[Approved April 16, 1863.]

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

Franchise.

SECTION 1. Shannon Knox, James Shanklin, Jacob Glassman, O. H. Burnham, their associates and assigns, are hereby authorized to construct and keep in repair a good wagon road, commencing at the village of Georgetown, and running in a northeasterly direction, along the north side of Lake Bigler, to the eastern boundary of the State; and said grantees, their associates and assigns, shall be authorized to collect tolls on said road for the term of twenty years from and after its completion, which shall be within two years from and after the passage of this Act, and if not completed within two years, then the grant herein is forfeited.

Tolls.

Sec. 2. Upon the completion of said road, said grantees shall report to the Board of Supervisors of El Dorado County the amount of money expended in the location and construction of said road, verified by the oath of any one of said grantees, or their managing Agent, and thereupon the said Board of Supervisors shall, from time to time, establish the rates of tolls to be collected upon said road, and they may establish different rates of toll for different seasons in the year; *provided*, such rates shall not be so reduced as to produce an income of less than twenty per cent per annum upon the cost of locating and constructing said road, and of repairing the same, and collecting tolls thereon; and the said Board of Supervisors shall have power to examine the books and papers of said grantees, and to

Proviso.

take testimony as in civil actions, for the purpose of ascertaining the cost of constructing and keeping said road in repair.

SEC. 3. Said grantees shall have the right of way over and along the route of said road; and said grantees shall have the right to enter upon and occupy private lands necessary to the location of said road, and to take and use any timber, rock, earth, or other material necessary to the construction thereof, in the manner and to the same extent provided and authorized in the Act of May twelfth, one thousand eight hundred and fifty-three, authorizing the formation of corporations for the construction of plank and turnpike roads. Rights of grantees.

SEC. 4. It shall be lawful for said grantees to throw open their road for such period as they shall deem proper, by giving one week's notice, by publication in a newspaper published in said county, of the date of such opening; and during the time that said road remains so opened, said grantees shall not be required to keep the same in repair, nor shall they collect tolls thereon, nor be liable for damages occurring in consequence of defects thereon. Opening road

SEC. 5. At any time after five years from the completion of said road, the Board of Supervisors of El Dorado may purchase and make said road a free public road, by paying to said grantees the original cost thereof; as ascertained under section two of this Act, with interest at the rate of twelve per cent per annum on said cost. And at the expiration of twenty years from the completion of said road, it shall become and thereafter remain a free public highway. County may purchase.

SEC. 6. If, within two years from the date thereof, said grantees shall organize and incorporate themselves under the provisions of the Act of May twelfth, one thousand eight hundred and fifty-three, authorizing the formation of corporations for the construction of plank and turnpike roads, and said last named Act shall thereupon be deemed as adopted by said grantees, and as governing their rights and liabilities, so far as the same are not inconsistent with the provisions of this Act. Company may adopt certain Act.

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

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CHAP. CCL.—*An Act to amend an Act entitled an Act defining the time for commencing Civil Actions, passed April twenty-second, eighteen hundred and fifty.*

[Approved April 18, 1863.]

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

SECTION 1. Section six of the Act entitled an Act defining the time for commencing civil actions, passed April the twenty-second, eighteen hundred and fifty, is hereby amended so as to read as follows:

Actions for  
recovery  
of real  
property.  
Limit.

Section 6. No action for the recovery of real property, or for the recovery of the possession thereof, shall be maintained, unless it appear that the plaintiff, his ancestor, predecessor, or grantor, was seized or possessed of the premises in question within five years before the commencement of such action.

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

Same.

Section 7. No cause of action or defence to an action founded upon the title to real property, or to rents or profits out of the same, shall be effectual, unless it appear that the person prosecuting the action, or making the defence, or under whose title the action is prosecuted or the defence is made, or the ancestor, predecessor, or grantor of such person, was seized or possessed of the premises in question within five years before the commencement of the Act in respect to which such action is prosecuted or defence made.

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

Entry upon  
real estate.

Action.

Section 8. No entry upon real estate shall be deemed sufficient or valid as a claim, unless an action be commenced thereupon within one year after making such entry, and within five years from the time when the right to make such entry descended or accrued.

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

Persons  
under legal  
disability  
excepted.

Section 16. If the person entitled to commence any action for the recovery of real property, or for the recovery of the possession thereof, or to make any entry or defence founded on the title to real property, or to rents or services out of the same, be at the time such title shall first descend or accrue, either :

*First*—Within the age of majority. Or,

*Second*—Insane. Or,

*Third*—Imprisoned on a criminal charge, or in execution upon conviction of a criminal offence, for a term less than for life. Or,

*Fourth*—A married woman, and her husband be a necessary party with her in commencing such action or making such entry or defence. The time during which such disability shall continue shall not be deemed any portion of the time in this Act limited for the commencement of such action or the making of such entry or defence, but such action may be commenced or entry or defence made within the period of five years after such disability shall cease, or after the death of the person entitled who shall die under such disability ; but such action shall not be commenced or entry or defence made after that period.

SEC. 5. Section twenty-three of said Act is hereby amended so as to read as follows :

Section 23. If a person entitled to bring an action mentioned in the last preceding chapter, except for a penalty or forfeiture, or against a Sheriff or other officer for an escape, be at the time the cause of action accrued, either :

*First*—Within the age of majority. Or,

*Second*—Insane. Or,

*Third*—Imprisonment on a criminal charge, or in execution

under the sentence of a Criminal Court, for a term less than for life. Or,

*Fourth*—A married woman, and her husband be a necessary party with her in commencing such action. The time of such disability shall not be deemed a part of the time limited for the commencement of the action.

SEC. 6. The time that shall have already run under the Act to which this is amendatory, when this Act takes effect, shall be taken and computed as a portion of the time in this Act limited for the commencement of an action or the making of a defence thereto; *provided*, that a person now laboring under a disability existing according to the provisions of the said Act to which this Act is amendatory, but which is not held or declared to be a disability by this Act, shall have five years after the passage of this Act in which to commence such action or to make such defence; and, *provided*, further, that any person claiming real property, or the possession thereof, or any right or interest therein, under title derived from the Spanish or Mexican Governments, or the authorities thereof, which shall not have been finally confirmed by the Government of the United States, or its legally constituted authorities, more than five years before the passage of this Act, may have five years after the passage of this Act in which to commence his action for the recovery of such real property, or the possession thereof, or any right or interest therein, or for rents or profits out of the same, or to make his defence to an action founded upon the title thereto; and, *provided*, further, that nothing in this Act contained shall be so construed as to extend or enlarge the time for commencing actions for the recovery of real estate or the possession thereof, under title derived from Spanish or Mexican Governments, in a case where final confirmation has already been had, other than is now allowed under the Act to which this Act is amendatory.

SEC. 7. Final confirmation, within the meaning of this Act, shall be deemed to be the patent issued by the Government of the United States, or the final determination of the official survey under the provisions of the Act of Congress entitled an Act to amend an Act entitled an Act to define and regulate the jurisdiction of the District Courts of the United States in California, in regard to the survey and location of confirmed private land claims, approved June fourteenth, eighteen hundred and sixty.

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

CHAP. CCLI.—*An Act to amend an Act entitled an Act in relation to the Board of Supervisors in and for Butte County, and concerning their powers, approved April tenth, eighteen hundred and sixty-two.*

[Approved April 18, 1863.]

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

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

Compen-  
sation.

Proviso.

Section 5. The compensation to be paid to each member of said Board shall be eight dollars per day for each day of actual services in session, and fifty cents per mile, for going only, from his place of residence to the county seat of said county, once only for each regular and called session ; *provided*, the compensation in per diem, of each member, shall not exceed six hundred dollars per annum ; *provided*, however, that the Chairman of said Board, who is hereby excepted from the first proviso in this section, shall receive as compensation for his services, the sum of ten dollars per diem, for each and every day's services in regular sessions, not to exceed the sum of eight hundred dollars per annum ; and the payment of all per diem and mileage provided for in this Act shall be paid out of the Salary Fund of said county, as other salaries are paid ; but no warrant shall be issued in favor of any member of said Board except upon certificate of the County Clerk as to the number of days services rendered, and the number of miles travelled, for which payment is due.

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

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CHAP. CCCLII.—*An Act to change the name of "New San Pedro," a Town in Los Angeles County.*

[Approved April 18, 1863.]

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

SECTION 1. It shall be lawful for the town in Los Angeles County, hitherto known as "New San Pedro," to be changed to the name of Wilmington.

CHAP. CCLIII.—*An Act to grant the right to construct a Turnpike Road between the Town of Pine Grove and Antelope Springs, in Amador County.*

[Approved April 13, 1863.]

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

SECTION 1. John Vogan and Charles Green, together with such associates as they may admit, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities hereinafter mentioned, upon condition that they and their associates shall incorporate themselves under the general law of the State regulating corporations, and providing for the incorporation of turnpike roads, and shall adopt the name of "The Pine Grove and Antelope Turnpike Road Company," and shall abide by and fulfil the further conditions hereinafter mentioned. Franchise.

SEC. 2. The said company shall have full power to build and maintain a public turnpike road from the town of Pine Grove, via Aqueduct City, to Antelope Springs, in the County of Amador, and have, and enjoy all the rights, and privileges, and immunities thereunto appertaining, and shall have the right of way, which is hereby granted and ceded to the said company, for the term of twenty (20) years, and the State enters into these covenants, and grants these rights and privileges, upon express condition, that within one year from the passage of this Act, the said company shall commence, and within two years complete, the said turnpike road. Rights of grantees.

SEC. 3. The same rights as are now extended by the laws of this State to plank and turnpike roads, in relation to the taking of property for the use of plank and turnpike roads, are hereby extended to the said "Pine Grove and Antelope Turnpike Road Company." The damages to be ascertained and paid in the same manner as they are by plank or turnpike road companies. Rights extended.

SEC. 4. The said turnpike shall be constructed of sufficient width to admit of the passage of the largest and heaviest sized teams, and said road shall be kept, at all seasons of the year, in good condition for travel by the largest or heaviest lumber and other teams. Conditions.

SEC. 5. The said company, upon completion of said turnpike road, or five miles of said road, shall be authorized and empowered to erect toll gates, to charge and collect such rates of fare or toll as the Board of Supervisors of Amador County may annually fix; *provided*, that such rates of fare or toll shall not be so low as to yield less than fifteen per cent upon the entire cost of the construction of said road, keeping the same in repair, and collecting tolls thereon. Tolls.

SEC. 6. The said company shall keep at each end of the road a sign board, which shall show the scale of prices, and the regulations of the road. Scale of prices.

SEC. 7. This Act shall take effect from and after its passage. Proviso.

CHAP. CCLIV.—*An Act for the Preservation of Seals or Sea Lions at and near the entrance to the Harbor of San Francisco.*

[Approved April 18, 1863.]

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

- Prohibition.** SECTION 1. From and after the passage of this Act it shall not be lawful for any person or persons to shoot or otherwise kill or destroy any seals or sea lions within one mile of the beach or sea shore at Point Lobos, in the City and County of San Francisco; and for every violation of the provisions of this Act, the party or parties offending may be fined a sum not less than twenty-five nor over two hundred dollars.
- Penalty.**
- Jurisdiction of offences.** SEC. 2. Any Justice of the Peace in the City and County of San Francisco shall have jurisdiction to hear, try, and determine any complaint under this Act, and the fine or fines imposed by any judgment shall be collected, and one half thereof shall be paid to the informer, and the other half to the Common School Fund of the City and County of San Francisco, first deducting costs and expenses of prosecution.
- SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCLV.—*An Act granting the Right of Way over certain Lands in this State, in the Counties of El Dorado and Amador, for the Construction of a Wagon Road.*

[Approved April 18, 1863.]

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

- Franchise.** SECTION 1. William B. Carr, and his associates or assigns, are hereby authorized and empowered to construct and maintain a wagon road, commencing at a point at or near Woodford's, on the road leading to the Town of Aurora, in the County of Mono, running thence, by any route determined upon by the grantee or his assigns, to the Town of Conysburg or Silver Mountain, in the Counties of El Dorado and Amador; and the State hereby grants to the said William B. Carr, and his associates, and his assigns, and successors in interest, the right of way, use, and occupancy of the lands of this State for the purpose of said road, not to exceed one hundred feet in width, for the period of twenty-five years.
- Right of way**
- Conditions.** SEC. 2. The said William B. Carr, and his associates or assigns, shall commence the construction of said road within one year from the passage of this Act, and shall complete the same within three years from the date of the commencement thereof.
- Tolls.** SEC. 3. The Board of Supervisors of El Dorado County shall from year to year regulate the tolls to be collected on said road; provided, that they shall not so establish or reduce the rates of



toll as to make the dividend on said road less than three per cent per month upon a fair valuation of said road, to be determined by the Board of Supervisors of said county.

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

CHAP. CCLVI.—*An Act to amend an Act entitled an Act concerning the Salary of certain County Officers in the County of Napa, approved May eighth, eighteen hundred and sixty-one.*

[Approved April 18, 1863.]

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

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

Section 2. From and after the next general election in the month of September, A. D. eighteen hundred and sixty-three, the District Attorney of the County of Napa shall receive for his services the sum of one thousand dollars per annum. Salary.

CHAP. CCLVII.—*An Act to amend an Act entitled an Act amendatory of and supplementary to an Act in relation to Personal Mortgages, in certain cases, passed May eleventh, one thousand eight hundred and fifty-three, approved April twenty-ninth, one thousand eight hundred and fifty-seven, and Acts amendatory thereof.*

[Approved April 18, 1863.]

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

SECTION 1. Section one of the Act amendatory of and supplementary to an Act in relation to personal mortgages in certain cases, passed May eleventh, one thousand eight hundred and fifty-three, approved April twenty-ninth, one thousand eight hundred and fifty-seven, approved April nineteenth, eighteen hundred and sixty-one, is amended so as to read as follows :

Section 1. Chattel mortgages may be made on the following property, to secure the payment of just indebtedness : Upholstery and furniture used in hotels and public boarding-houses, when mortgaged to secure the purchase money of the identical articles mortgaged, and not otherwise ; saw-mill, grist-mill, and steamboat machinery ; tools and machinery used by machinists, foundry men, and other mechanics ; steam boilers, steam engines, locomotives, engines, and the rolling stock of railroads ; printing presses, and other printing material ; instruments and chests of a Surgeon, Physician, or Dentist ; libraries of all persons ; stock in any incorporated company ; machinery and apparatus for

Property  
that may be  
mortgaged.

Form of  
mortgage.

mining purposes. No mortgage made by virtue of this Act shall have any legal force or effect, (except between the parties thereto,) unless the residence of the mortgagor and mortgagee, their profession, trade, or occupation, the sum to be secured, the rate of interest to be paid, when and where payable, shall be set out in the mortgage; and the mortgagor and mortgagee shall make affidavit that the mortgage is bona fide, and made without any design to defraud or delay creditors, which affidavit shall be attached to such mortgage.

CHAP. CCLVIII.—*An Act to authorize the Election of an Assistant Assessor for the City of Marysville.*

[Approved April 18, 1863.]

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

Election.

SECTION 1. The Common Council of the City of Marysville, at any meeting after the passage of this Act, shall have power to elect an Assistant Assessor, whose duty it shall be to assess and make returns of all the property in said city for the year eighteen hundred and sixty-three, as is now required by law of the City Assessor, and to that end such Assistant shall have and exercise all the powers now given by law to said City Assessor.

Bond.

SEC. 2. Such election shall be by ballot, and the person so elected shall take the oath of office, and give bond, to be approved by said Common Council, in the sum of five thousand dollars, for the faithful discharge of the duties of said office; *provided*, that such Assistant Assessor shall receive not exceeding five hundred dollars for all services performed under this Act.

Compensation.

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

CHAP. CCLIX.—*An Act to authorize the Supervisors of Placer County to audit and allow the Claim of George L. Anderson.*

[Approved April 18, 1863.]

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

SECTION 1. The Supervisors of Placer County are hereby authorized and empowered to audit and allow the claim of George L. Anderson, for moneys expended by him as Auditor and Recorder of said county; *provided*, such allowance shall not exceed the sum of six hundred dollars, and no items for interest shall be allowed.

CHAP. CCLX.—*An Act concerning the Courts of Justice of this State, and Judicial Officers.*

[Approved April 20, 1863.]

*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 of this State: Courts of Justice.

*First*—The Supreme Court.

*Second*—The District Courts.

*Third*—The County Courts.

*Fourth*—The Probate Courts.

*Fifth*—The Justices' Courts.

*Sixth*—The Recorders' and other inferior Municipal Courts.

CHAPTER II.

SEC. 2. The Supreme Court shall consist of a Chief Justice, and four Associate Justices. Each Justice shall be commissioned by the Governor, and before entering upon his duties shall take the constitutional oath of office; and no person shall be eligible to the office of Justice of the Supreme Court who shall not have been a citizen of the United States, and a resident of this State, for two years next preceding his election. Supreme Court.

SEC. 3. The Justices of the Supreme Court shall be chosen at special judicial elections to be provided by law, and shall hold their offices for the term of ten years from the first day of January next after their election, except those elected at the first special judicial election during the year one thousand eight hundred and sixty-three, who, at their first meeting, shall so classify themselves by lot, that one Justice shall go out of office every two years. A record of the allotment shall be entered in the minutes of the Court, and a copy thereof, under the hands of the Justices, shall be transmitted to the Secretary of State, and be filed in his office. The Justice having the shortest term to serve shall be the first Chief Justice. The Justice having the next shortest term to serve, by said allotment, shall be the second Chief Justice, and so on until the expiration of the term of the Justices first elected. Afterwards, the Justice who has been longest in commission shall be the Chief Justice. Election. Allotment.

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 the vacancy shall be chosen at the first special judicial election subsequent to the occurrence of the vacancy, and shall enter upon the discharge of his duties on the first day of January next after his election. The Justice thus elected shall hold his office for the balance of the unexpired term of his predecessor. Vacancy.

**Jurisdiction** SEC. 5. The Supreme Court shall have appellate jurisdiction in all cases in equity; also in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; also, in all cases arising in the Probate Courts; and also, in all criminal cases amounting to felony, on questions of law alone.

SEC. 6. The Supreme Court shall have jurisdiction to review, upon appeal:

**Jurisdiction to review.** *First*—A final judgment in any of the cases mentioned in the preceding section; and to review, upon the appeal from such judgment, any intermediate order or decision, involving the merits, and necessarily affecting the judgment.

*Second*—An order granting or refusing a new trial; an order granting or dissolving an injunction; and an order refusing to grant or dissolve an injunction; and any special order made after final judgment.

**Powers.** SEC. 7. The Supreme Court shall have power to issue writs of mandamus, certiorari, and prohibition, to enforce obedience to its judgments and orders, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction.

**Habeas corpus.** SEC. 8. This Court, and each of the Justices thereof, shall have power to issue writs of habeas corpus to any part of the State, upon petition on behalf of any person held in actual custody, and to make such writs returnable before this Court, or the Justice issuing said writ, or before any District Court, or any County Court, in the State, or before any Judge of said Courts.

**Powers.** SEC. 9. The Supreme 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, direct the proper judgment or order to be entered, or direct a new trial or further proceedings to be had.

**Terms.** SEC. 10. There shall be four terms of this Court in each year for the hearing of causes, 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 are sooner disposed of. If all the cases ready for hearing be not disposed of, the terms may be continued so much longer as in the opinion of the Court the public interest shall require. The Court shall be deemed always open for the filing of opinions and the rendition of judgments and orders.

**Number necessary for transaction of business.** SEC. 11. The presence of three Justices shall be necessary for the transaction of business, excepting such business as may be done at Chambers; and the concurrence of three Justices shall be necessary to pronounce a judgment. Whenever questions of importance are involved in the cases decided, and are passed upon by the Court, the reasons or grounds of the decision shall be given in a written opinion accompanying the same.

**Court to be held at the Capital of the State.** SEC. 12. The terms of this Court shall be held at the Capital of the State. If proper rooms in which to hold the Court and for the Chambers of the Justices be not provided by the State, together with attendants, furniture, 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 rooms, attendants, furniture, fuel, lights, and stationery, and the expenses thereof, certified by a majority of the Justices to be correct, shall be paid out of the State Treasury.

Rooms, etc. to be provided by Sheriff of county.

SEC. 13. The Supreme Court may make rules not inconsistent with the Constitution and laws of the State, for its own government and the government of its own officers, but such rules shall not be in force until sixty days after their publication.

Rules.

### CHAPTER III.

#### THE DISTRICT COURTS.

SEC. 14. The State shall be divided by law into fourteen Judicial Districts.

Number of Districts.

SEC. 15. There shall be a District Judge for each of the Judicial Districts. The Courts held by them shall be the District Courts of the State.

District Judges.

SEC. 16. The District Judges shall be elected by the qualified electors of their respective Districts, at the special judicial elections to be held for the election of Justices of the Supreme Court, and shall hold their offices for the term of six years from the first day of January next after their election.

Election.

Term.

SEC. 17. In case of a vacancy in the office of a 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. At the first special judicial election subsequent to the occurrence of the vacancy, a Judge shall be elected, who shall qualify and enter upon the duties of his office on the first day of January next after his election, and shall hold his office for a full term.

Vacancy.

SEC. 18. Each District Judge shall be commissioned by the Governor, and before entering upon his duties shall take the constitutional oath of office.

To be commissioned.

SEC. 19. Each Judge shall reside in his District, except that the Judges of the Districts embracing portions of the City and County of San Francisco may reside in any part of said city and county; 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 one year, next preceding his election. But a residence in any part of the City and County of San Francisco shall be deemed a residence within the Judicial District embracing portions of that county, within the meaning of this section.

Judges to reside in their Districts.

Eligibility.

SEC. 20. The District Court shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; and also, in all criminal cases not otherwise provided for.

Jurisdiction.

SEC. 21. In all the counties of this State, the District Courts shall have jurisdiction to try and determine all indictments transmitted to them from the County Courts in the cases provided by law.

**Powers.** SEC. 22. The District Courts, and the Judges thereof, shall have power to issue writs of habeas corpus, on petition by or on behalf of any person held in actual custody in their respective Districts, and also, all writs necessary or proper to the complete exercise of the powers conferred upon them by the Constitution, and by this and other statutes.

**Terms.** SEC. 23. The terms of the District Courts shall be fixed by law. They shall be held at the county seats of the several counties.

SEC. 24. Each term shall be held until its business 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.

**Business at chambers.** 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 grant all 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. At Chambers they may also grant writs of mandamus, certiorari, and quo warranto, and may hear and dispose of such writs, and also all motions for new trials; judgments, and orders of the District Courts, may be entered in term and vacation.

**Transfer of certain cases.** SEC. 26. Whenever an action or proceeding is commenced in a District Court, in which a County Court has concurrent jurisdiction, the District Court may, if the parties consent, by order transfer the same to the County Court of the same county. Upon such transference, the County Court shall have and exercise over such action or proceeding the same jurisdiction as if originally commenced therein.

**Judges may hold Courts in another District.** SEC. 27. A District Judge may hold a Court in any Judicial District in this State, upon the request of the Judge of the District in which such Court is to be held; and when, by reason of sickness, or absence from the State, or from any other cause, a Court 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 may thereupon direct some other District Judge to hold such Court. It shall be the duty of the Judge thus directed, to hold such Court; *provided*, such Court does not conflict with any appointed term of his own District.

**Rules.** SEC. 28. Each District Court shall have power to make rules, not inconsistent with the Constitution and laws of the State, for its own government and the government of its officers; but such rules shall not be in force until thirty days after their publication, and no rule shall be made imposing any tax or charge upon any legal proceeding, or giving an allowance to any officer for services.

## CHAPTER IV.

### THE COUNTY COURTS.

**County Judge.** SEC. 29. There shall be in each of the organized counties of the State, a County Court. The County Judge of each county shall be the Judge of the County Court. The County Judges shall be elected by the qualified electors of their respective

**Election.**

counties, at the special judicial elections to be hold for the election of Justices of the Supreme Court, and shall hold their offices for the term of four years from the first day of January next after their election. Each County Judge shall be commissioned by the Governor, and before entering upon his duties shall take the constitutional oath of office. To be commissioned.

SEC. 30. In case of a vacancy in the office of County 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. At the first special judicial election subsequent to the occurrence of the vacancy, a Judge shall be elected, who shall qualify, and enter upon the duties of his office on the first day of January next after his election, and shall hold his office for a full term. Vacancy.

SEC. 31. The County Court shall have original civil jurisdiction :

*First*—Of actions of forcible entry and detainer.

*Second*—Of proceedings in cases of insolvency.

*Third*—Of actions to prevent or abate a nuisance. And

*Fourth*—Of all such special cases and proceedings as are not otherwise provided for.

SEC. 32. The County Courts shall also have jurisdiction :

*First*—To inquire, by the intervention of a Grand Jury, of all public offences committed or triable in their respective counties. And

*Second*—To try and determine all indictments found therein, for all public offences, except treason, misprison of treason, murder, and manslaughter.

SEC. 33. When an indictment is found in the County Court for treason, misprison of treason, murder, or manslaughter, 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 District Judge, when it shall be transmitted to the District Court of such other adjoining District as the County Court may direct. Certain indictments to be transmitted to District Court.

SEC. 34. Indictments found in the County Court shall also be transmitted to the District Court sitting in the county, for trial, whenever the Judge of the County Court is disqualified from hearing or trying the same.

SEC. 35. The County Courts shall also have jurisdiction to hear and determine all cases, civil and criminal, appealed thereto, in the manner provided by law, from Courts held by Justices of the Peace, Recorders, and other inferior Municipal Courts in their respective counties. Jurisdiction.

SEC. 36. The County Courts and the Judges thereof shall have power to issue writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties, and also all writs necessary or proper to the complete exercise of the powers conferred upon them by the Constitution and by this and other statutes. Powers.

SEC. 37. The County Courts shall hold their terms at the county seats of their respective counties at such time as may be provided by law. The proceedings of the County Courts shall Terms, and where to be hold.

**Force of orders, etc.** be construed in the same manner and with like intendments as the proceedings of Courts of general jurisdiction; and the records, orders, judgments, and decrees of said Courts shall have accorded to them like force and effect, and legal presumptions, as the records, orders, judgments, and decrees of the District Courts.

**Business at chambers.** SEC. 38. The County 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 grant such orders and writs as 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. At Chambers they may also hear and dispose of all motions for new trials; judgments and orders of the County Courts may be entered in term and vacation.

## CHAPTER V.

### COURT COMMISSIONERS.

**Court Commissioners.** SEC. 39. The District Courts may appoint for each county of their respective Districts, a Commissioner, who shall be designated as "Court Commissioner" of the county. If portions of a single county are assigned to different Districts, then a Commissioner may be appointed to reside in each portion of the county thus assigned.

**Powers.** SEC. 40. The Court Commissioners shall have power :

*First*—To hear and determine *ex parte* motions for orders and writs in actions and proceedings pending in the District and County Courts of their respective counties.

*Second*—To hear and determine such contested motions in such actions and proceedings as may be referred to them by said Courts for determination.

*Third*—To hear and determine all issues of law or fact in such actions and proceedings as may be referred by order of said Courts, when no other person is agreed upon by the parties as Referee.

*Fourth*—To take proof upon and determine as to any matter of fact upon which information is required by the said Courts.

*Fifth*—To take affidavits and depositions, and to take and approve of bonds and undertakings, whenever the same may be required in such actions and proceedings, and to examine into the qualifications of the sureties thereon when an exception has been taken to their sufficiency.

**Fees.** SEC. 41. The Court Commissioners shall only be entitled to recover for their services such fees as may be provided by law.

## CHAPTER VI.

### THE PROBATE COURTS.

SEC. 42. There shall be in each county a Probate Court, with the jurisdiction conferred by this chapter.

**Probate Judge. Exception.** SEC. 43. The County Judge of each county, except in the City and County of San Francisco, shall be the Judge of the Probate Court. In the City and County of San Francisco, the



office of Probate Judge shall be separate from that of County Probate Judge. In said city and county a Probate Judge shall be elected by the qualified electors thereof, at the time and in the manner provided for the election of the County Judge. The Probate Judge shall enter upon the duties of his office on the first day of January next after his election, and shall hold his office for the term of four years. He shall be commissioned by the Governor, and before entering upon his duties, shall take the constitutional oath of office. In case of a vacancy in the office of Probate Judge of said city and county, the Governor shall fill the same by granting a commission, which shall continue until the election and qualification of a Judge in his place. At the first special judicial election subsequent to the occurrence of the vacancy, a Probate Judge shall be elected, who shall qualify and enter upon the duties of his office on the first day of January next after his election, and shall hold his office for a full term. Vacancy.

Sec. 44. 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 estates 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. Powers.

Sec. 45. The Probate Judge shall have power, in vacation, to appoint Appraisers, to receive inventories and accounts to be filed in the Probate 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 the Probate Courts of all writs and process necessary in the exercise of his powers as Probate Judge. Powers in vacation.

Sec. 46. The Probate Courts shall hold a term at the county seats of their respective counties at such times as may be provided by law. The proceedings of the Probate Courts within the jurisdiction conferred on them by law, shall be construed in the same manner, and with like intendment, as the proceedings of Courts of general jurisdiction; and the records, orders, judgments, and decrees, of said Courts, shall have accorded to them like force and effect, and legal presumptions, as the records, orders, judgments, and decrees of the District Courts. Terms.  
Effect of orders, etc.

## CHAPTER VII.

## JUSTICES' COURTS.

SEC. 47. The Courts held by Justices of the Peace shall be denominated Justices' Courts.

**Jurisdiction.** SEC. 48. These Courts shall have jurisdiction, within their respective townships, or cities, 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, does not exceed three hundred dollars.

*Second*—Of an action for damages for injury to the person, or for taking or detaining personal property, or for injuring real or personal property, if the damages claimed do not exceed three hundred dollars.

*Third*—Of an action for a fine, penalty, or forfeiture, not exceeding three hundred dollars, given by statute or the ordinance of an incorporated city or town.

*Fourth*—Of an action upon a bond or undertaking conditioned for the payment of money, not exceeding three 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 for the foreclosure of any mortgage, or the enforcement of any lien on real or personal property, when the debt secured does not exceed, exclusive of interest, three hundred dollars.

*Sixth*—Of an action to recover the possession of personal property, when the value of such property does not exceed three hundred dollars.

*Seventh*—To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed three hundred dollars.

*Eighth*—Of an action to determine the right to a mining claim, when the value of the claim does not exceed three hundred dollars, and for damages for injury to the same, when the damages claimed do not exceed three hundred dollars.

*Ninth*—Of proceedings respecting vagrants and disorderly persons.

**Jurisdiction restricted.** SEC. 49. The jurisdiction conferred by the last section shall not extend, however:

*First*—To a civil action in which the title or possession of real property shall necessarily come in question.

*Second*—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.

**Jurisdiction.** SEC. 50. The jurisdiction of Justices' Courts, within an incorporated city, shall extend to the limits of such city, or township in which the city is situated. Mesne and final process of Justices' Courts may be issued to any part of the county in which they are held.

SEC. 51. These Courts shall have jurisdiction of the following public offences, committed within the respective counties in which such Courts are established: Criminal 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 six months, or by both such fine and imprisonment.

SEC. 52. There shall be no terms in Justices' Courts. These Courts shall always be open.

SEC. 53. Justices of the Peace shall be elected by the electors of their respective townships or cities, at the special elections to be held for the election of Justices of the Supreme Court, and shall hold their offices for two years from the first day of January next following their election. Whenever a vacancy shall occur in the office of a Justice, by death, resignation, or otherwise, it shall be filled by appointment by the Board of Supervisors of the county. The person appointed shall hold his office for the unexpired term of his 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 a sum to be fixed by the Board of Supervisors of the county, conditioned for the faithful performance of his duties, and file the same with the County Clerk. Election of Justices.  
Vacancies.

## CHAPTER VIII.

### RECORDERS' AND OTHER INFERIOR MUNICIPAL COURTS.

SEC. 54. The Recorders' and other inferior Municipal Courts established in any incorporated city or town of this State shall have jurisdiction: Jurisdiction.

*First*—Of an action or proceeding for the violation of any ordinance of their respective cities or towns.

*Second*—Of proceedings respecting vagrants and disorderly persons.

SEC. 55. They shall also have jurisdiction of the following public offences, committed in their respective cities or towns: Criminal Jurisdiction.

*First*—Petit larceny.

*Second*—Assault and battery, not charged to have been committed upon a public officer in the discharge of his duty, or with intent to kill.

*Third*—Breaches of the peace, riots, affrays, committing 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. 56. Said Court shall be held at such place in the city or town in which they are established, as the government of such city or town may, by ordinance, direct. Places of holding Court.

SEC. 57. The Recorders, Police Judges, and other inferior Municipal judicial officers, shall be elected by the electors of their respective cities or towns at the special judicial elections Election of Judges.

to be held for the election of Justices of the Supreme Court, and shall hold their offices for two years from the first day of January next following their election; *provided*, that nothing in this section shall be so construed as to change the time for the election of the Mayor of any city, who may be Judge of a Municipal Court.

Proviso.

Compensation.

SEC. 58. They shall receive a compensation to be fixed by the charter, or, when not so fixed, by the government of their respective cities or towns, to be paid by such cities or towns, monthly, in equal proportions. Such compensation shall not be increased or diminished during the period for which they are elected.

Powers and duties.

SEC. 59. They 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.

SEC. 60. These Courts and the Judges thereof 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. 61. There shall be no terms in said Courts. These Courts shall always be open.

## CHAPTER IX.

### 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.*

Courts of Record.

SEC. 62. The Supreme Court, the several District Courts, the several County Courts, and the several Probate Courts of this State, shall be Courts of record.

Sittings.

SEC. 63. The sittings of every Court of Justice shall be public, except as is provided in the next session.

SEC. 64. In an action for divorce, the Court may direct the trial of any issue of fact joined therein to be private; and upon such directions all persons may be excluded, except the officers of the Court, the parties, their witnesses, and Counsel.

Powers.

SEC. 65. Every Court shall have power:

*First*—To preserve and enforce order in its immediate presence.

*Second*—To enforce order in the proceedings before it, or before a person or persons empowered to conduct a judicial investigation 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.*

SEC. 66. A Judge shall not act as such in any of the following cases: Disqualifi-  
cation.

*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, nor to the power of transferring the cause to another county.

SEC. 67. 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 an action or proceeding from which an appeal may lie to his own Court.

SEC. 68. A Judge of the Supreme Court, or of the District Court, shall not act as Attorney or Counsel in any Court of this State, except in an action or proceeding to which he is a party on the record.

SEC. 69. No Judge, or other elective judicial officer, or District Court Commissioner, shall have a partner acting as Attorney or Counsel in any Court of this State. The Legislature shall have no power to grant leave of absence to a judicial officer; and any such officer who shall wilfully absent himself from the State for upwards of thirty consecutive days, shall be deemed to have forfeited his office. Leave of  
absence.

ARTICLE 3.—*Judicial Days, and Places of holding Courts.*

SEC. 70. The Courts of Justice may be held, and judicial business may be transacted, on any day, except as provided in the next section.

SEC. 71. 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 on which the General Election or Special Judicial Election is held, except for the following purposes: Days on  
which Courts  
shall not be  
opened.

*First*—To give, upon their request, instructions to a jury when deliberating on their verdict. Exceptions.

*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. 72. Every Court of Justice, except a Justice's, Recorder's, or other inferior Municipal Courts, 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 Recorders' and other inferior Municipal Courts in their respective cities or towns; *provided*, Justices of the Peace for townships of the City and County of San Francisco, within the corporate limits of the City and County of San Francisco, shall not hold a Court in any other township of said county or city than the one for which they shall have been respectively elected. Place of  
holding  
Courts.  
  
Proviso.

**Absence of Judge.** SEC. 73. If no Judge attend on the day appointed for holding 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.

**Judge may remove Court.** SEC. 74. A Judge authorized to hold or preside at a Court appointed to be held in a county, 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, town, or county, than that appointed, when war, insurrection, 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, town, or county, for holding the Court.

**Parties held.** SEC. 75. 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.

#### ARTICLE 4.—*Seals of the Courts of Justice.*

**Seals of Courts.** SEC. 76. Each of the following Courts, and no other, shall have a seal:

*First*—The Supreme Court.

*Second*—The District Courts.

*Third*—The County Courts.

*Fourth*—The Probate Courts. And

*Fifth*—The Police Judge's Court of the City and County of San Francisco.

SEC. 77. The seal now used by the Supreme Court shall be the seal of the said Court; and where seals have been provided for the District, County, and Probate Courts, and the Police Judge's Court of the City and County of San Francisco, such seals shall continue to be used as the seals of said Courts.

SEC. 78. The several District, County, and 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 Probate Courts: "Probate Court, \_\_\_\_\_ County, California." (Inserting the name of the county.)

**Private seal.** SEC. 79. 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. 80. The Clerk of the Court shall keep the seal thereof.

**Proceedings requiring a seal.** SEC. 81. 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.

SEC. 82. 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. Manner of affixing seal.

ARTICLE 5.—*Miscellaneous Provisions respecting Courts and Judicial Officers.*

SEC. 83. 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, or to any Court Commissioner; *provided*, that nothing in this section shall be so construed as to apply to motions refused for any informality in the papers or proceedings necessary to obtain the order. Application for order. Provide.

SEC. 84. 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 the Court in which the action or proceeding is pending. Violation.

SEC. 85. The Judges of the Supreme Court, of the District Courts, and of the County Courts, shall have power in any part of the State, and Justices of the Peace, within their respective counties, and Recorders, and other inferior Municipal judicial officers, within their respective cities or towns, to take and certify: Powers of Judges.

*First*—The acknowledgment of a satisfaction of a judgment of any Court.

*Second*—An affidavit to be used in any Court of Justice in this State.

SEC. 86. 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. Absence of Judges.

SEC. 87. 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 language. Proceedings in English language. Exception.

SEC. 88. If rooms for holding the District Courts, County Courts, and Probate Courts, and the Chambers of the Judges of the said Courts, be not provided in any county by the Supervisors thereof, together with attendants, furniture, fuel, lights, and stationery, suitable and sufficient for the transaction of business, the said Courts may direct the Sheriff of such county to provide such rooms, attendants, furniture, fuel, lights, and stationery, and the expenses thereof shall be a charge against such county. Rooms, etc.

**Act repealed** SEC. 89. The Act entitled an Act concerning the Courts of Justice of this State, and judicial officers, passed May nineteenth, eighteen hundred and fifty-three, and the several Acts amendatory thereof, are hereby repealed. This Act shall take effect on the first day of January, in the year one thousand eight hundred and sixty-four, except so much thereof as relates to the election and qualification of judicial officers, which shall take effect immediately. No judicial officer entitled to office by virtue of any election heretofore held under existing laws, shall be superseded by the provisions of this Act; but every such officer shall remain in office until the first day of January, one thousand eight hundred and sixty-four, and until the qualification of his successor, elected in accordance with the provisions of this Act.

CHAP. CCLXI.—*An Act authorizing the Board of Supervisors of Butte County to appropriate certain Moneys.*

[Approved April 20, 1863.]

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

**Board authorized.**

SECTION 1. The Board of Supervisors in and for Butte County are hereby authorized to appropriate any money now in the Railroad Interest Fund of said county, not needed for the payment of interest for the current year on bonds of said county now issued to the California Northern Railroad Company, for the purpose of improving the public road leading from Dogtown, in said county, to the Cold Spring House, in said county; *provided*, that said appropriation shall not exceed the sum of two thousand dollars, and in the manner as follows: Whenever any ten citizens of said county shall, by petition, apply to the said Board of Supervisors for said appropriation for the purpose aforesaid, at any regular or called session of the Board, said Board shall enter an order on its records appropriating said money as aforesaid, and shall appoint a Board of three Commissioners, who shall organize as soon after said appointment as may be practicable, by the appointment of a Chairman, Secretary, and Treasurer, who shall give a bond for the faithful discharge of their duties, in such sum and such manner as the Board of Supervisors may require; *provided*, that said bond shall not exceed the sum of four thousand dollars.

**Proviso.**

**Duty of Commissioners.**

SEC. 2. It shall be the duty of said Board of Commissioners to receive, safely keep, and disburse, the moneys appropriated by this Act, when the same shall be paid to them. They shall keep an accurate account of all moneys received by the operation of this Act, and from any private subscriptions made for the purpose of improvement of the road aforesaid, and also of the disbursement of the same, and shall take vouchers therefor. They shall also prescribe the lines and grades of said road. They shall have power to alter said road from its present location at such points as they may deem necessary, in order to



straighten or improve the same; *provided*, that if, by reason of any such removals, said road will run through any private property, the right of way shall be first obtained from the owner thereof, but none of the moneys appropriated by this Act shall be used for the purpose of paying for such right of way. Proviso.

SEC. 3. The Chairman of the Board of Commissioners shall supervise the construction of the road. The Board of Supervisors may prescribe such compensation for his services adequate, not to exceed the sum of four dollars per day for each day's services rendered. Supervision  
and compensation.

SEC. 4. Whenever said Board of Commissioners shall have organized, and filed their bond, approved by said Board of Supervisors, with the Clerk of said Board, said Board shall order that the Auditor draw his warrant upon the Treasurer of said county for the sum of one thousand dollars, in favor of said Board of Commissioners, and the said Treasurer shall pay the same, upon presentation thereof, out of said Railroad Interest Fund, and the Treasurer of said Board of Commissioners shall give his receipt therefor. And whenever the said Board of Commissioners shall make it appear to the Chairman of the Board of Supervisors (or to the Board itself, if it should at the time be in session) by exhibition of the books and vouchers of the commission, or other proof as may be required, that said one thousand dollars has been faithfully and judiciously expended for the purposes provided by this Act, then the said Chairman, or Board, as the case may be, shall certify said expenditure to the Auditor of the county, who thereupon shall draw his warrant for the remaining one thousand dollars of said appropriation, and the Treasurer shall pay the same as aforesaid, and take receipt therefor. And whenever said last mentioned one thousand dollars, together with any private subscriptions that may have been received by said commission, have been expended, said Commissioners shall make a statement of all moneys disbursed by them, and for what purpose, and shall file the same, together with their books and vouchers, with the Board of Supervisors, and if it appear to the Board that said money appropriated by this Act, together with the private subscriptions received, have been faithfully applied in the construction and improvement of said road, then the Board shall discharge said Commissioners from any liability under their bond. Auditor to  
draw  
warrant.

SEC. 5. The road adopted and improved by said Commissioners shall be and hereby is declared to be a public highway.

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

CHAP. CCLXII.—*An Act to grant the Right to construct a Turnpike Road in Yolo County, and also to maintain a Ferry.*

[Approved April 20, 1863.]

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

**Franchise.** SECTION 1. James Wadish, together with such associates as he may admit, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities hereinafter mentioned, upon condition that he and his associates shall incorporate themselves under the general laws of the State regulating corporations and providing for the incorporation of turnpike roads, and shall adopt the name of "The Woodland and Sacramento Turnpike Road Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

**Powers and rights.** SEC. 2. The said company shall have full power to build and maintain a public turnpike road from a point upon the Sacramento River, at or near the centre of Section Thirty-Four, Township Ten, running in a southwesterly direction eight hundred yards, thence due west one and one fourth mile, thence due south one fourth of a mile, to the township line in Yolo County, and have and enjoy all the rights, privileges, and immunities thereunto appertaining, and shall have the right of way, which is hereby granted and ceded to said company, for the term of fourteen years; and the State enters into these covenants, and grants these rights and privileges, upon the express conditions that within one year from the passage of this Act the said company shall commence, and within two years complete, the said turnpike road.

**Certain rights extended.** SEC. 3. The same rights as are now extended by the laws of this State to plank and turnpike roads, in relation to the taking of property for the use of plank and turnpike roads, are hereby extended to the said "Woodland and Sacramento Turnpike Road Company." The damages to be ascertained and paid in the same manner as they are by plank or turnpike road companies.

**Damages.** SEC. 4. The said turnpike shall be constructed of sufficient width to admit of the passage of the largest and heaviest sized teams, and said road shall be kept, at all seasons of the year, in good condition for travel by the largest or heaviest lumber and other teams.

**Conditions.** SEC. 5. The said company, upon the completion of said turnpike road, shall be authorized and empowered to charge and collect toll, the rate of which may be annually fixed by the Supervisors of the County of Yolo.

**Tolls.** SEC. 6. The said company shall keep at each end of the road a signboard, which shall show the scale of prices and the regulations of the road.

**Scale of prices.** SEC. 7. The said company shall further have full power to construct, operate, and maintain a public ferry across the Sacramento River, from the eastern terminus of the above described turnpike road to any convenient point upon the opposite side of the said river, and shall have and enjoy all the rights, privileges,

**Ferry.**

and immunities thereunto belonging, and shall have the right of way across said river, and the privilege of using the same for that purpose, which is hereby granted and ceded to the said Wadish, his associates and assigns, for the term of fourteen years.

SEC. 8. The said Wadish, his associates and assigns, shall <sup>Tolls.</sup> have power to demand and collect of and from all persons and property crossing said ferry, such rates of toll as shall be fixed by the Supervisors of the County of Yolo; and the rates of toll so fixed shall be posted in a conspicuous place at each terminus of said ferry.

SEC. 9. Nothing in this Act shall be so construed as to <sup>Construction of Act.</sup> authorize any one to obstruct or in any way interfere with the free navigation of said river.

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

CHAP. CCLXIII.—*An Act to define the boundary of El Dorado County.*

[Approved April 20, 1863.]

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

SECTION 1. The boundary of El Dorado County shall be as <sup>Boundaries.</sup> follows: Beginning at the junction of the North and South Fork of the American River, running thence up the middle of the North Fork to the mouth of the Middle Fork; thence up the middle of the Middle Fork to Junction Bar; thence up the middle of the main South Fork of the said Middle Fork to the point where the same South Fork is intersected by the Georgetown and Lake Bigler trail; thence along said trail to Sugar Pine Point, on the western shore of Lake Bigler; and thence due east to the boundary of the State; thence, in a southeasterly direction, following the boundary of the State, to the northeast corner of Amador County; thence, in a westerly direction, along the northern boundary of Amador County, to the point where the same intersects the eastern boundary of Sacramento County; thence, in a northerly direction, along the eastern boundary of Sacramento County, to the South Fork of the American River; thence down the middle of said South Fork to its mouth, which is the place of beginning.

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

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

CHAP. CCLXIV.—*An Act supplementary to an Act entitled an Act concerning Crimes and Punishments, passed April sixteenth, one thousand eight hundred and fifty.*

[Approved April 20, 1863.]

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

Exhibiting  
insignia of  
enemies of  
the United  
States.

SECTION 1. Every person who shall expose to public view, on his own premises or elsewhere, or suffer to be exposed to public view on his own premises, any flag or device, of the description used, or reputed to be used, by any rebels against the authority of this State, or of the United States, or by any public enemies of this State, or of the United States, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding three hundred dollars, or by imprisonment in the County Jail for a term not exceeding sixty days, or by such fine and imprisonment both, at the discretion of the Court having cognizance of the offence.

Penalty.

Nuisance.

SEC. 2. Such flag or device so exhibited, with the apparatus connected therewith, shall be deemed a nuisance, and any Constable of the township in which the same shall be so exhibited, or the Sheriff, or a Deputy Sheriff, or any other peace officer of the county in which the same shall be so exhibited, taking sufficient assistance therefor, may seize and destroy the same.

Duties of  
Sheriffs, etc.

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

CHAP. CCLXV.—*An Act to amend an Act entitled an Act concerning Roads and Highways in the County of Mariposa, approved April tenth, eighteen hundred and sixty-two.*

[Approved April 20, 1863.]

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

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

Blank road  
poll tax  
receipts.

Section 7. The Board of Supervisors shall cause proper blank road poll tax receipts to be printed, of a uniform appearance, which shall be numbered consecutively, with the signature of the Chairman, in writing or in print, affixed, and signed also in writing by the Clerk of said Board; and no other receipts for road poll tax than the above shall be used by the Road Master for the payment of said tax. The Chairman, after his signature shall have been affixed, as above, to a sufficient number of said receipts, shall deliver the same to the Clerk of the Board, who shall, from time to time, deliver them in such number as may be needed, to the Road Masters of the different districts, unless otherwise ordered by the Board, taking their receipts therefor, and the said Clerk shall keep an account, always open

Duties of  
officers.

to the inspection of the Supervisors, or any of them, of debit and credit with the Road Master of each district. For his duties under this Act, the Clerk may receive a compensation, to be fixed by the Board, not to exceed one hundred dollars per annum. Any person who shall wilfully pass, sell, or transfer, or who shall forge or fraudulently issue any receipt or receipts for road poll tax, contrary to the spirit of this Act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not less than ten nor more than two hundred dollars, to be paid into the Road Fund of said county.

CHAP. CCLXVI.—An Act to provide for the construction of the State Capitol Building, in the City of Sacramento.

[Approved April 20, 1863.]

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

SECTION 1. The Controller of State is hereby required to make and deliver to the Board of Commissioners appointed under the provisions of an Act entitled an Act to provide for the construction of the State Capitol in the City of Sacramento, approved March twenty-ninth, eighteen hundred and sixty, immediately after the passage of this Act, and annually, on the first day of January thereafter, an estimate of the amount of money to be derived from the State Capitol Tax, assessed and collected under the provisions of an Act to provide a Special Fund for the construction of the State Capitol in the City of Sacramento, approved March twenty-seventh, eighteen hundred and sixty-three; *provided*, the basis of said estimate shall not exceed the amount of taxable property of the preceding year. *Duty of Controller.* And the said Board of Commissioners are hereby authorized to expend the amount of said revenue in the manner provided for in this Act; *provided*, the said Board of Commissioners shall not expend or incur liabilities in advance of the collection of said tax in any one year, in a greater amount than eighty per cent of the amount of said revenue, as estimated by the Controller of State, as in this Act provided. *Proviso.* *Proviso.*

SEC. 2. The said Board of Commissioners shall advertise for sealed proposals for furnishing all material to be used in the construction of said Capitol Building under the plans and specifications adopted according to law, for at least twenty days, in one of the newspapers published in the City of Sacramento having the largest circulation. The advertisements for sealed proposals shall contain a full description of the material to be used; and at an hour and on a day named in said advertisement, the Board of Commissioners shall open said proposals in presence of such number of the bidders as may be present, and award the contract to the lowest responsible bidder; and if, in the opinion of the Commissioners, the bids are all unreasonably high, they may reject them all, and advertise again in like man- *Commissioners to advertise.*

**Proviso.** ner; *provided*, they may reject all bids unless the material proposed to be furnished shall be approved by the Superintendent and Architect; *provided*, further, that if the Architect and Superintendent deems it advisable to modify the present plan so as to provide for fireproof floors, such modification may be made by the Commissioners.

**Day laborers.** SEC. 3. The Superintendent and Architect is hereby authorized, under the direction of the Board of Commissioners, to employ the mechanics and laborers necessary for the construction of said Capitol Building, by the day, subject to the proviso contained in the first section of this Act.

**Payments.** SEC. 4. In payment for all material furnished, and work and labor performed in the construction of said State Capitol Building, the Board of Commissioners shall draw their orders on the Controller of State, who shall draw his warrants on the State Treasurer, payable out of the Special Fund for the construction of the State Capitol Building; and the money coming into the State Treasury under the provisions of an Act to provide for the construction of the State Capitol, in the City of Sacramento, approved March twenty-seventh, eighteen hundred and sixty-three, is hereby appropriated for the construction of said Capitol Building, as provided in this Act.

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

CHAP. CCLXVII.—*An Act to authorize the Treasurer of Alameda County to collect the Taxes of said county.*

[Approved April 20, 1863.]

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

**Treasurer to be ex officio Tax Collector.** SECTION 1. That from and after the first Monday in March, one thousand eight hundred and sixty-four, the Treasurer of the County of Alameda shall be ex officio Tax Collector of said county. He shall be liable under his official bond as Treasurer for all taxes collected by him as Tax Collector, and shall, before entering upon the discharge of the duties of his office as such Tax Collector, take an official oath for the faithful performance of the same. All duties and liabilities at present imposed upon the Sheriff as ex officio Tax Collector, shall devolve on the Treasurer as Tax Collector. It shall not be necessary for the Treasurer to make a demand for taxes, but it is hereby made the duty of the tax payers of said county to pay their taxes at the Court House to the Treasurer. He shall receive, as ex officio Tax Collector, as compensation for his services, each year, a sum to be fixed by the Board of Supervisors, which sum shall not exceed the amount allowed by law for collecting the State revenue; *provided*, that if the Board of Supervisors shall not see fit to allow the Treasurer the whole of said sum or per centage for the collection of the State revenue, then the overplus shall be paid into the Common School Fund of the county. All gen-

**Duties.**

**Compensation.**

**Proviso.**

eral laws relating to Sheriffs as Tax Collectors shall apply to and govern the Tax Collector herein named, except where such general laws are inconsistent with the provisions of this Act. The provisions of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, shall likewise apply to the Treasurer herein named as Tax Collector.

SEC. 2. This Act shall take effect and be in force from the first Monday in March, eighteen hundred and sixty-four.

CHAP. CCLXVIII.—*An Act to amend an Act entitled an Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty.*

[Approved April 20, 1863.]

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

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

Section 1. There shall be held throughout the State, on the first Wednesday in September, in the year one thousand eight hundred and sixty-three, and on the first Wednesday in September every second year thereafter, an election for members of the Assembly, and such other officers as may be chosen thereat, to be called the General Election; also, in each bissextile or leap year, there shall be held a general election on the Tuesday next after the first Monday of November, for choosing Electors of President and Vice President of the United States, and the election of such other officers as may be required by law.

General Election.

Presidential Electors, etc.

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

Section 4. All vacancies existing, or which are about to occur, or which may occur in office by the expiration of the full term thereof, or otherwise, except vacancies in offices required to be filled at the special judicial elections, shall be supplied at the general election.

Vacancies.

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

Section 5. It shall be the duty of the Governor, at least thirty days before any general election or special judicial election, to issue his proclamation, designating the offices to be filled at said elections, and to transmit a copy thereof to the Board of Supervisors of each county of the State.

Governor to issue proclamation

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

Section 6. It shall be the duty of the Board of Supervisors to give at least ten days notice thereof, by posting or causing to be posted up at each place of holding elections in their county a copy of such proclamation, and also a copy of that

Supervisors to give notice

portion of the election laws of this State which relates to the qualifications of electors, and the proceedings to be observed in conducting the election and making the returns, and to insert the same in some newspaper published in the county, if any be published therein.

SEC. 5. Section thirty-five of said Act is hereby amended so as to read as follows:

Certificate of votes, etc.

Section 35. As soon as all the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each person voted for has received, and designating the office to fill which he was voted for, which number shall be written in words at full length. Each certificate shall be signed by the Clerks, the Judges, and Inspector. One of said certificates, with the poll list, and tally paper to which it is attached, shall be retained by the Inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the Inspector during the counting of the ballots, in the order in which they are entered upon the tally list by the Clerks, and said ballots, together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed up by the Inspector in presence of the Judges and Clerks, and indorsed "Election Returns," and be directed and delivered or sent by the Inspector to the County Clerk of the county in which the election is held, and the said ballots shall be kept for at least six months by said Clerk; and if any person be of the opinion that the vote of any precinct shall not have been correctly counted, he may appear on the day appointed for the Board of Supervisors to open the returns, and demand a recount of the vote of said precinct, and the Board of Supervisors shall proceed to recount the vote of the precinct that is so claimed to have been incorrectly counted.

To be signed.

Duty of Inspector.

Ballots.

Supervisors to re-count.

CHAP. CCLXIX.—*An Act to provide for the Payment of certain Legal Expenses incurred by the State.*

[Approved April 20, 1863.]

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

Appropriation.

SECTION 1. The sum of three thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying Henry Edgerton, William Higby, and Alexander Campbell, or their respective assigns, for services rendered by them, respectively, in the prosecution of the Impeachment Case against James H. Hardy, late Judge of the Sixteenth Judicial District Court, at the last session of the Legislature.

Duty of Controller and Treasurer.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant on the Treasurer of the State in favor of the said Edgerton, Higby, and Campbell, or their re-



spective assigns, for the sum of one thousand dollars each, for the payment of their respective claims as aforesaid.

SEC. 3. This Act shall take effect immediately.

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CHAP. CCLXX.—*An Act to fix the Salary of the District Attorney of the County of Shasta.*

[Approved April 20, 1863.]

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

SECTION 1. From and after the expiration of the term of the present incumbent, the District Attorney of the County of Shasta shall receive for his compensation fifteen hundred dollars per annum. salary.

SEC. 2. The first section of an Act entitled an Act to fix the compensation of District Attorneys for the several counties of this State, passed May fourth, eighteen hundred and fifty-five, so far as the provisions of said section applies to the County of Shasta, is hereby repealed.

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CHAP. CCLXXI.—*An Act to authorize the Trustees of Petaluma School District to levy a Tax for School purposes.*

[Approved April 20, 1863.]

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

SECTION 1. The Board of Trustees of Petaluma School District may, at any time after the passage of this Act, call an election, and submit to the qualified voters of said district the question: "Shall a tax be levied to pay the debt heretofore contracted and now due for building a school house in said district?" Election.

SEC. 2. Before calling said election, the Trustees shall cause to be made a full and complete statement of the debts and liabilities then due and owing on account of the building of said school house, and shall, in their notice of said election, state the amount of money required, the rate of tax to be levied, and shall also state where an account of said indebtedness can be seen by the voters of the district, which shall be at some convenient place in said district. Duty of Trustees.

SEC. 3. The same notice shall be given, the election shall be held in the same manner, and all the powers conferred upon the Trustees, Assessor, and Tax Collector, shall extend to the election, levying, and collecting of the tax herein provided, in the same manner as provided for calling an election to levy a tax Election.

for building a school house, approved April twenty-sixth, eighteen hundred and fifty-eight.

Duty of  
Trustees.

SEC. 4. If a majority of the votes polled at such election shall be in favor of such a tax, the Board of Trustees shall, immediately after the collection of the same, discharge the indebtedness herein mentioned, and any surplus funds remaining in the hands of the Trustees, after paying said indebtedness, shall be by them transferred to the account of rate bills in said district.

Surplus.

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

CHAP. CCLXXII.—*An Act to amend an Act entitled an Act to grant James H. and Charles J. Deering the right to construct and maintain a Bridge or Bridges across the Tuolumne River, approved April eighth, eighteen hundred and sixty-two.*

[Approved April 20, 1863.]

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

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

Franchise.

SECTION 2. The said James H. and Charles J. Deering shall have full power to build, erect, construct, and maintain a public toll bridge or bridges across the Tuolumne River, at a point or points anywhere between a point one fourth of a mile above the place occupied by their former bridge and the lower point of their franchise, near Jacksonville, in Tuolumne County, and have and enjoy all the rights, privileges, and immunities thereunto appertaining, and shall have the right of way across said river and the privilege of using the same for the purpose aforesaid between the points designated on said river, which is hereby granted and ceded to the said James H. and Charles J. Deering, and their assigns, for the term of twenty years; *provided*, that within two years from the date of the passage of this Act the said parties shall have completed one principal bridge at or near the place where formerly was erected "Deering's Bridge," near Stevens' Bar, in Tuolumne County, and if said bridge be not so completed within two years, the rights and privileges hereby granted shall be forfeited. The said parties and assigns shall, at all times after the completion of the bridge or bridges aforesaid, keep the same in good order and condition, and shall be responsible for all damages arising to persons or property crossing the same, caused by neglect to keep the same in proper repair.

Proviso.

Conditions.

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

CHAP. CCLXXIII.—*An Act to authorize William O'Connell and his assigns to build a Wharf at or near Slaughter House Point, in Contra Costa County, now in the possession of William O'Connell.*

[Approved April 20, 1863.]

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

SECTION 1. The right to build and erect a suitable wharf at or near Slaughter House Point, in Contra Costa County, now in the possession of William O'Connell, and to enlarge the same as the wants of the trade may require, extending out into the water three hundred feet, if desired, is hereby granted to the said William O'Connell, his heirs and assigns, for the term of twenty-five years from the passage of this Act. Franchise.

SEC. 2. The use and occupation of a piece of land, common-  
ing at high water mark, three hundred feet in width, and extending three hundred feet into the bay, *provided*, that navigation is not interfered with, is hereby granted to the said William O'Connell, his heirs and assigns, for the term of twenty-five years; the said land to be used for the purposes of said wharf, and for the free ingress and egress of water craft to and from the said wharf. Use of land granted.  
Proviso.

SEC. 3. Said wharf shall be commenced and completed, suitable for a steamboat landing, within twelve months from the passage of this Act; and the Board of Supervisors of the County of Contra Costa are hereby authorized, from time to time, to regulate the rates of toll and wharfage which the grantees herein named may lawfully charge and collect for the use of said wharf; *provided*, any toll or wharfage shall, at any time, be charged. Conditions.  
Proviso.

SEC. 4. This Act shall take effect immediately.

CHAP. CCLXXIV.—*An Act to extend the provisions of an Act entitled an Act concerning Lawful Fences in the Counties of San Bernardino, Colusa, Shasta, Tehama, and Placer, approved April fifteenth, eighteen hundred and fifty-nine.*

[Approved April 20, 1863.]

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

SECTION 1. The provisions of an Act concerning lawful fences in the Counties of San Bernardino, Colusa, Shasta, Tehama, and Placer, are hereby extended to the County of Yuba.

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

CHAP. CCLXXV.—*An Act supplementary to an Act entitled an Act to authorize the Board of Supervisors of Trinity County to levy a Toll on certain Roads in said County, approved February twenty-first, eighteen hundred and sixty-three.*

[Approved April 20, 1863.]

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

Exception.

SECTION 1. The provisions of the Act to which this Act is supplemental shall not apply to the road leading from Weaver-ville to Minersville.

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

CHAP. CCLXXVI.—*An Act to define the Boundary Line between the Counties of Monterey and San Luis Obispo.*

[Approved April 20, 1863.]

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

Boundaries.

SECTION 1. The boundary line between the Counties of Monterey and San Luis Obispo shall be as follows: Beginning at a point on the summit of the Monte Diablo range of mountains (which is the range of mountains between the Salinas and Tulare Valleys) where the sixth standard parallel line south of the Monte Diablo base line (as laid down on the map of United States surveys) crosses said summit, and running thence, due west, along said line to the Pacific Ocean, and three miles therein.

SEC. 2. This Act shall take effect from and after its passage, and all Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CCLXXVII.—*An Act authorizing Placer County to appropriate moneys from its General Fund for the support of an Agricultural Association within the county.*

[Approved April 20, 1863.]

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

Authority.

SECTION 1. The Supervisors of Placer County are hereby authorized at their first regular meeting to appropriate to the Placer County Agricultural Society, for the objects and purposes thereof, the sum of five thousand dollars, out of any

money in the General Fund of said county not otherwise appropriated.

SEC. 2. The said moneys, when so appropriated, shall be placed in a Special Fund by the County Treasurer, and shall be paid out by him upon the proper orders of the officers of the society. Conditions.

SEC. 3. The Supervisors may, at any regular meeting, require of the officers of the society a detailed statement, under oath, of the expenditure of said moneys. Powers of Supervisors

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

CHAP. CCLXXVIII.—*An Act to provide for the Retention of the Hides of Cattle killed or slaughtered in certain counties in this State.*

[Approved April 20, 1863.]

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

SECTION 1. Any person or persons who shall, at any time, in the Counties of Santa Clara, San Diego, San Bernardino, San Luis Obispo, Contra Costa, San Mateo, Alameda, Santa Barbara, and Marin, kill or slaughter, or who shall cause to be killed or slaughtered, any cattle, either for his or their own use and consumption, or for sale, shall retain or cause to be retained in their possession, the hides taken off said animal, with the ear marks attached thereto, without any alteration or disfiguration of the brand or marks on said hide or ears, for the period of eight days. To be retained in certain counties.

SEC. 2. Any Justice of the Peace, Constable, owner of cattle, or any other person, may, within the period of time mentioned in the first section of this Act, demand an exhibit of the hide or hides of any cattle so killed or slaughtered, (as herein provided,) by the person so killing or slaughtering the same, or by any other person for whose use and benefit said animal was killed; and upon such demand being made, he or they shall produce the same for the inspection of said Justice of the Peace, Constable, owner of cattle, or any other person. To exhibit hides to certain officers.

SEC. 3. All persons, owners of cattle, shall, when he or they sell any hide or hides of his or their own mark or brand, place his or their counter brand upon the same; and it shall not be lawful for any person to purchase any hide or hides without such counter brand thereon. Brand and counter brand.

SEC. 4. All persons killing or slaughtering any cattle, or causing the same to be killed or slaughtered, shall keep at the place of slaughter a book, in which shall be entered, at the time of the killing or slaughtering of any animal, the number and class of cattle killed or slaughtered, the name of the person or persons from whom such cattle were purchased, the marks or brands of such cattle, and whether counter branded or not, and if not counter branded, such person or persons killing or Duties of slaughterers.

slaughtering such cattle shall enter in the book herein mentioned a copy of the bill of sale received by him from the person who sold him such cattle, with a certificate attached thereto; such books shall be at all times subject to the examination of all persons who may desire to examine the same.

**Violations of Act.**  
**Penalties.** SEC. 5. Any person or persons who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the County Jail for any term not less than ten days nor more than ninety days, or by both such fine and imprisonment.

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

CHAP. CCLXXIX.—*An Act to extend the time for the completion of a Railroad in Contra Costa County.*

[Approved April 20, 1863.]

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

**Act extended.** SECTION 1. The provisions and conditions of an Act entitled an Act granting to William Fitzpatrick and his associates the right to construct a railroad in Contra Costa County, approved April twenty-first, eighteen hundred and sixty-one, are hereby extended for the period of two years from and after the passage of this Act.

SEC. 2. This Act shall take effect and be in force from and after the passage of this Act.

CHAP. CCLXXX.—*An Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State.*

[Approved April 20, 1863.]

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

SECTION 1. Section one hundred and eighty-nine of said Act is amended so as to read as follows :

**Exceptions.** Section 189. The point of the exception shall be particularly stated, and may be delivered in writing to the Judge; or, if the party require, it shall be written down by the Clerk. When delivered in writing, or written down by the Clerk, it shall be made conformable to the truth, or be at the time corrected until it is so made conformable. When not delivered in writing, or written down as above, it may be entered in the Judge's minutes, and afterwards settled in a statement of the case, as

provided in this Act; *provided*, that if the Judge shall, in any case, refuse to allow an exception in accordance with the facts, any party aggrieved thereby may petition the Supreme Court for leave to prove the same, and shall have the right so to do, in such mode and manner and according to such regulations as the Supreme Court may, by rules, impose. Proviso.

SEC. 2. Section one hundred and ninety-six of said Act is amended so as to read as follows :

Section 196. The application for a new trial shall be made at the earliest period practicable after filing the affidavit or statement, and the Court or Judge granting or refusing a new trial shall state in writing the grounds upon which the same is granted or refused. Application for new trial.

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CHAP. CCLXXXI.—*An Act supplemental to and explanatory of an Act entitled an Act to allow James E. Nuttman, Marcus Harlow, and their assigns, to construct and maintain a Toll Road in the County of San Mateo, passed March twenty-fourth, eighteen hundred and sixty-three.*

[Approved April 20, 1863.]

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

SECTION 1. That portion of section one of the above entitled Act which reads as follows, to wit: "Said road to begin at the point of intersection where the present County Road crosses the northern boundary line between San Mateo and San Francisco Counties, and thence with said County Road to the point where the same intersects with the southern boundary line of San Mateo County." shall not be so construed as to grant or confer any rights or privileges to the said James E. Nuttman, Marcus Harlow, or their assigns, to construct, build, or maintain a toll road over or upon the whole or any portion of the County Road running through the County of San Mateo, from the northern to the southern lines of said county, and known as the San José and San Francisco County Road; nor shall any part or parts of said Act be so construed as to authorize or empower the said James E. Nuttman, Marcus Harlow, or their assigns, to charge and collect any toll upon the whole or any portion of said County Road; nor shall the said James E. Nuttman, Marcus Harlow, or their assigns, acquire any rights or privileges under and by virtue of the above entitled Act to obstruct, in any manner or way whatsoever, the full enjoyment and free use of said County Road, or any portion of the same, to the public. Construction of Act.

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

CHAP. CCLXXXII.—*An Act to direct the Controller of State in drawing his Warrants upon the State Treasurer.*

[Approved April 20, 1863.]

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

Drawing of warrants.

SECTION 1. The Controller shall draw his warrant upon the Treasurer of State for all claims which have been audited and filed in Controller's office up to the fifteenth day of April, eighteen hundred and sixty-three, in the order of the numbers placed upon said claims by the Board of Examiners.

list of.

SEC. 2. The Controller shall furnish to the State Treasurer a list of all warrants by him drawn, and shall also state the date, number, and amount of said warrant, and to whom issued, and the Treasurer shall make a registry of said warrants from the lists so delivered by the Controller, and shall pay the same in the order of registration, and previous to paying any warrant subsequently drawn.

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

CHAP. CCLXXXIII.—*An Act to appropriate money to pay a certain Claim.*

[Approved April 21, 1863.]

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

Appropriation.

SECTION 1. The sum of one hundred and sixty-six dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, to pay the claim of William G. Wood, for balance of account for copying done for the Assembly, pursuant to a resolution adopted at its thirteenth session.

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

CHAP. CCLXXXIV.—*An Act to grant the Right of Way for a Railroad Track within the limits of the City and County of San Francisco.*

[Approved April 20, 1863.]

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

Franchise.

SECTION 1. The right is hereby granted to A. J. Bryant, Benjamin O. Devoe, A. W. McPherson, George H. Ensign, John Lyon, and George S. Wright, their associates and assigns, for the term of twenty-five years, to lay down and maintain an



iron railroad track, in the City and County of San Francisco, commencing at the intersection of East and Market streets; thence along Market street to Sutter street; thence along and upon Sutter street to Stockton street; along Stockton to Post street; along Post to Larkin street; along Larkin to Sutter street; along Sutter to the Lone Mountain Cemetery; with the right to run cars, and to carry passengers and freight thereon; *provided*, that said grantees shall, within three years from and after the passage of this Act, complete said work; *provided*, that whenever any other railroad, or company, shall be granted the use of the same street, or any part thereof, they shall pay for the use of the rails already laid, an equal share of the cost of constructing and maintaining the railroad on the street or part of the street thus occupied jointly, and thereupon shall be entitled to the joint use of such part of said railroad; but no such grant shall be made for more than five blocks in all; *provided*, that before constructing any portion of said railroad along Market street, from East to Sutter streets, the grantees herein named, or their assigns, shall first obtain the consent, in writing, of the owners of a majority of the property on that portion of Market street between East and Sutter streets, estimating the same by the front foot. Proviso.

SEC. 2. The owners of said railroad shall re-pave, or re-plank, as the proper authorities of said city shall direct, the streets through which the said railroad shall run, for a width of two feet on each side of said road, and shall keep the same constantly in repair; *provided*, that beyond Mason street, said grantees shall not be compelled to pave or plank until the streets herein named shall be graded, planked, and paved. To re-pave, etc., certain streets.

SEC. 3. The track of said railroad shall not be more than five feet wide between the rails, and shall be laid as nearly as possible in the centre of the street, and flush with the level of the streets, so as to offer as little obstruction as possible to the crossing of vehicles; and nothing in this Act shall be construed as to prevent any other railroad company, now or hereafter formed, from crossing the ways herein mentioned, at any point. Conditions.

SEC. 4. The rates of fare for each passenger upon said railroad for any distance, going or returning, shall not exceed five cents for each passenger; *provided*, that it shall be unlawful for any person or persons, corporation, or joint stock company, or association, running passenger cars upon any street railroad laid down and maintained by virtue of the franchise herein granted, to demand of or receive from any person desiring to be conveyed, or being conveyed, or purchasing tickets for passage on such railroad, a sum of money greater than is allowed by the provisions of this Act; and for each and every violation of the provisions of this section, such person or persons, corporation, joint stock company, or association, so demanding or receiving such sum, or whose Agent or Agents, employé or employés, shall demand or receive such sum, shall forfeit to the person so overcharged the sum of two hundred dollars, to be recovered in a civil action in any Court of competent jurisdiction. Rates of fare.

SEC. 5. The cars upon said railroad shall be of the most approved construction for the comfort and convenience of passengers. They shall not be run at a speed exceeding eight miles Proviso.

Conditions.

per hour; and for a violation of this provision, the owners of said railroad shall be subject to a fine not exceeding one hundred dollars for each offence.

Injury to  
road.

SEC. 6. Any person wilfully obstructing or injuring said railroad shall be deemed guilty of a misdemeanor, and punished accordingly.

Parties to ex-  
ecute bond.

SEC. 7. Said parties shall, within six months after the passage of this Act, execute to the City and County of San Francisco a bond, with good and sufficient sureties, to be approved by the County Judge of said county, conditioned in the sum of twenty-five thousand dollars for the completion of said railroad, according to the requirements of this Act, and file the same with the Treasurer of the city and county for the benefit thereof; and upon a failure to comply with the provisions of this section, the franchise and privileges hereby granted shall utterly cease and determine, and the amount of the said bond may be recovered from the obligors therein named in an action brought in the name of The City and County of San Francisco.

City may  
purchase.

SEC. 8. The owners of said railroad are required to sell, transfer, and convey the same, together with the cars and all appurtenances to the same belonging, at any time after the expiration of fifteen years from the completion thereof, upon a demand being made by the said city and county, and upon the payment by said city and county of the appraised value of the same, exclusive of this franchise, which appraisal shall be made by five Commissioners, in the manner following: The Board of Supervisors of said city and county shall appoint two Commissioners, and notify the grantees or their assigns of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners, and notify the Board thereof. The four so appointed shall elect a fifth; but in case of their inability to agree upon such fifth Commissioner within ten days, he shall be appointed by the County Judge of said city and county. In case of the failure of the grantees so to appoint, or of the refusal of their appointees to act, then the County Judge shall have power to appoint them. Said Commissioners shall make their appointment and present their report within thirty days after the completion of the commission, and file the same with the Clerk of the Board of Supervisors. A majority of said Commissioners shall constitute a quorum, and the award of the majority shall be binding upon all parties. The amount of the award shall be paid by the Treasurer of said city and county within thirty days after the filing of said award, and thereupon the title to said railroad and cars shall vest in the said city and county.

Board of  
Appraisers.

Construction  
of Act.

SEC. 9. Nothing in this Act shall be so construed as in any way to prevent the proper authorities of said city and county from sewerage, grading, paving, planking, repairing, or altering any of the streets hereinbefore specified, but all such work shall be done, if possible, so as not to obstruct the free passage of the cars upon said railroad; but if the same be not possible, the owners of said railroad, before the commencement of said work, shall be allowed sufficient time to enable them to shift the rails, or take other means so as to avoid said obstruction during the continuance thereof, which said owners are hereby authorized

to do; and the Board of Supervisors of said City and County of San Francisco, and their legal successors, are hereby authorized and empowered to grant to the parties herein named, their associates and assigns, such additional rights and privileges as said grantees, their associates and assigns, may desire or deem necessary for the full and complete enjoyment of the franchise and privileges hereby and herein created and granted.

SEC. 10. The owners of said railroad shall pay to the City and County of San Francisco the sum of fifty dollars per annum, as a license, upon each car used by them upon said railroad, which payment shall be made quarterly to said city and county. The licenses provided for in this Act shall be paid and collected quarterly, as vehicle licenses are paid and collected in the City and County of San Francisco.

Grantees to pay license.

CHAP. CCLXXXV.—*An Act to authorize the Board of Supervisors of the County of Alameda to take and subscribe Two Hundred and Twenty Thousand Dollars to the Capital Stock of "The Alameda Valley Railroad Company," and to provide for the payment of the same, and other matters relating thereto.*

[Approved April 21, 1863.]

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

SECTION 1. It shall be the duty of the Board of Supervisors of the County of Alameda, to order a special election to be held in said county, at the several places for holding elections therein, on the first Tuesday of June next, for the purpose of submitting to the qualified electors of said county the proposition for said Board of Supervisors to take and subscribe two hundred and twenty thousand dollars to the capital stock of "The Alameda Valley Railroad Company" for the purpose of constructing and maintaining a railroad within the limits of the said County of Alameda.

Special election ordered.

SEC. 2. It shall be the duty of said Board of Supervisors to cause notice of at least twenty days to be published in one or more newspapers printed and published in the said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. It shall be the further duty of said Board of Supervisors to cause ballots to be prepared, with the words "Subscription of two hundred and twenty thousand dollars to the Alameda Valley Railroad Company," printed thereon. Every ballot in favor of said proposition shall have the word "Yes," written or printed thereon, and every ballot against said proposition shall have the word "No" written or printed thereon. Said election shall be conducted in the same manner as other elections for county officers; and sealed returns shall be made of the vote cast on said proposition within five days after the said election, and in the same manner as provided for in case of the election of county officers, to the Clerk of said

Ballots.

Manner of conducting election.

county, of the number of voters voting "Yes," and the number voting "No," which returns shall be, on said fifth day, or on the Saturday following the day of said election, opened and counted in the same manner as the returns of the votes for county officers; and when so opened and counted, the result thereof shall be declared officially by the said Board of Supervisors, who shall, at the time prescribed for the opening and counting of the returns of said election, meet as a Board for that purpose, and for perfecting the subscription of stock as hereinafter provided.

**Subscription.** SEC. 3. If, at the said election, a greater number of the electors of said county voting upon said proposition shall vote "Yes" than shall vote "No," then, and in that event, is the Board of Supervisors of said county, in the name of said county, hereby authorized, empowered, and directed, immediately after the result of said election is so officially declared, to take and subscribe for the use, benefit, and advantage of said county, to the capital stock of "The Alameda Valley Railroad Company," a corporation duly organized under the laws of this State, on the thirteenth day of January, Anno Domini eighteen hundred and sixty-three, for the purpose mentioned in section one of this Act, stock to the amount of two hundred and twenty thousand dollars, and therefor to pledge the faith of said county for the payment of the same, in the manner hereinafter provided.

**How to be made.** SEC. 4. The said subscriptions shall be made by a committee of two members of said Board of Supervisors, to be appointed by an order of the said Board for that purpose, and who shall perform that duty immediately thereafter.

**Conditions.** SEC. 5. The said subscriptions shall be made, and so received, conditioned to be paid in the bonds of said county, issued as hereinafter directed, and not otherwise; and for such subscription said bonds shall be received at par, dollar for dollar.

**Duties of Supervisors.** SEC. 6. The said Board of Supervisors of said county, from time to time, as the payment of said subscription to such capital stock so subscribed shall be required to be made by the Board of Directors of said railroad company, not exceeding at any one time, however, an instalment of ten per cent upon the amount of said subscription, upon the same terms as other stockholders are required to pay, shall, by order, direct the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, who, for that purpose, in addition to their other duties as such officers, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Loan Commissioners," of said county, as such "Loan Commissioners, to issue bonds in the sum of one thousand dollars each for such amount of such subscriptions to said capital stock as said Board of Supervisors may direct. Said bonds shall draw interest at the rate of eight per cent per annum from the date of their issue, and the principal thereof shall be made payable on a specified day, to be named in the bonds, which shall be twenty years after the date of their issue, at the office of the Treasurer of said county; the interest accruing on said bonds shall be due and payable semi-annually so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day, to be named in coupons, at said Treasurer's office, as before pro-

**Loan Commissioners.**

**Bonds, when payable.**

**Interest.**

vided for the payment of the principal of said bonds. Both principal and interest of said bonds shall be made payable in United States gold coin, dollar for dollar. Said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, as such officers and ex officio "Loan Commissioners," and when so signed shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same, as such Clerk, in the presence of a quorum of such Board, at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by such Clerk; and upon the countersigning of said bonds it shall be the duty of said Board of Supervisors to cause the seal of said county to be affixed to each bond, and appoint a committee of two of their number to deliver said bonds to the said railroad company to whom the same shall be issued; and it shall be the duty of such committee to take a receipt from the Secretary of said railroad company for the bonds so delivered by them, setting forth the number, dates, and amounts of the bonds so delivered, and report the same to the Board of Supervisors.

SEC. 7. Coupons for the interest shall be attached to each bond so that the coupons may be removed without mutilation to the bond; said coupons shall be signed by the "Loan Commissioners." When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall receive the detached coupons for the interest then due, and deliver the same to the Clerk of said county, taking his receipt therefor, whose duty it shall be to file the same in his office and make a report thereof at the next meeting of the Board of Supervisors.

SEC. 8. The bonds issued from time to time in payment of such stock subscription, by virtue of the provisions of this Act, and at least an equal amount of any other funds that may be obtained by said company from other stockholders, or otherwise, or that may be furnished and supplied by the contractor or contractors who may be engaged in the construction of said road for said company, shall be expended from time to time, as the said bonds are required to be issued, in the actual construction of said company's road. It shall be the duty of the Secretary and Chief Engineer of said company, from time to time, as the said bonds are required to be issued, to make reports under oath, in writing, and lay the same before the said Board of Supervisors, of the progress of the work, and the amount thereof done and performed, as near as the same can be ascertained, on said road. And if, after the issuance of such bonds in payment of ten per cent on such subscription, there should be at any time any failure or refusal in the expenditure of said bonds in the mode and manner provided by this section in the construction of said road, then and in that event the said Board of Supervisors may, at their option, withhold any further payment on such subscription, and shall not thereafter be liable to any future calls for assessments thereon; and if so declared by said Board of Supervisors, the said subscription shall be held void

To be paid in coin.

Coupons.

Manner of expending funds.

Supervisors may withhold payment.

and of no effect, and the said company shall be liable to said county for any amounts that may have been previously paid on such subscription at the time of such failure or refusal, recoverable at law in any Court having jurisdiction.

**Interest tax.** SEC. 9. It shall be the duty of said Board of Supervisors, previous to the making out of the general assessment list for said county in each year, to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued hereunder; and previous to the making out of the general assessment list of said county in the year eighteen hundred and seventy-two, and for every year thereafter until the said bonds issued under this Act shall be paid and liquidated, the said Board of Supervisors shall, should it be necessary, levy a tax, not exceeding twenty-five cents on the one hundred dollars worth of taxable property of said county, for the purpose of raising a Fund for the liquidation of said bonds, which shall be styled a "Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected, shall be paid unto the County Treasurer, who shall account for and deliver the same over to the said "Loan Commissioners," to be by them applied:

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

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

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

**Surplus in Interest Fund.** SEC. 11. It shall be the duty of said "Loan Commissioners" to make arrangements for the payment of the interest on said bonds when the same shall fall due, at least thirty days before the time of payment; and in the event said "Interest Fund" is insufficient, the said Treasurer shall draw on the Common or General Fund of the said county for such purpose, and deliver the same to said Commissioners; and in the event that those Funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of said county.

**Payment of interest.** SEC. 12. Whenever at any time there shall be in said "Loan Fund" a sum of money amounting to four thousand dollars or upwards, the said Commissioners shall advertise in a public newspaper published in said county, for a space of four weeks, for sealed proposals for the redemption of said bonds; and ten days from the expiration of the time for such publication, the said Commissioners shall open the sealed proposals, and shall pay and liquidate as far as the "Loan Fund" then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and, *provided*, should there be no proposals made for less than par value, then the payment of said "Loan

**Surplus in Loan Fund, and redemption of bonds**

Fund" on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give four weeks notice of the number of the bonds to be paid, after which time such bonds shall cease to draw interest; and, *provided*, whenever there may be sufficient moneys in such "Loan Fund" for the extinguishment of the bonds issued under this Act, it shall be the duty of the said Commissioners to advertise in like manner, for a space of four weeks, for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw interest. Any moneys remaining in said "Loan Fund," after the redemption of said bonds, shall be by the said Commissioners paid over to the County Treasurer, to be by him held subject to the order of said Board of Supervisors.

Proviso.

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

Cancellation of bonds.

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

Duty of County Clerk.

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

Liabilities of officers, and their compensation.

Proviso.

Sec. 16. The said Board of Supervisors shall have authority to authorize a committee of any one or more of their number, or any other person, to cast all votes representing the capital stock so subscribed by them; and they shall, by order made for that purpose, have full power to sell, transfer, and assign, the said capital stock, or any part thereof, so taken by them under the provisions of this Act, whenever, on a submission to the qualified voters of said county, at any county or general election, of a proposition to sell the same, a majority of the votes cast thereat shall approve of such sale.

Powers of Supervisors.

Powers of  
Supervisors

SEC. 17. The Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all of the dividends, issues, and profits arising from such subscription to said capital stock, and shall set apart and transfer the same, together with the taxes that may be paid by said company to said county from time to time, to the said "Loan Fund," to be applied by the said "Loan Commissioners" to the payment of the interest on the bonds issued as herein provided, and the redemption of the principal thereof, in the manner provided by section twelve of this Act; and after the full payment of said bonds, and the interest on the same, the said dividends, issues, and profits, arising from such stock subscription, shall be applied as follows: one third part thereof to the School Fund of said county, and the remaining two thirds to the General Fund.

Conditions of  
subscription.

SEC. 18. The said subscription of stock shall be made upon the books of said company subject to the express condition that the said County of Alameda shall not be liable or bound for any of the debts or liabilities of said company beyond or exceeding the amount so subscribed or held by said county; and all contracts made by said company for the construction and equipment of said railroad after such subscription, shall be subject to and shall contain an express stipulation to that effect, and all such contracts shall be subject to such condition, though the same should not be inserted or expressed therein; and in case the said company shall fail or refuse to make such stipulation in all of their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover from said company any previous payments that may have been made thereon at the time of such failure or refusal. And the said county shall never make any other or further subscription to the capital stock of said company than that provided for by this Act.

SEC. 19. This Act shall be taken and deemed a public Act and shall be in force and take effect from and after its passage.

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CHAP. CCLXXXVI.—*An Act to fund the Indebtedness of Calaveras County.*

[Approved April 21, 1863.]

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

County  
authorized  
to fund debt.

SECTION 1. The County of Calaveras is hereby authorized to fund its entire indebtedness contracted since the first day of January, in the year one thousand eight hundred and sixty-one, and before the passage of this Act, and to that end the Board of Supervisors of said county shall have and exercise the powers and perform the duties hereinafter provided, and may do and perform any business pertaining to the funding of such indebtedness, at any quarterly or adjourned meeting of said Board



that may be held after the passage of this Act for the purpose of transacting the ordinary and legitimate business heretofore incumbent upon said Board by law.

SEC. 2. The said Board of Supervisors shall cause to be prepared, and shall have power to issue, on behalf of the County of Calaveras, bonds to an amount not exceeding, in all, the sum of forty thousand dollars, bearing interest at a rate not to exceed ten per centum per annum, of the denominations of twenty-five dollars, fifty dollars, seventy-five dollars, one hundred dollars, two hundred dollars, five hundred dollars, and one thousand dollars, respectively, with coupons for interest attached, which bonds shall be made payable at the office of the Treasurer of said county on or before the first day of January, A. D. one thousand eight hundred and sixty-seven, and the interest on the same shall be made payable, annually, at the Treasurer's office in said county, on the first Monday of January, in each year, on presentation of the respective coupons therefor; every bond so issued shall be signed by the Chairman and Clerk of the Board of Supervisors, and be authenticated with the seal of said county, and shall be countersigned and registered by the Auditor and Treasurer of said county in a book to be kept for that purpose in their respective offices, and to be kept and preserved as a part of the records of said offices, and said bond shall purport that the County of Calaveras owes the holder thereof the sum named in the bond, payable and bearing interest as aforesaid.

Bonds.

Interest.

Manner of signing bonds.

SEC. 3. The Board of Supervisors shall cause the bonds issued by them to be delivered to such persons as may at that time have in their possession or be the holders or owners of any portion of the debt of said county contracted since the first day of January, A. D. one thousand eight hundred and sixty-one, and before the passage of this Act, and which shall have been allowed by said Board of Supervisors as a legal and equitable indebtedness of said county, as the holders thereof will surrender to said Board of Supervisors in exchange for the bonds aforesaid; *provided*, that said bonds shall not be so delivered at less than one hundred cents on the dollar of the principal sum expressed in the same.

Delivery of bonds.

Provided.

SEC. 4. It shall be the duty of the Board of Supervisors to cause to be levied, annually, a special tax, to be collected in the same manner as is now provided by law, in force, or which may be hereafter enacted, on the real and personal property of said county, not to exceed one per cent in addition to the tax now authorized by law to be levied and collected, sufficient to meet the interest accruing annually on said bonds, and to create a Sinking Fund for the redemption of the same, not to exceed the sum of eight thousand dollars annually.

Special interest and redemption tax.

SEC. 5. On the first Monday of January, A. D. one thousand eight hundred and sixty-four, and on the first Monday of January of each succeeding year, it shall be the duty of the Treasurer, on the order of the Board of Supervisors, from the money in his hands set aside and appropriated for that purpose, to pay the interest on the bonds outstanding; and on the first Monday of January, A. D. one thousand eight hundred and sixty-four, and on the first Monday of January in each succeeding year, it shall be the duty of the Treasurer of said county, on the order

Payment of interest and redemption of bonds.

of the Board of Supervisors, to advertise for at least thirty days in one newspaper published in said county, for sealed proposals for the surrender of said bonds, in a principal sum sufficient to exhaust the moneys in his hands set apart and appropriated for that purpose. The Treasurer shall open said sealed proposals at the time and place specified in said publication, in the presence of the Board of Supervisors of said county, who shall accept only of such bids as shall cancel the greatest amount of bonds; and it is hereby further *provided*, that in case there should, in any year after the passage of this Act, and before the expiration of the time named for the final payment of said bonds, be a surplus in the General Fund of said county, over and above the current expenses of said county, then and in that case, the Treasurer, on the order of the Board of Supervisors, shall advertise, in same manner as hereinbefore provided, for sealed proposals for the surrender of said bonds, in a principal sum sufficient to exhaust the moneys in his hands arising from the surplus aforesaid. The Treasurer shall open said sealed proposals at the time and place specified in said publication, in the presence of the Board of Supervisors aforesaid, who shall accept only of such bids as shall cancel the greatest amount of bonds; *provided*, that no bonds shall be redeemed at a greater rate than one hundred cents for one dollar, together with the accrued interest thereon.

Proviso.

Record of bonds.

SEC. 6. It shall be the duty of the Clerk of the Board of Supervisors, and the Treasurer of said county, each, to keep a separate record of all such bonds as may be issued under the provisions of this Act, showing the number, date, and amount of each bond, and to whom the same was issued, and also the rates and dates of cancellation.

Expenses of printing.

SEC. 7. The Board of Supervisors of said county may make any order necessary to carry into effect the provisions of this Act, and are hereby authorized to appropriate out of the General Fund of said county a sum sufficient to pay for the necessary advertising and the printing the blank bonds authorized to be issued by this Act.

Powers and duties of Supervisors

SEC. 8. The Board of Supervisors of said county shall advertise, in some newspaper published in said county, for proposals for the exchange of said bonds for any of the indebtedness of said county contracted since the time referred to and named in section one of this Act; and as soon as said Board of Supervisors shall have completed the business assigned them by this Act, shall publish a statement of their proceedings in some newspaper published in said county; and said Board of Supervisors are hereby prohibited from exercising any further the powers and duties conferred and imposed by this Act, always excepting and reserving the power to make the orders for the levying the tax mentioned in section four of this Act, and appropriating the money arising from said tax, as directed in section seven of this Act, to the payment of said bonds, and the order with regard to their purchase under bids and before their maturity.

SEC. 9. In the event the said bonds authorized to be prepared and issued under and by virtue of the provisions of this Act are not accepted and applied for by the holders of the indebtedness of said county contracted during the time mentioned

in section one of this Act, in any year after the passage of this Act, before the levying of the tax and the appropriations referred to in sections four and five of this Act, the taxes so levied and appropriated by the Board of Supervisors under this Act for the payment of interest on and redemption of the same shall be legal and valid, to all intents and purposes, as if the bonds had been issued; and it shall be the duty of the Board of Supervisors of said county to set apart and appropriate the amount of the tax so levied and collected to the redemption of the indebtedness of said county contracted as stated in section one of this Act. Same.

SEC. 10. This Act shall not be construed so as to annul or change any Acts now in force or effect in the County of Calaveras.

CHAP. CCLXXXVII.—*An Act to authorize the Board of Supervisors of Butte County to loan certain money.*

[Approved April 21, 1863.]

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

SECTION 1. The Board of Supervisors of Butte County shall be and hereby are authorized to loan to the Oroville and Woodville Turnpike Company any money now in the Railroad Interest Fund of said county which is not required for the payment of the interest of bonds whose coupons mature during the current year; *provided*, that said loan shall not exceed in amount the sum of eight thousand dollars. Supervisors authorized.

SEC. 2. As soon as practicable after the passage of this Act, the Chairman of the Board of Supervisors of said county shall call a meeting of said Board, and upon satisfactory proof being presented to said Board that said company has been organized according to law, and that two thirds of the capital stock of said company has been subscribed, and three thousand dollars in cash has been paid in, and that said company has made a location of said road, the said Board shall enter upon their record an order to loan to said Oroville and Woodville Turnpike Company the sum of eight thousand dollars out of the money in said Railroad Interest Fund, as aforesaid, and shall cause said money to be paid to said company, or its authorized Agent, in the manner hereinafter specified, to wit: Whenever the President of said company shall present to the Chairman of the Board of Supervisors satisfactory proof, verified by the affidavit of said President, or the Managing Agent of said company, that an amount not less than one thousand dollars has been expended in actual labor in the construction of their road, or in procuring material therefor; exclusive of the salaries of officers of said company, the said Chairman shall certify the amount so expended to the Auditor of the county, whose duty it shall be thereupon to draw his warrant upon the Treasurer of said county for an amount equivalent to that so certified to him, and it shall be the duty of said Conditions of loan.

Treasurer, upon presentation of said warrant, to pay the same out of the said Railroad Interest Fund, and so on, from time to time, until said eight thousand dollars shall have been paid over to said company; *provided*, that said Chairman shall in no case certify to the Auditor any expenditures that may have been included in a previous certificate, and before giving a certificate, may require the President of said company to make oath that the expenditures stated do not include any expenditure previously certified.

Proviso.

Interest.

SEC. 3. Said loan shall be made for a period of time not less than one nor more than two years, as may be deemed best for the interests of the county by the Board of Supervisors, from the date of the order of loan upon the record of the Board; and said loan shall bear interest at the rate of ten per cent per annum from the payment of each instalment thereof until paid, and which said interest shall be payable semi-annually to the Treasurer of Butte County, who shall place the same to the credit of the Railroad Interest Fund, and shall give his receipt therefor to said company.

SEC. 4. At the time of the payment of any instalment of said loan, the Treasurer shall require, and the officer of the company receiving the same shall give, a receipt therefor to said Treasurer, who shall file the same in his office.

Security.

SEC. 5. From and after the payment of the first instalment of said loan to said company, said loan shall operate as a mortgage upon the road, franchises, revenues, and properties of said company, and shall be holden by said county as security for the repayment of said loan and interest.

County to have prior lien.

SEC. 6. It shall not be lawful for the said company, or the Trustees or Directors of said company, or any officer thereof, to suffer or create any mortgage or lien upon the road, its franchises, revenues, or the properties of the company, that may have priority of effect to the lien of the county, nor shall they make or execute any mortgage or lien of any kind whereby said road, franchises, revenues, or properties, may be charged, unless said instrument is held and express upon the face of the same that it is subject and subsequent to the lien of the county created by section four of this Act. Any Trustee, Director, officer, or Agent of said company, violating the provisions of this section, shall be held to be personally liable for the full amount the said company may owe to said county; and, further, *provided*, that each stockholder of said road corporation shall be personally liable to the County of Butte for his pro rata of the liability created by this Act in favor of said county, in conformity with the provisions of the general corporation laws.

Proviso.

Duty of County Treasurer.

SEC. 7. It shall be the duty of the County Treasurer to open an account with said company, and shall charge it with all money drawn under the operation of this Act, and the interest, as the same may accrue, and shall specify the date and amount of each instalment, as the same may be paid, and shall credit said company for all money paid in from time to time on account of said loan and interest; and when the full amount of said loan and interest shall have been so paid in, the Treasurer shall certify such fact to the Board of Supervisors, who, thereupon, shall cause to be entered upon their records an order discharging said

road, franchises, revenues, and properties of said company from the operation of the mortgage created by this Act, and shall cause to be delivered to said company a written discharge of all obligations from the same, signed by the Chairman of the Board, and attested by their Clerk, under seal of the county.

SEC. 8. It shall not be lawful for said company to pay out any money so loaned by the county, for the salary of any officer of the company, or for any other purpose than may be necessary for the actual construction of said road, or for procuring material therefor; and the Board of Supervisors, or the Chairman of said Board, shall at all times have access to the books of the company, and may examine, under oath, any officer or employé of said company who may be charged with the management or disbursement of said loan, in regard to its disposition; and upon proof of the perversion of said loan, or any portion thereof, to any purposes not allowed by this Act, the Chairman of said Board of Supervisors shall refuse to certify any further expenditure, and shall notify the Treasurer not to pay any further instalments of said loan, and the said company shall forfeit all further benefits of said Act. Conditions  
and  
restrictions.

SEC. 9. All money paid in to the Treasurer on account of this loan, shall be placed to the credit of the Railroad Interest Fund.

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

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CHAP. CCLXXXVIII.—*An Act requiring the County Judge of Santa Clara County to keep Chambers at the County Seat of his county.*

[Approved April 21, 1863.]

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

SECTION 1. The County Judge of Santa Clara County shall keep Chambers at the county seat of his county; said Chambers shall be open for the transaction of business every day in the year, except Sundays, New Year's Day, Fourth of July, Christmas Day, Thanksgiving Day, and the days on which the General Election and Special Judicial Election are held, from the hour of ten o'clock in the morning, till four o'clock in the afternoon. Business  
days.

SEC. 2. This Act shall take effect and be in force from and after the first day of January, in the year one thousand eight hundred and sixty-four.

CHAP. CCLXXXIX.—*An Act to authorize the construction and maintenance of a Wharf in the County of Contra Costa.*

[Approved April 21, 1863.]

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

Franchise.

SECTION 1. M. S. Chase, and such others as he may associate with him, and their assigns, are hereby authorized to construct and maintain a wharf in Contra Costa County, at a place where the land of the said M. S. Chase fronts the southerly bank of the San Joaquin River, distant about half a mile east from the Town of Antioch, and known as the Fuller Point.

SEC. 2. The said M. S. Chase, his associates, or assigns, are hereby authorized to use, for the purposes aforesaid, a strip of land, not exceeding two hundred yards along the river front, and extending into the river far enough, without obstructing the navigation thereof, to accommodate the draft of such vessels or boats as the commerce of the district may require.

SEC. 3. The construction of the wharf hereby authorized shall be commenced within one year after the passage of this Act, and the right and privilege hereby granted shall continue for the term of twenty-five years from the date hereof, the rates of wharfage and dockage at and upon said wharf being subject to regulation, from time to time, by the Board of Supervisors of the county in which said wharf is or may be situated.

CHAP. CCXC.—*An Act to provide for a Street Railroad within the City and County of San Francisco, and other matters relating thereto.*

[Approved April 21, 1863.]

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

Franchise.

SECTION 1. The right is hereby granted to Isaac Rowell, J. W. Reay, Michael Fennell, Lawrence C. Owen, William F. Hall, and E. W. Casco, E. T. Pease, A. R. Baldwin, C. A. Eastman, A. J. Gladding, M. P. Jones, John Gordon, and John W. Cherry; their associates, and assigns, to construct, lay down, and maintain an iron railroad within the City and County of San Francisco, along and upon the following streets, namely: Commencing at the intersection of Chestnut and Stockton streets; thence along and upon Stockton street to Union street; along Union to Dupont street; along Dupont street to the intersection of Market street; and from the intersection of Montgomery and Market streets, along and upon Market to Fifth street; across Market to Fifth street; along Fifth to the city front; and from the intersection of Mason and Washington streets, along Washington to Powell street; along Powell to Broadway; along Broadway to Dupont street; along Dupont street to Pacific street; along

Route of road.

Pacific to Drumm street; along Drumm street to Washington street; along Washington street to Davis street; along Davis to Market street; along and across Market to Fremont street; along Fremont to Mission street; along and upon Mission street from East street to Navy street; and from the intersection of Dupont and Sacramento streets, along Sacramento to Davis street; and from the intersection of Mission and Sparks street, along Sparks to Dolores street; along Dolores to Corbitt street; along Corbitt to Mission street. The said grantees, their associates, and assigns, are hereby authorized and empowered to construct, lay down, and maintain, upon the streets mentioned in this Act a single or double track railroad, at their option, with the proper and necessary switches and turn outs along the entire route, and run cars thereon, not exceeding twenty-four feet in length, at convenient hours of every day and night, for the transportation of passengers and freight; the rails to be of the most improved pattern used in the eastern cities; *provided*, that if any other railroad company shall at any time obtain the right to construct a railroad track on any portion of the streets herein named, such other company shall have the right to use the rails of the grantees herein named, on not exceeding five blocks, upon paying one half of the expense of constructing and maintaining the railroad on that portion of the track so used. With the consent of the Central Railroad Company, the grantees herein named, their associates, and assigns, may run on Davis street, from Pacific to Market street; *provided*, that no railroad track shall be laid on Market street until the written consent of the owners of more than half of the property fronting on the line of said track on Market street is first obtained, estimating said property by the front foot.

Rights of grantees.

Conditions.

Proviso.

SEC. 2. The owners of said railroad shall pave, macadamize, or plank, (as the proper authorities of the said city and county may direct), the streets through which the said railroad shall run, along the whole length thereof, for a width extending two feet on each side of said railroad, and shall keep the same constantly in repair.

Conditions.

SEC. 3. The track of said railroad shall be not more than five feet wide within the rails, with a space between the double tracks sufficient for the passage of the cars; it shall be laid as nearly as possible in the centre of each street, and flush with the level of the street, and so as to offer as little obstruction as possible to the crossing of vehicles; and where the roads herein provided for shall intersect any other road, the rails of each road shall be so altered or cut as to permit the cars to cross without obstruction; and nothing in this Act shall be so construed as to prevent any other railroad company hereafter formed from crossing the roads herein mentioned, at any point, in like manner, in the City and County of San Francisco.

SEC. 4. For the purpose of laying down or repairing the said railroad, not more than the length of one block in any one street within the present fire limits of the city and county shall be obstructed at any one time, nor for a longer period at one time than ten working days.

**Rate of fare.** SEC. 5. The rate of fare on said railroad shall not exceed five cents for each passenger for any distance, going or returning; *provided*, that it shall be unlawful for any person or persons, corporation, or joint stock company, or association, running passenger cars upon any street railroad laid down and maintained by virtue of the franchise herein granted, to demand of or receive from any person desiring to be conveyed, or being conveyed, or purchasing tickets for passage on such railroad, a sum of money greater than is allowed by the provisions of this Act; and for each and every violation of the provisions of this section, such person or persons, corporation, joint stock company, or association, so demanding or receiving such sum, or whose Agent or Agents, employé or employés, shall demand or receive such sum, shall forfeit to the person so overcharged the sum of two hundred dollars, to be recovered in a civil action in any Court of competent jurisdiction.

**Penalty for overcharge.**

**Cars.** SEC. 6. The cars upon said railroads shall be of the most approved construction for the comfort and convenience of passengers, and shall be provided with sufficient brakes and other means for stopping the same when required; they shall be moved by horses or mules, and not otherwise, and at a speed not exceeding eight miles an hour; and in case of a violation of this provision, the owner or owners of said railroad shall be subject to a fine not exceeding one hundred dollars for each offence.

**Speed.**

SEC. 7. Any person wilfully obstructing the said railroad, shall be deemed guilty of a misdemeanor, and punished accordingly.

**Duration of franchise.**

**Conditions.**

SEC. 8. The franchises and privileges herein granted shall continue for the period of twenty-five years from and after the passage of this Act; *provided*, nevertheless, that the whole line of said railroad shall be completed, at least upon a single track, and passenger cars running thereon, within three years from and after May first, eighteen hundred and sixty-three; and the grantees shall, within six months after the passage of this Act, commence the construction of said road, but no time during which they shall be prevented therefrom by legal process shall be counted as a part of said time, and shall, within three months after the passage of this Act, execute to the City and County of San Francisco a bond, with good and sufficient securities, to be approved by the County Judge of said city and county, payable in the sum of thirty thousand dollars, conditioned for the completion of the railroad according to the requirements and privileges of this Act, and file the same with the Treasurer of said city and county, for the benefit thereof; and upon a failure to comply with the provisions of this section, the franchises and privileges hereby granted shall utterly cease and determine, and the amount of the said bond may be recovered from the obligors therein named in an action brought in the name of The City and County of San Francisco.

**Owners required to sell road, etc., to city and county.**

SEC. 9. The owners of said railroad are required to sell, transfer, and convey the same, together with the cars which may be employed thereon, to the City and County of San Francisco at any time after the expiration of fifteen years from the completion of the same, upon a demand being made to that effect by the said city and county, and upon the payment to



said parties by said city and county of the appraised value thereof, exclusive of the value of said franchises. On the purchase of said road, they, together with the franchises, shall vest in the said city and county; said appraisal to be made by five Commissioners, in the manner following: The Board of Supervisors of the City and County of San Francisco shall appoint two Commissioners, and notify the grantees or their assigns of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners, and notify the Board thereof; the four Commissioners so appointed shall elect a fifth, but in case of their inability to agree upon such fifth Commissioner Appraisers. within ten days, he shall be appointed by the County Judge of said city and county. In case of the failure of the grantees or their assigns to appoint Commissioners on their part, as above provided, or in case of their refusal to act, the County Judge shall have the power of appointing them. Said Commissioners shall make their appraisal and present their report within thirty days after the completion of the commission, and file the same in the office of the Clerk of the Board of Supervisors; a majority of said Commissioners shall constitute a quorum, and the award of the majority shall be final and binding upon the parties. The amount of the award shall be paid by the Treasurer of the city and county to the grantees, or their assigns, within sixty days after the filing of said award, and thereupon the title to the said railroad and cars shall vest in the city and county.

SEC. 10. Nothing in this Act shall be so construed as in any wise to prevent the proper authorities of the said City and County of San Francisco from sewerage, grading, paving, plank- Reserved  
rights of city  
and county. ing, repairing, or altering any of the streets hereinbefore specified, but all such work shall be done, if possible, so as not to obstruct the free passage of the cars upon the said railroad, and when the same shall not be possible, the said authorities, before the commencement of such work, shall allow the owners of said railroad time sufficient to enable them to shift the rails, or take other means, so as to avoid said obstruction during the continuance thereof, which they, the said owners, are hereby authorized to do.

SEC. 11. The owners of said railroad shall pay to the City and County of San Francisco the sum of fifty dollars per annum, as a license, upon each car used by them upon said railroad, which payments shall be made quarterly to the said city and county. License.

SEC. 12. The Board of Supervisors of the City and County of San Francisco, or their legal successors, are hereby authorized and empowered to grant to the said parties named in the first section of this Act, their associates, and assigns, such additional rights, privileges, and grants, as said parties, their associates, and assigns, may desire or deem necessary for the full and complete enjoyment of the franchise and privileges created and granted by this Act. Powers of  
Supervisors.

SEC. 13. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed, and this Act shall be in force from and after its passage.

CHAP. CCXCI.—*An Act to authorize the Board of Supervisors of the City and County of San Francisco to take and subscribe One Million Dollars to the Capital Stock of "The Western Pacific Railroad Company," and "The Central Pacific Railroad Company of California," and to provide for the payment of the same, and other matters relating thereto.*

[Approved April 22, 1863.]

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

Special election.

SECTION 1. It shall be the duty of the Board of Supervisors of the City and County of San Francisco to order a special election to be held in said city and county, at the several places for holding elections therein, on the third Tuesday in May, eighteen hundred and sixty-three, for the purpose of submitting to the qualified electors of said city and county the proposition for said Board of Supervisors to take and subscribe four hundred thousand dollars to the capital stock of "The Western Pacific Railroad Company," by which a railroad communication shall be formed between a point on the San Francisco and San José Railroad, at or near the City of San José, and to pass through the Counties of Santa Clara, Alameda, Contra Costa, San Joaquin, and Sacramento, to connect with the Central Pacific Railroad; and a proposition to take and subscribe six hundred thousand dollars to the capital stock of "The Central Pacific Railroad Company of California," by which a railroad communication shall be formed, as before stated, to the eastern boundary of the State of California, so that when said roads shall be completed, there will be a continuous line of railroad from the City of San Francisco to the eastern boundary of the State of California, there to connect with other portions of the Pacific Railroad to the Missouri River.

Notice of.

SEC. 2. It shall be the duty of said Board of Supervisors to cause notice of at least twenty days to be published in one or more newspapers printed and published in said city and county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. Each of the voters voting at said election shall have written or printed upon his ballot the words, "Pacific Railroad Subscription—Yes," or the words, "Pacific Railroad Subscription—No." Every ballot in favor of said proposition shall have the word "Yes," written or printed thereon, and every ballot against said proposition shall have the word "No," written or printed thereon; and such ballots shall be separate and distinct from any ballot for any other purpose, and shall be deposited in a separate ballot box. Said election shall be conducted in the same manner as other elections for city and county officers, and sealed returns shall be made of the vote cast on said proposition within five days after the said election, and in the same manner as provided for in the case of the election of city and county officers, to the Clerk of said city and county, of the number of voters voting "Yes," and the number voting "No," which returns shall be, on said fifth day, or on the Saturday following the day of said election, opened and

Ballots.

Manner of conducting election.

counted in the same manner as the returns of the votes for city and county officers; and when so opened and counted, the result thereof shall be declared officially by the said Board of Supervisors, who shall, at the time prescribed for the opening and counting of the returns of said election, meet as a Board for that purpose, and for perfecting the subscriptions of stock as hereinafter provided.

SEC. 3. If, at the said election, a greater number of the elect- Subscription  
ors of said city and county, voting upon said proposition, shall vote "Yes" than shall vote "No," then, and in that event, is the Board of Supervisors of said city and county, in the name of said city and county, hereby authorized, empowered, directed, and required, immediately after the result of said election is officially declared, to take and subscribe, in the name of "The City and County of San Francisco," and for the use, benefit, and advantage of said city and county, to the capital stock of "The Western Pacific Railroad Company," a corporation duly organized under the laws of this State on the thirteenth day of December, eighteen hundred and sixty-two, for the purpose mentioned in section one of this Act, stock to the amount of four hundred thousand dollars; and also, to take and subscribe, in the name of "the City and County of San Francisco," and for the use, benefit, and advantage of said city and county, to the capital stock of "The Central Pacific Railroad Company of California," a corporation duly organized under the laws of this State, on the twenty-eighth day of June, eighteen hundred and sixty-one, for the purpose mentioned in section one of this Act, stock to the amount of six hundred thousand dollars, and therefor to pledge the faith of said city and county for the payment of the same, in the manner hereinafter provided

SEC. 4. The said subscriptions shall be made by a committee of three members of said Board of Supervisors, to be appointed by an order of the said Board for that purpose, and who shall perform that duty immediately thereafter; and the said subscriptions shall be made, and so received, conditioned to be paid in the bonds of said city and county, issued as hereinafter directed, and not otherwise; and for such subscriptions said bonds shall be received at par, dollar for dollar.

SEC. 5. The said Board of Supervisors of said city and county, Issuance of bonds.  
from time to time, as the work progresses on the said railroad, and as the payment of said subscriptions to such capital stock shall be required to be made by the Board of Directors of each of said companies, shall, by order, direct the President of said Board of Supervisors, the Auditor and Treasurer of said city and county, who, for that purpose, in addition to their other duties as such officers, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Pacific Railroad Loan Commissioners" of said city and county, as such Loan Commissioners, to issue bonds, in the sum of one thousand dollars each, for such amount of such subscriptions to said capital stock as said Board of Supervisors may direct. Said bonds shall Interest.  
draw interest at the rate of seven per cent per annum from the date of their issue, and the principal thereof shall be made payable on a specified day, to be named in said bonds, which shall be thirty years after the date of their issue, at the office of the

How payable.

Treasurer of said city and county, both principal and interest, payable in United States gold coin, dollar for dollar; the interest accruing on said bonds shall be due and payable semi-annually, so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day, to be named in coupons, at said Treasurer's office; said bonds shall be signed by the President of said Board of Supervisors, and the Auditor and Treasurer of said city and county, as such officers and ex officio "Pacific Railroad Loan Commissioners," and when so signed, shall be presented by the President of said Board of Supervisors to the Clerk of said city and county, who shall countersign the same as such Clerk, in the presence of a quorum of such Board at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by the Clerk; and upon the countersigning of said bonds, it shall be the duty of said Board of Supervisors to cause the seal of said city and county to be affixed to each bond, and appoint a committee of their number to deliver said bonds to the said railroad company to whom the same shall be issued; and it shall be the duty of such committee to take a receipt from the Secretary of such railroad company for the bonds so delivered by them, setting forth the number, dates, and amounts of the bonds so delivered, and report the same to the Board of Supervisors of said city and county.

Manner of signing bonds, etc.

Coupons.

SEC. 6. Coupons for the interest shall be attached to each bond, so that the coupons may be removed without mutilation to the bond, and said coupons shall be signed by the Treasurer of said city and county. When any interest shall be paid upon any bond issued under the provisions of this Act, the Treasurer of said city and county shall receive the detached coupons for the interest then due and paid, and deliver the same to the Auditor of said city and county, taking his receipt therefor, whose duty it shall be to file the same in his office, and make a report thereof at the next meeting of the Board of Supervisors.

Payment of interest.

Conditions.

SEC. 7. The bonds issued from time to time in payment of said stock subscriptions by virtue of the provisions of this Act, and at least an equal amount of any other funds that may be obtained by said companies, or either of them, from other stockholders, or otherwise, or that may be furnished and supplied by the contractors who are or may be engaged in the construction of said roads, or either of them, for said companies, shall be expended, from time to time, as the said bonds are required to be issued, in the actual construction and equipment of said railroads. It shall be the duty of the Secretary and Chief Engineer of each of said companies, from time to time, as the said bonds are required to be issued, to make reports, under oath, in writing, and lay the same before the said Board of Supervisors, of the progress of the work and the amount thereof done and performed, as near as the same can be ascertained, on each of said railroads. And if, after the issuance of the first instalment of said bonds to either of said companies, there should be, at any time, any failure or refusal, on the part of such company,

in the expenditure of said bonds, with other funds, in the mode and manner provided by this section, in the construction and equipment of such road, then, and in that event, the said Board of Supervisors may, at their option, withhold any future payments on such subscription to the capital stock of such company, and shall not thereafter be liable to any further calls for assessments thereon; and if so declared by said Board of Supervisors, such subscription to the stock of such company shall be held void and of no effect, and such company shall be liable to said city and county for any amount that may have been previously paid on such subscription at the time of such failure and refusal, recoverable in any Court of competent jurisdiction.

Powers of Supervisors

SEC. 8. It shall be the duty of the said Board of Supervisors, previous to the making out of the duplicate of the general assessment list for said city and county, in each year to levy a tax, to be styled a "Pacific Railroad Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued under this Act; and previous to the making out of the duplicate of the general assessment list of said city and county in the year eighteen hundred and seventy-three, and for every year thereafter until the said bonds issued under this Act shall be paid and liquidated, the said Board of Supervisors shall, should it be necessary, levy a tax, not exceeding thirty cents on the hundred dollars worth of taxable property of said city and county, for the purpose of raising a Fund for the liquidation of said bonds, which shall be styled a "Pacific Railroad Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for city and county purposes, and when collected shall be paid to the Treasurer of said city and county, who shall account for and deliver the same over to the said Loan Commissioners, to be by them applied:

Interest tax.

Loan Fund.

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

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

SEC. 9. If there should be collected as such interest tax, in any one year, a sum greater than is required to pay the annual interest on said bonds issued hereunder, then the said Loan Commissioners shall pass over such surplus into the said Loan Fund.

Surplus in Interest Fund.

SEC. 10. It shall be the duty of said Loan Commissioners to make arrangements for the payment of the interest on said bonds when the same falls due, at least thirty days before the time of payment, and in the event said Interest Fund is insufficient, the said Treasurer shall draw on the Common or General Fund of the said city and county for such purpose, and deliver the same to said Commissioners; and in the event that those Funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of the said city and county.

Duty of Loan Commissioners.

Duty of Treasurer.

SEC. 11. Whenever, at any time, there shall be in said Loan Fund a sum of money amounting to ten thousand dollars or upwards, the said Commissioners shall advertise in a public newspaper published in said city and county, for a space of four weeks,

Surplus in Loan Fund.

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

**Redemption of bonds.**

**Proviso.**

**Cancellation of bonds.**

SEC. 12. Whenever any bonds shall have been paid and redeemed by the said Commissioners, they shall mark the same "cancelled," over their signatures as Commissioners, and immediately deliver the same to the City and County Auditor, taking his receipt therefor; and the said Auditor, upon the receipt of such cancelled bonds, shall file the same in his office.

**Duty of Auditor.**

SEC. 13. The City and County Auditor shall open with the said Commissioners a "Pacific Railroad Interest Tax Account," and a "Pacific Railroad Loan Fund Account," and shall balance and settle the same quarterly, on the first Mondays of April, July, October, and January, of each year.

**Liabilities of officers.**

**Compensation.**

**Proviso.**

SEC. 14. The said Commissioners, and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall, in all things herein required of them, be subject to all the liabilities and penalties to which they are subjected in the performance of any other of the duties of their respective offices, and they shall, where the fees or salary is not fixed by law for the services herein required, be allowed by the Board of Supervisors a reasonable compensation therefor, to be paid by said city and county, as other fees and salaries are paid; and the said Board of Supervisors may, and they are hereby fully authorized so to do, require of each of said Commissioners such bonds and security for the performance of their duties herein required of them as they, the said Board of Supervisors, shall deem proper; *provided*, however, that the penal sums of such bonds to each of said Commissioners shall not exceed ten thousand dollars. The said Commissioners shall, when so required, execute the said bonds in the same manner as other official bonds are executed, and to be approved by said Board of Supervisors, and filed in the office of the Clerk of said city and county.

SEC. 15. The said Board of Supervisors shall have authority to authorize a committee of any one or more of their number, or any other persons, to cast all votes representing the capital stock so subscribed by them; and they shall, by order made for that purpose, have full power to sell, transfer, and assign, the said capital stock, or any part thereof, so taken by them under the provisions of this Act, whenever, upon a submission to the qualified voters of said city and county, at any city and county or general election, of a proposition to sell the same, a majority of the votes cast thereon shall approve of such sale. Powers of Supervisors.

SEC. 16. The Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all the dividends, issues, and profits, arising from such subscriptions to said capital stock, and shall set apart and transfer the same, from time to time, to the said Loan Fund, to be applied by the said Loan Commissioners to the payment of the interest on the bonds issued as herein provided, and the redemption of the principal thereof in the manner provided by section eleven of this Act; and after the full payment of said bonds and the interest on the same, the said dividends, issues, and profits, arising from such stock subscription shall be applied as follows: one third part thereof to the School Fund of said city and county, and the remaining two thirds to the General Fund. Dividends, profits, etc.

SEC. 17. The subscriptions of stock authorized by virtue of the provisions of this Act shall be made by said Board of Supervisors on the books of each of said companies, upon the express condition that the said city and county shall not be liable for any of the debts or liabilities of either of said companies beyond the amount so subscribed; and this provision as to the liability of said city and county, shall be a part of and so expressly stipulated in all contracts made by said companies for the construction and equipment of said roads; and in case either of the said companies shall fail or refuse to make such stipulation in all of their said contracts, then the said Board of Supervisors shall have power to declare the said subscription to the capital stock of such company void and of no effect, and may recover from said company any previous payments that may have been made thereon at the time of such failure or refusal. And the said city and county shall never make any other or further subscription to the capital stock of said companies, or either of them, than that provided for by this Act. Conditions of subscription.

SEC. 18. This Act shall be taken and deemed a public Act and shall be in force and take effect from and after its passage.

CHAP. CCXCII.—*An Act concerning Offices.*

[Approved April 22, 1863.]

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

SECTION 1. There shall be elected or appointed, as hereinafter declared, the following officers, to wit :

Judges and State officers

*First*—A Governor, and Lieutenant-Governor.

*Second*—Five Justices of the Supreme Court.

*Third*—One District Judge for each Judicial District into which the State is or may hereafter be divided by law.

*Fourth*—Senators, and Members of the Assembly.

*Fifth*—A Secretary of State, Treasurer, Controller, Attorney-General, Surveyor-General, Clerk of the Supreme Court, a Superintendent of Public Instruction, and a State Printer.

County officers.

*Sixth*—For each county: one County Judge, and also, a Probate Judge for the City and County of San Francisco, one County Clerk, one District Attorney, one Sheriff, one County Treasurer, one Assessor, one Collector, except in counties where the revenue is assessed and collected by District or Township Assessors and Collectors, there shall not be a County Assessor or Collector elected, and except in counties where the Treasurer is ex officio Tax Collector, one Coroner, one County Surveyor, one Superintendent of Common Schools, one Public Administrator, except in those counties where the Coroner is ex officio Public Administrator, one Recorder, and one Auditor, except in those counties where the County Recorder is ex officio Auditor, whenever the same may be required by law; *provided*, that in counties where the Sheriff is ex officio Tax Collector, no Collector shall be elected.

*Seventh*—County Supervisors.

Justices of the Peace and Constables.

*Eighth*—For each township: two Justices of the Peace, and two Constables, except in the City and County of San Francisco there shall be but one Justice of the Peace and one Constable for each township, and all other township, municipal, and district officers that may be required by law. In the city of Sacramento, there shall be three Justices of the Peace and three Constables elected; and in the City of Marysville two Justices of the Peace and two Constables.

Election.

SEC. 2. The Governor, Lieutenant-Governor, Justices of the Supreme Court, Secretary of State, Treasurer, Controller, Attorney-General, Surveyor-General, Clerk of the Supreme Court, Superintendent of Public Instruction, and State Printer, shall be elected by the qualified electors of the State. District Judges, District Attorneys, Senators, Members of the Assembly, County Judges, County Clerks, Sheriffs, Coroners, Recorders, Assessors, Collectors, County Treasurers, County Surveyors, Superintendents of Common Schools, and Public Administrators, shall be elected by the qualified electors of their respective districts or counties. Justices of the Peace and Constables shall be elected by the qualified electors of their respective cities or townships.

SEC. 3. The Governor and Lieutenant-Governor shall be elected at the general election of the year one thousand eight



hundred and sixty-three, and every fourth year thereafter, and shall hold their offices for the term of four years from and after the first Monday in December subsequent to their election, and until their successors shall be qualified.

SEC. 4. The Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Clerk of the Supreme Court, and State Printer, shall be elected at the same time as the Governor and Lieutenant-Governor, and shall hold their respective offices for the term of four years from and after the first Monday in December subsequent to their election, and until their successors shall be qualified. State officers

SEC. 5. The Justices of the Supreme Court shall be elected by the qualified electors of the State, at the special judicial elections, and shall hold their offices as provided by law. Judges of Supreme Court.

SEC. 6. A Superintendent of Public Instruction shall be elected at the special judicial election in the year one thousand eight hundred and sixty-three, and every fourth year thereafter, by the qualified electors of the State, and shall hold his office for the term of four years from the first day of December next after his election, and until his successor is qualified. Superintendent of Public Instruction.

SEC. 7. District Judges shall be elected by the qualified electors of their respective districts, at the special judicial elections, and shall hold their offices as provided by law.

SEC. 8. The Members of the Assembly shall be elected by the qualified electors of their respective districts, at the general election on the first Wednesday in September, in the year one thousand eight hundred and sixty-three, and every second year thereafter, and shall hold their offices for the term of two years. Members of Assembly.

SEC. 9. Senators shall be elected by the qualified electors of their respective districts, at the same time as Members of the Assembly are elected, and shall hold their office for the term of four years, except the Senators who shall be classified by the Legislature which convenes on the first Monday of December, in the year one thousand eight hundred and sixty-three, as Senators of the first class, whose seats shall be vacated at the expiration of the second year. Senators.

SEC. 10. County Judges, and also a Probate Judge for the City and County of San Francisco, shall be elected by the qualified electors of their respective counties, and city and county, at the special judicial elections, and shall hold their offices as provided by law. County and Probate Judges.

SEC. 11. All county officers in every county in the State, and officers of a subdivision of a county, other than judicial officers and County Supervisors, shall be elected by the qualified electors of their respective counties or subdivisions of a county, at the general election in the year one thousand eight hundred and sixty-three, and of every second year thereafter, and shall hold their offices for the term of two years from and after the first Monday of March subsequent to their election, and until their successors are elected and qualified, except Constables, who shall hold their offices for the term of two years from and after the first day of January next after their election, and until their successors are elected and qualified; *provided*, that the present officers mentioned in the preceding part of this section shall continue in office until the first Monday in March, one thousand County officers.  
Proviso.

eight hundred and sixty-four, except Constables, who shall continue in office until the first day of January, one thousand eight hundred and sixty-four. Justices of the Peace, Recorders, and other inferior judicial officers in any incorporated city or town, shall be elected by the qualified electors of their respective townships, cities, or towns, at the special judicial elections, and shall hold their offices as provided by law; *provided*, that nothing in this section shall be so construed as to apply to the Mayor of any city who shall be Judge of a Municipal Court.

Proviso.

SEC. 12. When any Justice of the Peace, or Constable, by the formation of a new township, shall be brought within the limits thereof, he shall be one of the Justices of the Peace or Constables allowed to such new township, and shall continue in office until the expiration of the term for which he was elected.

Vacancy.

SEC. 13. When, by annexing a part of one township to another, there shall be more than the proper number of Justices of the Peace or Constables within the limits of the township to which such addition shall have been made, any Justice of the Peace or Constable brought within such township, shall, notwithstanding, hold and exercise his office therein until the expiration of his term of office, but no successor shall be elected after the office becomes vacant, either by the expiration of the term of office of the incumbent, or otherwise; and whenever any township, in consequence of a part of it being taken to form a new township, or to be annexed to any other township, shall be deprived of its proper number of Justices of the Peace or Constables, the vacancy thus produced shall be supplied as in other cases.

Commissions

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

Certificates to Members of Legislature.

SEC. 15. Members of the Legislature, and all county and township officers elected by the people, shall receive certificates of election from the officer or officers to whom returns of election are made.

Vacancy.

SEC. 16. Any officer elected or appointed to fill a vacancy, shall be commissioned or receive a certificate of election or appointment to such office.

Oath of office.

SEC. 17. Every person elected or appointed to any office of trust or profit under the authority of this State, before he enters on the duties of his office shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability." Said oath, except in cases specified in the next two sections, shall be indorsed on the commission, or certificate of election, or appointment of such officer, and signed by him, and certified by the officer before whom such oath or affirmation shall have been taken.

SEC. 18. Members of the Legislature shall take the prescribed oath before they assume their seats as such members, and an entry thereof shall be made on the journal of the proper House.

SEC. 19. The Governor and Lieutenant-Governor shall, re-

spectively, take the prescribed oath in the presence of both Houses of the Legislature, met in Convention for that purpose, and an entry thereof shall be made on the journals of said Houses.

SEC. 20. The oath shall be taken, and, except in the cases prescribed in the next two preceding sections, may be subscribed before any officer authorized by law to administer oaths, unless otherwise directed by law.

SEC. 21. It shall be the duty of every officer whose oath of office is required to be indorsed on his commission or certificate of election, to take and subscribe said oath within ten days after the reception of his said commission or certificate, or within ten days after the commencement of his term of office, if, his commission or certificate shall have been received by him. To be taken within a certain time.

SEC. 22. Whenever any officer is authorized or required by law to appoint a Deputy, such Deputy shall, before he proceed to act, take the same oath as his principal. Deputies.

SEC. 23. Every office shall become vacant upon the happening of either of the following events before the expiration of the term of such office : Vacancies.

*First*—The death or resignation of the incumbent.

*Second*—The removal of the incumbent from office.

*Third*—The confirmed insanity of the incumbent, found upon a commission of lunacy issued to determine the fact.

*Fourth*—A conviction of the incumbent of a felony or misdemeanor in office.

*Fifth*—A refusal or neglect of the person elected or appointed to take the oath of office as prescribed in the seventeenth section of this Act, or when a bond is required by law, his refusal or neglect to give such bond within the same time in which he is required to take the oath of office.

*Sixth*—The ceasing of the incumbent to be a resident of the State, district, county, city, or township, in which the duties of his office are to be exercised, or for which he shall have been elected or appointed.

*Seventh*—The ceasing of the incumbent to discharge the duties of his office for the period of three consecutive months, except when prevented by sickness, or absence from the State, upon leave, as provided by law.

*Eighth*—The decision of a competent tribunal declaring the election or appointment void, or the office vacant.

SEC. 24. The Governor and Lieutenant-Governor shall transmit their resignations to the Legislature, if in session, or if not, then to the Secretary of State.

SEC. 25. Members of the Legislature, when they resign their seats, shall deliver their resignation to the presiding officer of the body to which they belong. Resignations

SEC. 26. All officers commissioned by the Governor shall deliver their resignations to him.

SEC. 27. The County Judges, when they resign their offices, shall tender their resignations to the Governor of the State. All other county officers, and officers of subdivisions of a county, when they resign, shall tender their resignation to the County Judge.

**Resignations** SEC. 28. Whenever a vacancy shall occur in any office specified as above, except those mentioned in the second clause of the next preceding section, and those occurring by resignation, it shall be the duty of the County Clerk of the county where such officer exercised the duties of his office, if confined to a single county, and if not thus confined, then of the County Clerk where such officer last resided previous to the happening of such vacancy, to certify such vacancy, and how it occurred, to the Governor. If such vacancy occurred from the confirmed insanity of the incumbent, or from his conviction of a felony or misdemeanor in office, the certificate of the County Clerk shall be accompanied by the certified copy of the judgment found upon the commission of lunacy, or a certified copy of the record of conviction for felony or misdemeanor in office, as the case may be.

SEC. 29. But when a vacancy shall happen in the office of a member of the Legislature, during the session thereof, such vacancy shall be notified to the Governor by the presiding officer of the House in which such vacancy shall have occurred.

**Removal from office.** SEC. 30. Whenever any officer shall be removed from office on impeachment and conviction, as declared in the Constitution of this State, it shall be the duty of the Secretary of State to transmit a certified copy thereof to the officer, as the case may be, whose duty it shall be to order an election or to make an appointment to supply the vacancy caused by the removal of such officer from office.

**Vacancy in office of Governor.** SEC. 31. In case of the impeachment of the Governor, or his removal from office, death, or inability to discharge the powers and duties of the office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war at the head of any military force thereof, he shall continue Commander-in-Chief of all the military forces of the State.

**Of Lieutenant Governor.** SEC. 32. If, during the vacancy in the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy shall be filled or the disability shall cease.

**President of the Senate.** SEC. 33. Whenever the government is administered by the Lieutenant-Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President for that occasion.

**Vacancies during recess of Legislature.** SEC. 34. Vacancies that may happen in offices during the recess of the Legislature, the appointment to which is vested in the Governor and Senate, or in the Legislature, shall be filled by the Governor by granting commissions, which shall expire at the end of the next session of the Legislature.

**Duty of Governor.** SEC. 35. It shall be the duty of the Governor to lay before the Legislature, at the earliest day practicable, a statement of all appointments made by him since the preceding session to fill vacancies.

SEC. 36. Whenever a vacancy shall occur in the office of Superintendent of Public Instruction, the Governor shall fill the same by granting a commission, which shall continue until the election and qualification of a successor. At the first special judicial election subsequent to the occurrence of such vacancy, a Superintendent of Public Instruction shall be elected, who shall qualify and enter upon the duties of his office on the first day of December next after his election, and shall hold his office for the balance of the unexpired term. Vacancy.

SEC. 37. Whenever any vacancy shall happen in the office of Senator, or Member of Assembly, a special election shall be ordered by the Governor to fill such vacancy.

SEC. 38. Whenever a vacancy shall occur in the offices of Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, State Printer, or Clerk of the Supreme Court, the Governor shall fill the same by granting a commission, which shall continue until the election and qualification of a successor. At the next general election subsequent to the occurrence of the vacancy, a successor shall be elected, who shall qualify and enter upon the duties of his office on the first Monday of December next after his election, and shall hold his office for the balance of the unexpired term. Vacancies in State offices.

SEC. 39. Whenever a vacancy shall occur in any county office, or offices of a subdivision of a county, except the office of County Judge, or Supervisor, the Board of Supervisors shall appoint some suitable person to fill the office for the balance of the unexpired term. Vacancies in county offices.

SEC. 40. All Acts and parts of Acts in conflict with the provisions of this Act, especially an Act concerning offices, approved April twenty-eighth, eighteen hundred and fifty-one, and the several Acts amendatory thereof, are hereby repealed; *provided*, nothing in this Act shall be so construed as to repeal, suspend, or in any way interfere with the operation of an Act entitled an Act to organize townships, and regulate their powers and duties, and submit the same to a vote of the people, approved May fifteenth, eighteen hundred and sixty-two; and, *provided*, further, that the taking effect of this Act shall not operate so as to suspend or supersede any officer, or in any manner affect the powers and jurisdiction of such officer, until the election and qualification of his successor, as provided for in this Act; except that no person heretofore elected to an office, whose term of office has not yet commenced, shall be debarred from entering upon the same at the time appointed therefor by the laws under which he was elected, or from holding and enjoying the same until the election and qualification of their successors, provided for by this Act; and, *provided*, further, this Act shall not apply to or affect the special municipal elections in the City and County of San Francisco, nor to the city and county and municipal officers now provided by law to be elected at such elections, nor to repeal or affect the present laws by which such officers are created and elected, excepting such as are judicial officers, but all such city and county and municipal officers, except such judicial officers, shall continue to hold their offices and be elected as is provided by the special laws relating thereto. The County Judge, Probate Judge, Police Judge, and Justices of the Peace Acts repealed.  
Proviso.  
Proviso.  
Counties excepted.

of said city and county, shall be elected at the special judicial elections provided by law for the election of Supreme Judges, and the present incumbents of such offices shall continue to hold the same till the first day of January, eighteen hundred and sixty-four, and until their successors are elected and qualified; and, *provided*, further, that all the county officers now in office in the County of Sierra shall remain in office, and continue to discharge the duties thereof, till the qualification of their successors, elected as provided in this Act.

CHAP. CCXCIII.—*An Act to provide for the construction of a Street Railroad and Tunnel through Russian Hill, in the City and County of San Francisco.*

[Approved April 22, 1863.]

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

Franchise.

SECTION 1. The right is hereby given to Abner Doble, I. T. Pennel, Joseph M. Wood, I. W. Cudworth, to them and their associates and assigns, to construct a tunnel in the City and County of San Francisco, through Russian Hill, on the line of Broadway street, from Mason street to Hyde or Larkin street, with the exclusive use of said tunnel, and the right to charge tolls upon animals and vehicles which may pass through the same. Said tunnel shall not be less than twenty feet in width, by sixteen feet in height, in the centre chord thereof; the entrances, shafts, slopes, and open cuts, shall be protected with suitable railings, walls, etc., to prevent accidents; also, the right to lay down and construct an iron railroad, with double track, within the city and county aforesaid, commencing at or near Fort Point, at a point to be indicated by the grantees, with the consent of the United States Government; thence along the most practicable routes and streets in the Western Addition, between Broadway street on the south and Francisco street on the north, to the intersection of Broadway and Polk streets; thence along Broadway to Davis street; and, (with the consent of the Central Railroad Company,) thence along Davis street to California street; thence along California street to Market street, along Market street to Steuart street, and along Steuart street to Folsom street, with the necessary switches and turnouts along the entire route, and to run cars thereon at all hours from five o'clock, A. M. to eleven o'clock, P. M., from March twentieth to September twentieth, and from seven o'clock, A. M. to ten o'clock, P. M., from September twentieth to March twentieth; *provided*, that the consent of the owners of a majority of the property on Market street from California to Steuart street, shall first be obtained, in writing, before laying any part of said track on that portion of Market street, estimating by the front foot; and *provided*, that if any other railroad company shall at any time obtain the right to construct a railroad track

Route of road

on any portion of the streets herein named, such other company shall have the right to use the rails of the grantees herein named, on not exceeding five blocks, upon paying one half of the expense of constructing and maintaining the railroad on that portion of the track so used.

SEC. 2. The owners of said railroad and tunnel shall plank, pave, or macadamize, as the Board of Supervisors may direct, that portion of the streets along which their railroad track shall be laid, the whole length thereof, and for a width extending two feet each side of the tracks, and shall keep the same constantly in repair. Duty of owners.

SEC. 3. The grantees herein named, their associates and assigns, shall have no right or franchise to run cars on Davis street, between Broadway and Washington streets, without first having obtained the consent, in writing, of the Central Railroad Company; and if they can make no arrangements with the said Central Railroad Company for the privilege of using their track on Davis street, between Broadway and Washington streets, then the said grantees, their associates and assigns, shall have the right to construct their track down Broadway to the intersection of Broadway and Front street; from the intersection of Broadway and Front streets, along and upon Front street to Clay street, along Clay street to Davis street, and along Davis street, from its intersection with Clay street, to California street, with the written consent of the owners of more than one half of the property on Front street, estimated by the front foot, along such part of Front street mentioned in this Act. Conditions.

SEC. 4. The track, gauge, and construction of said railroad, shall conform to the track, gauge, and construction of the Omnibus Railroad. Track, etc.

SEC. 5. For the purpose of laying down or repairing said railroad, not more than the length of one block in any one street within the fire limits of said city and county shall be obstructed at one time, nor for a longer period, at one time, than ten working days. Conditions.

SEC. 6. The rates of toll through said tunnel shall be fixed, from time to time, by the Board of Supervisors, and the rates of fare upon any car upon said railroad shall not exceed five cents for a single fare inside of Van Ness Avenue; and beyond Van Ness Avenue, one dime for a single fare, or if twenty tickets be purchased by one person at one time, the price thereof shall be five cents each; *provided*, that it shall be unlawful for any person or persons, corporation, or joint stock company, or association, running passenger cars upon any street railroad laid down and maintained by virtue of the franchise herein granted, to demand of or receive from any person desiring to be conveyed, or being conveyed, or purchasing tickets for passage on such railroad, a sum of money greater than is allowed by the provisions of this Act; and for each and every violation of the provisions of this section, such person or persons, corporation, joint stock company, or association, so demanding or receiving such sum, or whose Agent or Agents, employé or employés, shall demand or receive such sum, shall forfeit to the person so Tolls. Proviso. Overcharge of fare.

Penalty. overcharged the sum of two hundred dollars, to be recovered in a civil action in any Court of competent jurisdiction.

Cars. SEC. 7. The cars upon said railroad shall be of the most approved construction for the comfort and convenience of passengers, and shall be provided with sufficient brakes and other means for stopping the same when required. All cars upon said railroad shall be moved by horses or mules, and not otherwise, and at a speed not exceeding eight miles per hour, under a penalty of one hundred dollars for each violation of this provision, to be imposed by the Police Judge of the City and County of San Francisco, upon proof before the Police Court of such violation.

Motive power, and speed. Obstructing road. SEC. 8. Any person wilfully obstructing said railroad, or who shall injure the cars or track, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished accordingly.

Term of franchise. SEC. 9. The franchise and privileges hereby granted shall continue for the period of thirty years; *provided*, and this grant is made upon the express condition, that the whole line of said railroad shall be completed, at least with a single track, and passenger cars running thereon, within three years from and after the first day of May, eighteen hundred and sixty-three, in default whereof the franchises and privileges hereby granted shall be forfeited to the City and County of San Francisco, together with all track or tracks laid thereon.

City and county may purchase. SEC. 10. The owners of said franchise and railroads are hereby required to sell, transfer, and convey the same, together with the cars which may be employed thereon, to the City and County of San Francisco, at any time after the expiration of fifteen years from the completion of the same, upon a demand being made to that effect by the said city and county, and upon the payment to them, by the city and county, of the sums of money by them expended in the construction and equipment of said railroad, up to the time of payment; *provided*, however, that the government of said city and county shall not have the right to purchase the same for other parties, nor to assign the right of purchase, nor to substitute individuals or companies in its stead, in respect to any of the rights granted to the city and county by this section; and, *provided*, further, that the appraisement of the value of said railroad and appurtenances thereof shall be ascertained in the same manner and subject to the same conditions provided for the government of the Omnibus Railroad Company, mentioned in section four of this Act.

Proviso. Appraisalment. Rights reserved. SEC. 11. Nothing in this Act shall be so construed as in any wise to prevent the proper authorities of the said city and county from sewering, repairing, improving, grading, planking, paving, macadamizing, altering, or otherwise controlling any or all of the streets herein named, but on the contrary, the same shall be subject to all police and municipal regulations consistent with the exercise of the franchise and rights herein granted to said railroad; but all such work shall be so done, if practicable, as not to obstruct the free passage of the cars upon the said railroads, and before the commencement of such work, the authorities shall allow the owners of the railroad sufficient time to shift the rails so as to avoid any obstruction to the travel on said railroad.

SEC. 12. The City and County of San Francisco is hereby



authorized, for the use of the said city and county, to impose a license tax. License tax.  
 a license tax upon each car run upon said railroads of fifty dollars per annum, which license shall be paid in advance; and each car shall be licensed by a number or name, which number or name shall be distinctly painted on one panel, at least, on each side of said car, and inside thereof, in a conspicuous place, under which the license shall be placed permanently; and if any car shall run upon said railroad without having its license so displayed, or without having paid the same, or shall in any manner violate or evade the provisions of this section, the penalty for such violation shall be fifty dollars for each day of such violation, to be imposed by the Police Judge of said city and county, upon due proof thereof before the Police Court. Penalty.

СПАР. ССХСІV.—*An Act to authorize A. W. Von Schmidt and his associates to lay down Gas Pipes in the City and County of San Francisco.*

[Approved April 22, 1863.]

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

SECTION 1. A. W. Von Schmidt, C. A. Eastman, C. C. Bowman, Charles Hosmer, Henry Baker, and J. J. Gardner, and their associates and assigns, are hereby authorized to lay down pipes in and through the streets of the City and County of San Francisco, and through said pipes to supply gas for the use of said city and county, and the inhabitants thereof, for the term of fifty years. Franchise.

SEC. 2. In consideration of the rights hereby granted, the said grantees, and their associates and assigns, within ten months shall commence and prosecute the work in good faith, and within two years from and after the passage of this Act, shall have erected the necessary buildings and apparatus for the manufacture of at least fifty thousand cubic feet of gas in each twenty-four hours, and shall have laid down at least two miles of main pipe through the public streets of the City and County of San Francisco, and supply gas through the same. Within four years from and after the passage of this Act, the said grantees, and their associates and assigns, shall have laid down three additional miles of street main pipes, and shall at all times thereafter, during the continuation of the franchise privileges hereby granted, supply gas through the same for the use of the City and County of San Francisco, and their inhabitants; provided, that said grantees shall not charge more than six dollars for each one thousand cubic feet of gas for the first five years, and not to exceed five dollars for each one thousand cubic feet thereafter. Conditions.

SEC. 3. Said streets or ways in which said pipes may be laid to be placed in the same good order and condition as they were at the time of being disturbed, at the cost of the above Proviso.

named grantees, associates, and assigns, and subject to the approval of the Superintendent of Streets and Highways, and to his satisfaction.

Damages to property.

SEC. 4. If, under the privileges hereby granted, any injury shall be done to any water pipes, gas pipes, sewers, or drains, belonging to other parties, the amount of said injury, including losses of water, or gas, shall be assessed by the Superintendent of Public Streets and Highways, and paid by the grantees designated in this Act, and their associates and assigns, and the assessment of said Superintendent of Streets and Highways shall be final and conclusive as to the amount of damages to be paid.

Restrictions.

SEC. 5. Under the provisions of this Act, said grantees, and their associates and assigns, shall not erect any work or apparatus for the manufacture of gas within the district bounded on the north by Francisco street, on the west by Larkin and Ninth streets, and on the south by Brannan street; *provided*, that nothing in this Act shall authorize the grantees herein named, or their assigns, to build or maintain any works or erections which shall be a nuisance.

Bond of grantees.

SEC. 6. For the faithful performance of the terms of this Act, on the part of the grantees, their associates and assigns, they shall execute, within twenty days from the passage of this Act, a bond to the Treasurer of the City and County of San Francisco, in the sum of thirty thousand dollars, with two or more sureties, to be approved by the County Judge of said city and county, and shall file the same in the office of said Treasurer; and upon the forfeiture of said bond, it shall be the duty

Forfeiture. Duty of City Attorney.

of the Attorney of said city and county to bring an action for the amount thereof, and upon recovery, to have the amount of said bond; with costs of suit, paid into the Treasury of said City and County of San Francisco; and in case said bond shall not be executed, approved, and filed, as provided in this Act, or in case of the non-performance of any of the terms and conditions of this Act by said grantees, and their associates and assigns, required to be performed, then the franchises and privileges herein granted shall utterly cease and determine; *provided*, that

Proviso.

no franchise or privilege shall be claimed or held under this Act unless entirely new buildings and furnaces for the manufacture of gas shall be erected, and main pipes for the conveyance of the gas shall be laid down, wholly unconnected with any building now standing, or gas pipes now laid down, or which may be hereafter erected or laid down by any other gas company, and unless said building and main pipes be kept and maintained entirely unconnected with any gas building heretofore erected, or main gas pipes laid down heretofore, or which may be hereafter erected or laid down by any other gas company; and, *provided*,

Proviso.

that any violation or infringement of the provisions of this proviso shall work a forfeiture of all rights, franchises, and immunities herein granted, and such franchises, rights, and immunities shall *ipso facto* cease and be void, and all the said property and rights shall vest in the City and County of San Francisco; and it shall be and is hereby made the duty of the City and County Attorney of the City and County of San Francisco to

commence and prosecute proceedings for the enforcements thereof.

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

CHAP. CCXCV.—*An Act making the office of County Treasurer of Shasta County a salaried office.*

[Approved April 22, 1863.]

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

SECTION 1. From and after the first Monday in March, <sup>Salary</sup> eighteen hundred and sixty-four, the County Treasurer of Shasta County shall receive for his services, in lieu of the fees or perquisites now or hereafter allowed said officer by law, the salary or annual sum of fifteen hundred dollars, to be paid quarterly, in instalments of three hundred and seventy-five dollars each, from the County Treasury, in the manner hereinafter directed.

SEC. 2. The County Treasurer of said county shall collect all <sup>Duties.</sup> fees, perquisites, or percentage, which now is or may hereafter be allowed by law, from State, county, or any other source whatsoever, except as hereinafter provided for the compensation of County Treasurers, and shall keep an accurate account of the same, as provided in this Act; he shall place the same to the credit of a Fund to be designated and known as the "County Treasurer's Salary Fund," and shall settle for and account for the same, under oath, to and before the Board of Supervisors of said county, at each and every regular quarterly session thereof, and shall pay the same out on all warrants drawn in favor of the said County Treasurer for his salary.

SEC. 3. The County Treasurer shall procure a suitable book, <sup>Duties.</sup> with index, which shall be known as the Treasurer's Salary Fund Book; he shall enter in said book a full and accurate account of all fees, perquisites, and percentage, belonging to the County Treasurer's Salary Fund; he shall keep said book in such a manner as will show the amount of fees or perquisites received from time to time in each case, and by whom paid; and when any fees or percentage shall be received, which, under the provisions of this Act, may belong to the County Treasurer's Salary Fund, such fees or percentage shall be entered upon said book in a manner that will show from what Fund or moneys, and the amount thereof, such percentage was derived, together with the rate per cent charged thereon. The "Treasurer's Salary Fund Book" shall at all times, during office hours, be open to the inspection and examination of any citizen of said county.

SEC. 4. It is hereby made the duty of the said Board of Super- <sup>Duty of Supervisors</sup> visors, at each of their regular quarterly sessions, to cause to be issued to the County Treasurer a warrant or warrants upon the said "County Treasurer's Salary Fund" for such an amount, not exceeding the said quarterly instalment of three hundred

and seventy-five dollars, as may be and appear upon the books of said County Treasurer to the credit of said Fund at each of the aforesaid quarterly sessions of the Board; and if, at any regular session of said Board, the amount appearing to the credit of said Salary Fund shall be insufficient to liquidate the whole quarterly instalment of three hundred and seventy-five dollars, then the Board shall at the same time cause to be issued to said Treasurer an additional warrant or warrants upon the General Fund of the county for such residue or deficiency, which said additional or later warrants shall be paid from the General Fund of the county in the same order, and with the same interest thereon, from the date of presentation, as other county indebtedness is now or may hereafter be directed to be paid.

Mileage of  
Treasurer.

SEC. 5. Nothing in this Act shall be so construed as to repeal or interfere with the compensation allowed by law as mileage to said County Treasurer for travelling to and from the State Capitol for the purpose of settling with the Controller and Treasurer of State for State funds by him received; but said Treasurer, in addition to the salary hereby fixed and allowed, shall receive to his own use all mileage which now is or may hereafter be allowed by law to the County Treasurers for travelling to and from said Capitol to make such settlements.

Surplus in  
Salary Fund.

SEC. 6. At the May term of the Board of Supervisors of said county, in the year eighteen hundred and sixty-five, and at the May term of said Board every year thereafter, if it shall appear after settlement with the Treasurer, and payment of his quarterly salary then due, that there is still money remaining in the County Treasurer's Salary Fund, the Board of Supervisors shall transfer said money to the County General Fund.

CHAP. CCXCVI.—*An Act to amend an Act entitled an Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty.*

[Approved April 22, 1863.]

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

SECTION 1. Section one hundred and four of an Act entitled an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty, is hereby amended so as to read as follows:

Misconduct  
of officers.

Section 104. If any Inspector, Judge, or Clerk of an election shall, previous to putting the ballot of any elector in the ballot box, attempt to pry into or find out any name or names on such ballot which shall have been handed in by said elector in a folded form, or if any Inspector, Judge, or Clerk of any election shall open, or suffer the folded ballot of any elector which has been handed in to the Board of Judges, to be opened or examined into previous to putting the same into the ballot box, or if any Inspector, Judge, or Clerk of an election shall make or

place any mark or device on any folded ballot which has been handed in to the Board of Judges by any elector, with the view to ascertain the name of any person or persons for whom such elector shall have voted at any such election, or if any Inspector, Judge, or Clerk of an election, without the consent of the elector, shall disclose the name of any person or persons which such Inspector, Judge, or Clerk, shall have fraudulently or illegally discovered to have been voted for by such elector at any election, every such Inspector, Judge, or Clerk of an election so offending, upon conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars. Every person who shall forge or counterfeit returns of an election purporting to have been held at a precinct, town, or ward, where no election was in fact held, or shall wilfully substitute forged or counterfeit returns of election in the place of the true returns, for a precinct, town, or ward, where an election was actually held, shall, upon conviction, be punished by imprisonment in the State Prison for a term not less than two years, and not more than ten years. Every person who shall wilfully add to or subtract from the votes actually cast at an election, in any returns of such election, whether such person be an officer of such election or not, every officer of elections who shall wilfully make false and fraudulent returns, in any manner whatever, of an election held in any precinct, town, or ward, and every person whomsoever, whether officer or not, to whom or through whom any such returns are required by law to be made, whether such person be County Clerk, Messenger, Secretary of State, or other person, who shall alter such election returns, shall, upon conviction, be punished by imprisonment in the State Prison for a term not less than one nor more than five years. Every person who shall aid or abet in the commission of any of the offences mentioned in this section, or who, being present at or cognizant of the commission of either of said offences, and shall not give information thereof as soon as practicable to the District Attorney, or Grand Jury of the proper county, or to some Justice of the Peace of such county, shall, for every such offence, be punished, upon conviction thereof, by imprisonment in the County Jail for the period of six months, or in the State Prison for a term of not more than two years.

Penalties.

Forging  
returns.

Penalty.

wilful  
misconduct.

Penalty.

Aiders and  
abettors.

Penalty.

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

CHAPTER CCXCVII.—*An Act to receive and pay for certain Books relating to the War Debt of this State.*

[Approved April 22, 1863.]

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

SECTION 1. The Treasurer of State is hereby authorized to receive from A. J. F. Phelan a set of books containing calculations of the amount allowed by the United States Government

Appropriation.

Appropriation.

on each bond and certificate issued by the State of California under the provisions of an Act, approved April twenty-fifth, eighteen hundred and fifty-seven, and other Acts amendatory thereof and supplementary thereto; and the sum of eight hundred dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the payment of A. J. F. Phelan for clerical labor performed in compiling said books; and the Controller of State is hereby authorized and required to draw his warrant in favor of said A. J. F. Phelan for the sum of eight hundred dollars, and the Treasurer of State is required to pay the same.

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

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CHAP. CCXCVIII.—*An Act appropriating money to pay the claim of Richard M. Jessup.*

[Approved April 22, 1863.]

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

SECTION 1. The sum of five hundred and twenty dollars (\$520) is hereby appropriated, out of any money in the General Fund in the State Treasury not otherwise appropriated, to pay the claim of Richard M. Jessup, being for money expended by him in behalf of the State during the Indian War in Washoe, in eighteen hundred and sixty; and the Controller of State is hereby authorized to draw his warrant in favor of the said Richard M. Jessup for five hundred and twenty dollars, and the Treasurer of State to pay the same.

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CHAP. CCXCIX.—*An Act to authorize the issue of Duplicates of certain School Land Warrants to Charles B. Grant.*

[Approved April 22, 1863.]

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

Duplicates authorized.

SECTION 1. The Controller of State is hereby authorized and directed to issue to Charles B. Grant, of the City of San Francisco, duplicates of School Land Warrants numbered Eighty-Six and Eighty-Seven, for one hundred and sixty acres of land each; and such duplicate warrants thus issued shall have the same force and effect as if originals, said originals being now cancelled and filed in the office of the Register of the State Land Office.

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

CHAP. CCC.—*An Act to authorize Edward Gallagher, James Gallagher, E. A. Poole, and their associates and assigns, to lay down Water Pipes in the Town of Aurora, County of Mono.*

[Approved April 22, 1863.]

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

SECTION 1. Edward Gallagher, James Gallagher, E. A. Poole, Franchise. and their associates and assigns, are hereby authorized and empowered to lay down pipes in the Town of Aurora, County of Mono, and through and along the streets and alleys thereof, and through said pipes to supply water for the use of said town and its inhabitants.

SEC. 2. In consideration of the rights and privileges herein Grantees to incorporate. granted, the said grantees, their associates and assigns, shall, within four months after the passage of this Act, proceed to organize themselves under the general incorporation laws of this State applicable to the business for which the company may be formed, under the name of the Verdi Vista Water Company.

SEC. 3. The said company shall, within four months after Conditions. their organization, commence and prosecute, in good faith, the work necessary to be performed in making the proper excavations, and in the laying down of pipes and building of reservoirs, water tanks, and other like improvements usually constructed in such cases, and shall, within one year thereafter, so far complete their works as to be able to supply said town and its inhabitants with water.

SEC. 4. The said company, in making the necessary excavations in and along the public streets and alleys of said town, for the purpose of laying down water pipes therein, or for the replacement or repair of said pipes, shall not be allowed to obstruct, in an unnecessary degree, or for an unnecessary length of time, said public streets and alleys, and they shall, in all cases, replace said streets and alleys in as good condition as they were in prior to their being disturbed for the purposes above mentioned.

SEC. 5. The rates to be charged for water by said company Water rates. shall be such as may be determined in accordance with the provisions of the law in such cases made and provided, and for a failure on the part of said grantees, their successors or assigns, to comply with the several conditions and requirements of this Act, the franchise herein granted shall cease and determine.

CHAP. CCCI.—*An Act to provide for Public Administrator in Tulare County.*

[Approved April 22, 1863.]

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

Public Ad-  
ministrator.

SECTION 1. In the County of Tulare the Coroner shall be ex officio Public Administrator, and for the faithful performance of the duties of Public Administrator he shall give such bond as the Probate Court shall from time to time order.

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

CHAP. CCCII.—*An Act to exempt the Property of the California Bible Society from Taxation.*

[Approved April 22, 1863.]

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

Exemption.

SECTION 1. All property, both real and personal, in the State of California, belonging to or held in trust for the use of the association known as the California Bible Society is hereby exempted from the payment of any and all taxes assessed or to be assessed for State, county, or city purposes; *provided*, that such exemption shall continue for the time that said property is held or used for the eleemosynary purposes of said society, and no longer.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCIII.—*An Act concerning the United Order of Ancient Druids.*

[Approved April 22, 1863.]

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

Powers.

SECTION 1. California Grove, Number One, of the United Order of Ancient Druids, and Hermann Grove, Number Two, of United Order of Ancient Druids, located, respectively, at Placerville, and Coloma, in the County of El Dorado, and State of California, are each and severally empowered to acquire and hold such property, both real and personal, as may be deemed necessary to carry out the charitable purposes of said institutions, and to sue and be sued, and to have and exercise such other general powers as are granted to corporations under the provisions of



an Act entitled an Act concerning corporations, passed April twenty-second, one thousand eight hundred and fifty.

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

CHAP. CCCIV.—*An Act granting the right to construct and maintain a Railroad on certain streets therein named, in the City and County of San Francisco.*

[Approved April 23, 1863.]

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

SECTION 1. The right is hereby granted to S. H. Parker, Franchise. Thomas Nelson, W. J. Paugh, and John Doble, and their associates and assigns, to construct, lay down, and maintain an iron railroad within the City and County of San Francisco, along and upon Post street, in said city and county, commencing at the intersection of Montgomery, Market, and Post streets; thence along and upon Post street to Lone Mountain Cemetery; said road to be a single or double track along the entire route, at the option of the parties herein named. The rails to be of the most approved pattern now used in the construction of city railroads, with the proper and necessary switches and turn outs along the entire route, and to run horse cars thereon, not exceeding twenty-four feet in length, at convenient hours of every day and night, for transportation of passengers; Proviso. *provided*, that if any other railroad company shall at any time obtain the right to construct a railroad track on any portion of said street herein named, such other company shall have the right to use the rails of the grantees herein named, on not exceeding five blocks, upon paying one half of the expense of constructing and maintaining the railroad on that portion of the track so used; Proviso. *provided*, further, that no franchise shall be granted to any other company upon the first three blocks on said Post street west of Montgomery street.

SEC. 2. The owners of said railroad shall pave, plank, or Conditions. macadamize (as the proper authorities of said City and County of San Francisco shall direct,) the street through which the said railroad shall run, along the whole length thereof for a width extending two feet on each side of said road, and shall keep the same constantly in repair; Proviso. *provided*, that west of Mason street, the corporation herein named shall not be compelled to pave, plank, or macadamize, as aforesaid, until said streets shall be graded, and paved, planked, or macadamized.

SEC. 3. The tracks of said railroad shall not be more than five Conditions. feet wide within the rails, with a space between the double tracks sufficient for the free passage of the cars, and shall be laid as nearly as possible in the middle of the streets, and flush with the level of the streets, and so as to offer as little obstruction as possible to the crossing of vehicles; and when the road herein provided for shall intersect any other road, the rails of

each shall be so cut, or altered, as to permit the cars to pass without obstruction; and nothing in this Act shall be so construed as to prevent any other railroad company hereafter formed from crossing the road herein mentioned at any point, in like manner, in the City and County of San Francisco.

**Conditions.** SEC. 4. For the purpose of laying down or repairing the said railroad, not more than the length of one block in any one street within the present fire limits of the said city and county shall be obstructed at any one time, nor for a longer period at any one time than ten working days.

**Rates of fare.** SEC. 5. The rates of fare for each passenger upon said railroad shall not exceed five cents each way, for any distance inside of Van Ness Avenue, or ten cents, or three tickets for one quarter of a dollar, beyond Van Ness Avenue; *provided*, that it shall be unlawful for any person or persons, corporation, joint stock company, or association, running a passenger car upon any street

**Proviso.** railroad laid down or maintained by virtue of the franchise herein granted, to demand of or receive from any person desiring to be conveyed, or being conveyed, or purchasing tickets for passage on such railroad, a sum of money greater than is allowed by the provisions of this Act; and for each and every violation of the provisions of this section, such person or persons, corporation, joint stock company, or association, so demanding or receiving such sum, or whose Agent or Agents, employé or employés, shall demand or receive such sum, shall forfeit to the person so overcharged the sum of two hundred dollars, to be recovered in a civil action in any Court of competent jurisdiction.

**Penalty for overcharge.**

**Cars.** SEC. 6. The cars upon said railroad shall be of the most approved construction for the comfort and convenience of passengers, and shall be provided with sufficient brakes, and other means of stopping the same when required. They shall be moved by horses or mules, and not otherwise, at a speed not exceeding eight miles an hour; and in case of a violation of this provision, the owner or owners of said railroad shall be subject to a fine not exceeding one hundred dollars for each offence.

**Speed.**

**Obstructions** SEC. 7. Any person wilfully obstructing the said railroad shall be deemed guilty of a misdemeanor, and punished accordingly.

**Duration of franchise.**

**Further Conditions.** SEC. 8. The franchise and privilege hereby granted shall continue for the period of twenty-five years, to date from and after the passage of this Act; *provided*, that said parties shall within six months commence the construction of the said railroad, and have the same completed throughout its entire length within two years from the passage of this Act; but no time during which they shall be prevented therefrom by legal process shall be counted as a part of said time; and the said grantees, their associates, or assigns, shall, within six months after the passage of this Act, execute to The City and County of San Francisco a bond, with good and sufficient sureties, to be approved by the County Judge of said city and county, conditioned in the sum of ten thousand dollars for the completion of said railroad through Post street according to the privileges and requirements of this Act, and file the same with the Treasurer of said city and county for the benefit thereof; and upon a failure to comply with the provisions of this section, the franchise and privileges hereby

granted shall utterly cease and determine, and the amount of said bond may be recovered from the obligors therein named in an action brought in the name of 'The City and County of San Francisco.

SEC. 9. The owners of said railroad are required to sell, transfer, and convey the same, together with the cars and stock of all kinds that may be employed thereon, to the City and County of San Francisco, at any time after the expiration of fifteen years from the completion of the same, upon a demand being made to that effect by the said city and county, and upon the payment to the said parties by the said city and county of the appraised value of the same, exclusive of franchise; said appraisement to be made by three Commissioners, appointed for that purpose as follows. to wit: one to be appointed by the Board of Supervisors of said city and county, one by the County Clerk of the said city and county, and one by the Directors of the said railroad. In case of said Directors failing to appoint a Commissioner on their part when notified, or within ten days thereafter, of the appointment of the Commissioner by the Board of Supervisors and the County Clerk aforesaid, the County Judge of said county shall appoint a Commissioner in their stead. Said Commissioners shall make their appraisement and present their report to the Board of Supervisors of said county within thirty days after the completion of the commission, or in case the Board of Supervisors shall not be in session, file their report with the Clerk of said Board of Supervisors. A majority of said Commissioners shall constitute a quorum, and the award of the majority shall be binding and final upon the parties. The amount of the award shall be paid by the Treasurer of the said city and county to the grantees or their assigns within sixty days after the filing of said award, and therefrom the title to said railroad, cars, and stock, shall vest in the said city and county.

Owners required to sell road, etc., to city and county.

Appraisers.

SEC. 10. Nothing in this Act shall be so construed as to prevent the proper authorities of the said City and County of San Francisco from sowing, grading, paving, planking, altering, or repairing any of the streets hereinbefore specified, but all such work shall be done, if possible, so as not to obstruct the free passage of the cars upon the said railroad; and when the same shall not be possible, the said authorities, before the commencement of said work, shall allow to the owners of said railroad time sufficient to enable them to shift the rails, or take other means so as to avoid said obstruction during the continuance thereof, which they, the said owners, are hereby authorized to do.

Reserved rights of city and county.

SEC. 11. The owners of said railroad shall pay to the said City and County of San Francisco an annual license tax, to be fixed by the Board of Supervisors of said city and county, not exceeding the sum of fifty dollars on each car used by them upon said railroad, which payment shall be made quarterly to the said city and county.

License.

SEC. 12. The Board of Supervisors of the City and County of San Francisco, and their legal successors, are hereby authorized and empowered to grant to the said parties named in the first section of this Act, their associates or assigns, such additional rights, privileges, and grants, as said parties, their associates and assigns, may desire or deem necessary for the full and

Powers of Supervisors.

complete enjoyment of the franchises and privileges created and granted by this Act.

CHAP. CCCV.—*An Act relative to the Election of District Tax Collectors and Assessors in the County of Placer.*

[Approved April 23, 1863.]

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

**Election.** SECTION 1. The Assessors and Tax Collectors of the several Revenue Districts of Placer County shall be elected on the second Tuesday of February, A. D. one thousand eight hundred and sixty-five, and every two years thereafter, and shall hold their office for two years, and until their successors are elected and qualified. The Assessors and Collectors now in office shall continue therein until the first Monday in March, A. D. one thousand eight hundred and sixty-five.

**Term of office.** SEC. 2. The Board of Supervisors of said county shall, at the regular meeting next preceding such election, make proclamation, publication, and appointment of election precincts and officers, in the same manner as for general elections; and the said election shall be governed, and the votes received, counted, returned, and canvassed, and certificate of election issued, in the same manner as provided for general elections.

**Duty of Supervisors** SEC. 3. The general election law of this State is hereby made applicable to the election herein provided for, so far as the same are not in conflict herewith.

CHAP. CCCVI.—*An Act to provide for the Improvement and Protection of the Wharves, Docks, and Water Front, in the City and County of San Francisco.*

[Approved April 21, 1863.]

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

**Commissioners.** SECTION 1. A Board of three Commissioners is hereby created, which shall be known as the Board of State Harbor Commissioners, (by which name they may sue, and be sued, and defend, in all cases arising under this Act, in any Court of competent jurisdiction); one of whom shall be elected by the qualified electors of the State, at the same time and in the same manner as members of the Assembly are elected; one of them shall be elected by the members of the Senate and Assembly, in Joint Convention, on such a day and at such an hour as may be agreed to by both Houses; and one shall be elected by the qualified electors of the City and County of San Francisco, at

**Election of.**

the same time and in the same manner as municipal officers are elected in said city and county. Each of said Commissioners shall hold his office for the term of four years, and until his successor is elected, commissioned, and qualified, as in this Act provided, except the Commissioners first elected, who shall hold their offices as follows, viz: the first Commissioner elected by the Legislature in Joint Convention, shall be elected at the present session, and shall hold his office for one year from the date of the first meeting of the Board, as in this Act provided, and until his successor is elected and qualified; the first Commissioner elected by the qualified electors of the City and County of San Francisco, shall hold his office for two years, and until his successor is elected and qualified; and the first Commissioner elected by the qualified electors of the State, shall hold his office for four years, and until his successor is elected and qualified. The first Commissioner elected by the qualified electors of the State, shall be elected at the general election in eighteen hundred and sixty-three; and the first Commissioner elected by the qualified electors of the City and County of San Francisco, shall be elected at the election for municipal officers in said city and county, in eighteen hundred and sixty-three. Each of said Commissioners shall, before being commissioned as hereinafter provided, give to the State of California a bond, in the sum of fifty thousand dollars, with two or more sureties, conditioned for the faithful performance of the duties required of him under this Act, which bond shall be approved by the Governor and State Treasurer in writing, indorsed thereon, and shall be filed in the office of the Secretary of State. The Commissioners shall also take and subscribe the usual oath of office, which shall be filed in the office of the Secretary of State. As soon as may be after any one of the Commissioners elected under this Act shall have delivered to the Secretary of State the bond and oath required of him in this section, the Governor shall issue to such person a commission, which shall authorize him to perform the duties required of him by this Act. Such Commissioners shall not be sureties for each other on their official bonds, nor shall any State officer or member of the Legislature be accepted by the Governor and State Treasurer as surety on said bonds.

SEC. 2. As soon as all three of the Commissioners created by this Act shall have received their commissions, they shall take possession of and hold all that portion of the Bay of San Francisco lying along the water front of said City and County of San Francisco, and adjacent thereto, to the distance of six hundred feet into the waters of said bay, from the line of the water front, as defined by an Act of the Legislature, approved March twenty-sixth, one thousand eight hundred and fifty-one, together with all the improvements, rights, privileges, franchises, easements, and appurtenances connected therewith, or in any way appertaining thereto, excepting such portions of said water front as may be held by parties under valid leases; and the Commissioners shall also take possession and have control of any and all such portions of said water front, with the improvements, rights, privileges, franchises, easements, and appurtenances, as are held under valid leases, as soon as said leases shall respectively expire and become void. The Commissioners shall,

Terms of office.

Bonds.

Oath of office

Governor to commission.

Powers and duties of Commissioners.

Duties of  
Com-  
missioners.

as soon as may be after entering upon their duties under this Act, investigate and ascertain by what authority any portion of said water front is possessed and held by persons or parties adversely to the possession of the State through such Commissioners, and shall publish the result of their investigations in one of the newspapers printed and having the largest circulation in said City and County of San Francisco; and if any person or company in the possession of any portion of said water front, holding the same adversely to the State, shall, when required by the Commissioners to make known to them the authority by virtue of which such person or company claims to hold such possession, refuse or neglect to make the same known, the Commissioners shall institute such legal proceedings as may be necessary to discover the nature of such authority; and the costs of such proceedings shall be paid and recovered from the person or company in such adverse possession and so refusing. The said Commissioners are hereby authorized and empowered to institute actions at law or in equity for the possession of any wharf or wharves, or other rights, privileges, franchises, etc., named in this section, or for the recovery of the tolls, dockage, rents, and wharfage thereof; also, for the removal of obstructions, and abatement of any and all nuisances on the water front mentioned in this Act, and to prosecute the same to final judgment.

SEC. 3. The Commissioners shall have and hold possession and control of said water front, with the improvements, rights, privileges, franchises, easements, and appurtenances connected therewith, or in any wise appertaining thereto, for the following purposes and uses:

*First*—To keep in good repair all the sea walls, embankments, wharves, piers, landings, and thoroughfares, for the accommodation and benefit of commerce.

*Second*—To dredge such number of the docks as the commerce of the harbor may require, to a depth that will admit of the easy ingress and egress of the vessels which load and unload at said wharves and piers.

*Third*—To construct such new wharves, piers, landings, and thoroughfares, at the foot of the streets, as the wants of commerce may require.

*Fourth*—To construct all works necessary for the protection of wharves, piers, docks, landings, and thoroughfares, and for the safety and convenience of shipping.

*Fifth*—To provide for the construction, out of the surplus funds growing out of the revenues arising from said wharves, such sea wall or other structure along the water front of said City and County of San Francisco, as shall, upon accurate surveys made for that purpose, be found to be necessary for the protection of the harbor and water front of said city and county. The said structure or sea wall shall be commenced at some point between Harrison street and Vallejo street, upon said water front, and shall be completed between said streets before any work upon said structure or sea wall is done north of Vallejo street or south of Harrison street.

*Sixth*—To collect such rents, tolls, wharfage, craneage, and dockage, as may, from time to time, be fixed under the author-

ity of this Act, and to disburse and dispose of the revenues arising therefrom as in this Act provided.

SEC. 4. The Commissioners shall appoint some suitable person to Act as Secretary of said Board, who shall not be a member thereof. The Secretary, before entering upon the duties of his office, shall give to the State of California a bond, with two or more sureties, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties under this Act, which bond shall be approved by the Commissioners, in writing, and filed with the Secretary of State. The Secretary shall keep, in suitable books, a record of all moneys received and disbursed by said Commissioners, and also of all contracts and agreements made and entered into by them, which record shall be open to the inspection of the public during the usual business hours. The Secretary shall perform such other duties properly pertaining to the duties of a Secretary as may be required of him by the Board. He shall, also, on the first Monday in January, April, July, and October, in each year, file, under oath, in the office of the Secretary of State, a statement, in the form of a balance sheet, containing a full exhibit of all moneys received and disbursed, the sources from which the same were received, and the purposes for which such moneys were paid out.

SEC. 5. Whenever any wharf or wharves shall come into the possession of the Commissioners, under section two of this Act, they shall proceed to lease the same, separately, for terms not exceeding three years. Before leasing any wharf or wharves, they shall advertise for at least thirty days in a daily newspaper published in the City and County of San Francisco, having the largest circulation, inviting sealed proposals or bids for leasing, separately, such wharf or wharves. Such advertisements shall contain all necessary information in regard to the terms of the leases to be made, and such lease or leases shall be awarded to the highest responsible bidders; *provided*, that if all such bids are, in the opinion of the Commissioners, unreasonably low, they may reject them all, and advertise for further bids in like manner as before. In such leases, the Commissioners shall make such provision, not inconsistent with this Act, for the proper dredging of the docks, repair of wharves, and construction of all works necessary for the protection of wharves, docks, and landings, as in their opinion the safety and convenience of shipping may require. Should the Commissioners be unable to lease any wharf or other work coming into their possession, they shall employ some suitable person to collect the revenue which may arise from such wharf or other work, and pay him a proper compensation therefor, not exceeding the rate of one hundred and fifty dollars per month, and not in any case exceeding the amount by him collected. They shall require each person so appointed to keep a correct account of all moneys by him collected, in suitable books to be furnished him by the Commissioners, which books shall be open to the inspection of the public at all reasonable times. They shall require each person so appointed to pay over to them or to the Secretary of the Board all moneys by him collected, as often as once in each week; *provided*, that no wharf

Secretary of Board.

Bond of.

Duties of.

Commissioners to lease wharves.

Proviso.

Duties of Commissioners.

Commissioners. capable of being leased for a sum greater than one hundred and fifty dollars per month, over and above the expense of keeping the same in repair and dredging the docks adjoining the same, shall be retained in the possession of the Commissioners by virtue of the last preceding part of this section, for a longer time than sixty days, without re-advertising the same. The provisions of this section shall apply to all new wharves and other works constructed under the direction of the Commissioners, as soon as the same are completed and ready for use. Neither one of the Commissioners, nor the Secretary, shall ever be interested in any lease or contract made under the provisions of this Act.

Office of, and powers and duties. SEC. 6. The Commissioners shall keep an office in the City and County of San Francisco, the rent of which shall not exceed fifty dollars per month. The office shall be kept open by the Secretary of the Board during all business hours. The Commissioners shall purchase a suitable safe and office furniture, at a cost not exceeding one thousand dollars, and shall also purchase, from time to time, suitable books for the records of the Secretary and accounts of the Wharfingers, together with such stationery as may be needed by the Board, the cost of which safe, furniture, books, stationery, and office rent, may be paid out of any moneys collected for tolls, rents, wharfage, and dockage. The title to all property purchased by moneys collected under this Act, together with all books of record, books of account, and all documents of whatsoever kind connected with the business of the Board, and properly pertaining thereto, shall be in the State.

Disposition of moneys. SEC. 7. All moneys collected under this Act shall be paid into the State Treasury by the Commissioners as often as once in each month, excepting the salaries of the Commissioners, Secretary, and Wharfingers, the office rent, cost of the safe, office furniture, books, stationery, lights, and fuel, and all necessary expenses for the improvement and repair of the wharves, not exceeding three thousand dollars per annum, which amount the Commissioners are authorized to expend only in making repairs demanded by urgent necessity, without advertising for proposals; and it shall be the duty of the Commissioners to take vouchers for all sums of money expended by them under this Act, and safely keep the same on file in the office of the Board. For all sums of money paid by the Commissioners, excepting those above named in this section, they shall draw their orders on the Controller of State, which orders shall be countersigned by the Secretary of the Board, and the Controller of State shall draw his warrant on the State Treasurer, who shall pay the same out of any money in the Wharf and Dock Fund. No warrant shall be drawn by the Controller upon the State Treasurer, as provided in this section, unless the order shall bear the signatures of all three of the Commissioners and the Secretary.

State Wharf and Dock Fund, and duties of State Treasurer. SEC. 8. It shall be the duty of the State Treasurer to receive all moneys paid into the State Treasury by the State Harbor Commissioners, and keep the same in a separate Fund, to be known as the State Wharf and Dock Fund, and pay out the same as provided in section seven of this Act. The State Treasurer shall keep an accurate account of all moneys received into



the State Treasury and paid out under this Act, in books kept solely for that purpose.

SEC. 9. It shall be the duty of the Commissioners to make all improvements deemed necessary, and to designate the time and manner of making the same. When they shall determine that repairs shall be made, a new wharf constructed, a dock dredged, or other improvements made, they shall advertise for sealed proposals, for at least thirty days, in one of the newspapers printed and published in the City and County of San Francisco having the largest local circulation, and let out all contracts made to the lowest responsible bidder. The advertisements for proposals for contracts shall contain an accurate description of the work to be done, with a full description of the materials to be used, and such other details as may be necessary to a correct understanding of the entire work to be performed. On a day certain, to be named in the publication, the Commissioners shall open the bids in the presence of such of the bidders as may be present, and award the contract to the lowest responsible bidder, who shall furnish sufficient sureties to guarantee a performance of the work; *provided*, that if, in the opinion of the Commissioners, the bids are unreasonably high, they may reject them all and advertise anew, in like manner as before. And if, in the opinion of the Commissioners, the second set of bids are also unreasonably high, they may reject them likewise, and enter into a contract with responsible parties without giving further public notice; *provided*, further, however, that any such contract entered into without giving public notice, shall be at least five per cent less than the lowest bid rejected as provided in this section.

Improvements by Commissioners.

Letting of contracts.

Proviso.

Proviso.

SEC. 10. Every wharf and pier hereafter constructed shall commence at the foot of some street, as laid down on the official map of the City and County of San Francisco, and shall extend into the bay in a direct line with such street. No wharf or pier hereafter constructed shall ever be extended into the bay more than six hundred feet beyond the water front of said City and County of San Francisco, as established by an Act of the Legislature, approved March twenty-sixth, one thousand eight hundred and fifty-one. All of the spaces bounded by the said water front and a line parallel thereto, and six hundred feet therefrom, in said bay, and lines running from the termination of the lines of said streets and in a straight course with said lines to the line in the bay six hundred feet from said water front, shall be used solely and exclusively for docks, quays, landing places, and thoroughfares forever, and said spaces are hereby dedicated to the aforesaid uses forever.

Construction and condition.

SEC. 11. The Commissioners shall, from time to time, fix the rates of tolls, wharfage, and dockage (which shall not at any time exceed the present rates) to be collected, keeping in view that no more money is to be raised therefrom than is necessary, with the amount of money derived from the rental of wharves, to keep the wharves, piers, landing places, and thoroughfares in good repair, to construct such new wharves, piers, landing places, thoroughfares, and other works, as the convenience of commerce and protection of the harbor may require, and to protect and dredge the docks and quays. The rates of tolls, wharfage, and

Tolls, wharfage, etc.

dockage, fixed as provided in this section, shall be subject to revision by the Legislature. No greater amount of money shall, in the main, ever be raised by the collection of tolls, rents, wharfage, and dockage than is necessary to keep the sea walls, embankments, wharves, piers, landing places, and thoroughfares in good repair, construct new ones, dredge and protect the harbor, docks, and quays, and pay the incidental expenses connected therewith. No tolls shall ever be collected of pedestrians, or upon any baggage or package they may carry.

Obligations,  
contracts,  
etc.

Validity of.

SEC. 12. No contract or obligation entered into by the Commissioners under this Act, which creates a liability, or authorizes the payment of money, shall be valid and of binding force unless the same shall be signed by all three of said Commissioners, and countersigned by the Secretary of the Board, and no obligation or contract of any kind whatsoever, involving an expenditure of money, shall ever be entered into or contracted by the Commissioners, unless there is money in the Wharf and Dock Fund or Harbor Protection Fund sufficient to pay the same.

Report by  
Com-  
missioners.

SEC. 13. The Commissioners shall, on or before the first Monday of November in each year, make to the Governor a full report of all moneys by them received and disbursements made under this Act, stating specifically for what the same was received, and for what purpose the same was expended, and shall give an account of all improvements made, and the general condition of the property under their charge, which reports shall be transmitted by the Governor to the Legislature at the time of making the annual report, as provided in this section. It shall be the duty of the Secretary to estimate the surplus money growing out of the revenues from said wharves, over and above the requirements of the first four subdivisions of section three of this Act, and when such surplus is ascertained, the same shall be set apart by the State Treasurer as a special fund, to be called the "San Francisco Harbor Protection Fund," to be used exclusively in the building and construction of such sea wall along the line of the water front of said city and county as shall hereafter, upon accurate survey, be found necessary for the protection and security of the harbor and water front of said city and county.

Erection of  
sea wall.

SEC. 14. Upon the accumulation of the sum of twenty-five thousand dollars in said "Harbor Protection Fund," the Commissioners shall cause a survey and estimates to be made for the construction of a sea wall, and the expense of such survey and the costs of constructing said sea wall shall be paid out of the "Harbor Protection Fund." Such sea wall shall be constructed by contract, in sections of not more than two blocks in one contract, and all contracts for that purpose shall be made in accordance with the provisions of section nine of this Act.

Vacancy.

SEC. 15. In the event of the death or resignation of either of the Commissioners elected under this Act, the Governor shall fill the vacancy by appointment, and the appointee shall hold the office until the next general or municipal election, or meeting of the Legislature, as the case may be. Any person so appointed to fill a vacancy in the Board of Commissioners shall give a like bond and subscribe to a like oath as those required of Commissioners elected under this Act, before he receives a

commission from the Governor. If any one of said Commissioners, or the Secretary of the Board, shall absent himself from the State for a space of sixty days, he shall be deemed to have vacated the office held under this Act, and the Governor shall appoint his successor, who shall hold the office until the next general or municipal election, or meeting of the Legislature, as the case may be, at which time his successor shall be elected, and hold his office for the balance of the unexpired term. And such appointee shall give a like bond and subscribe to a like oath as those required of his predecessor.

SEC. 16. It shall be and is hereby made the duty of the Attorney-General of the State to give such legal advice and render such legal services as may, from time to time, be required of him by the Commissioners, in connection with their duties under this Act.

Duty of  
Attorney  
General.

SEC. 17. The salary of each Commissioner shall be one hundred dollars per month. The salary of the Secretary shall be two hundred dollars per month. The said salaries shall be payable monthly, out of any moneys collected under this Act.

Salary  
of Com-  
missioners.

SEC. 18. No person shall be eligible to any office under this Act unless he has been a resident and citizen of this State at least two years next prior to the time of his election or appointment.

Eligibility  
of officers.

SEC. 19. Should any personal injury or loss of property occur in consequence of the neglect of the lessees to keep the wharves, docks, and landing places in good repair, the party receiving the personal injury or losing the property may proceed against the said lessees in any Court of competent jurisdiction; and the said lessees shall be responsible on the bonds given to the State Harbor Commissioners for the faithful performance of their contract, for all judgments obtained against them for losses or injuries sustained in consequence of such neglect.

Lessees of  
wharves.

Liability of.

SEC. 20. No person or company shall, after the Commissioners elected under this Act shall have been commissioned as herein provided, collect any tolls, wharfage, and dockage, upon any portion of the water front of the City and County of San Francisco, nor shall any person or persons land or ship any goods, wares, or merchandise, or other thing, upon or from any portion of the said water front of said City and County of San Francisco, unless authorized so to do by the said Commissioners, excepting such persons or companies as may hold possession of some portion of the property described in this Act by valid leases. Any person violating or offending against the prohibition in this section contained shall be deemed guilty of a misdemeanor, and upon conviction thereof in any Court of competent jurisdiction, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the County Jail of the City and County of San Francisco not exceeding six months, or by both such fine and imprisonment.

Authority  
of Com-  
missioners.

Violation of  
Section 20.

Penalties.

SEC. 21. Whenever, in this Act, authority is given to dredge docks, repair wharves, or make other improvements, it shall be deemed to apply only to such wharves, docks, or other improvements as are not leased, as provided in section five of this Act.

Dredging  
docks, etc.

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

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

CHAP. CCCVII.—*An Act amendatory of an Act entitled an Act to authorize D. B. Northrop, Horace Cole, E. B. Goddard, and their associates, to construct a Plank Road, or Bridge, over the Waters of Mission Bay, in the City and County of San Francisco, approved April the eighteenth, eighteen hundred and sixty-two.*

[Approved April 24, 1863.]

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

SECTION 1. Section two of said bill is hereby amended so as to read as follows :

Powers of company.

Section 2. Said company, when incorporated as aforesaid, shall have full power to build, erect, construct, and maintain, a public plank road and toll bridge across Mission bay, in the City and County of San Francisco, from or near the foot of Fourth street, on the north side of said bay, to or near the foot of Kentucky street, on the south side of said bay, and have and enjoy all rights, privileges, and immunities thereunto appertaining, and shall have the right of way across said bay, and the privilege of using the same for that purpose, which is hereby granted and ceded to said company, for the term of twenty years; *provided*, within one year from the date of the passage of this Act, the said company shall commence the construction of said plank road and toll bridge, and within two years shall build and fully complete the same; otherwise the right to build the same shall be forfeited, and this Act become null and void. Said company shall, at all times after its completion, keep said road and bridge in passable order and in good condition, and shall be responsible for any damage arising to persons or property crossing said bridge, caused by neglect to keep said bridge in proper repair and condition. After the expiration of ten years from the completion of said bridge or road, the City and County of San Francisco shall have the right to purchase the same at an appraised value, to be determined by five Appraisers, two to be selected by said company, two by the said city and county, and one to be selected by the four Appraisers hereinbefore provided for; and such value shall be estimated to be the value of the bridge or road, not including the franchise or right of way; and, *provided*, further, that if said bridge or road be purchased by said city and county, then the right to levy and collect tolls shall cease.

Rights.

Duration of franchise.

Conditions.

City and county may purchase.

Proviso.

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

CHAP. CCCVIII.—*An Act to incorporate the City of Sacramento.*

[Approved April 25, 1863.]

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

ARTICLE I.

SECTION 1. For the purpose of municipally governing that portion of the County of Sacramento lying within the following described limits, that is to say: Beginning at the junction of the centre of the channel of the American River with the centre of the channel of the Sacramento, and running thence down the centre of the channel of the Sacramento River to a point opposite the south line of Y street, as laid down on the official map or plan of Sacramento City on file in the Recorder's office of the County of Sacramento, and thence easterly in a straight line and along the south line of Y street to the east line of Thirty-first street, as laid down on said map, and thence northerly along the east line of Thirty-first street and an extension thereof, to the centre of the channel of the American River, and thence down the centre of the channel of the American River to the place of beginning. The inhabitants thereof are hereby made and constituted a body politic and corporate, under the name and style of the "City of Sacramento," by which name they shall be known in law, shall have perpetual succession, may make, break, alter, renew, and have a common seal, may sue and be sued, and defend, upon any bond, covenant, agreement, contract, matter, or thing whatever, of which the Courts of law or equity have jurisdiction; *provided*, however, that such bond, covenant, agreement, contract, matter, or thing that is the cause of action, has been made or entered into after the passage of this Act; but, *provided*, further, that this clause shall not prevent said city from commencing and maintaining any action for the recovery of any taxes or license moneys that have heretofore accrued within the limits aforesaid for municipal purposes; and, *provided*, further, that no action shall be commenced or maintained against the city until the claim, account, or demand upon which it is founded has been presented to, and, either in whole or in part, been rejected by the Board of Trustees; and, *provided*, further, that none of the lands, tenements, hereditaments, appurtenances, taxes, revenues, franchises, actions, choses in action, property, or effects, of any kind or nature whatsoever, of said city, or of either or any of its trusts or uses, shall be attached, levied upon, or sold, in any process whatever, either original, mesne, or final; and said city may, under the restrictions and limitations in this Act contained, purchase, or receive by legacy or donation, and hold, real estate and personal property, either for its own use, or in trust for Public Schools, or for a House of Refuge, or a Reform School, or an Orphan Asylum, or the Fire Department; and it may do and perform all such other matters and things, and exercise all such other powers, and enjoy all such rights, privileges, franchises, liberties, and immunities, and shall be subject to all such restrictions and lim-

Boundaries.

City incorporated.

Proviso.

Powers and rights of city

Powers and  
rights of city

itations, as are or may be by this or any other law granted or prohibited to it; and the lands, tenements, hereditaments, appurtenances, moneys, taxes, assessments, liens, revenues, franchises, actions, choses in action, chattels, rights, claims, property, effects, and trusts, which on the thirtieth day of April, eighteen hundred and fifty-eight, were vested in, belonging to, or held by "the Mayor and Common Council of the City of Sacramento," and the lands, tenements, hereditaments, appurtenances, moneys, taxes, assessments, liens, revenues, franchises, actions, choses in action, chattels, rights, claims, property, effects, and trusts, which since the said thirtieth of April, eighteen hundred and fifty-eight, have arisen or accrued, or been derived or acquired within the above described city limits for municipal purposes, or with municipal funds, are hereby transferred to, vested in, made the property of, and declared and determined to belong to, and to be held by "the City of Sacramento."

Trustees.

SEC. 2. The City of Sacramento shall be governed by a Board of Trustees, consisting of three members, each of whom shall be a resident and qualified elector of said city. Said Board shall have power except as hereinafter provided:

Powers of.

*First*—To create, if they deem necessary for a proper administration of the government, any or all of the following offices, and to elect the incumbents, prescribe their duties, and fix their respective terms of office, to wit: A Clerk of the Water Works, an Engineer of the Water Works, a Harbor Master, Chief of Police, eight Policemen, a City Surveyor; but no officer elected under the provisions of this subdivision shall receive any compensation exceeding fifteen hundred dollars per annum. The Trustees may also elect such number of special Policemen as they deem proper; *provided*, no special Policeman shall receive any compensation from the city; they shall also have the power to remove any incumbent appointed by the Board, and to fill vacancies; but in case of removal, the cause thereof shall be spread upon their minutes, if the officer removed shall demand it.

*Second*—To make by-laws and ordinances not repugnant to the Constitution of the United States or of the State of California.

*Third*—To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for State or county purposes, which taxes shall not exceed one per cent per annum upon the assessed value of all property.

*Fourth*—To sell, use, lease, control, improve, and take care of the real estate and personal property of the city.

*Fifth*—To lay out, extend, and alter streets and alleys, provide for the grading, draining, cleaning, repairing, widening, lighting, or otherwise improving the same, and for the construction, repair, regulation, and preservation of sidewalks, bridges, drains, curves, gutters, and sewers, and to prevent or remove obstructions thereto or to any part thereof, and to provide for the numbering of houses.

*Sixth*—To provide for the prevention and extinction of fires; also, organize, regulate, and establish fire companies and a Fire Department.

*Seventh*—To regulate the landing and storage of gunpowder and other combustible materials.

*Eighth*—To determine what are nuisances, and prevent and remove the same. Powers of Trustees.

*Ninth*—To create and establish a City Police, to prescribe their duties and compensation, and to provide for the regulation and government of the same.

*Tenth*—To fix and collect license tax on and to regulate theatres, melodeons, balls, concerts, dances, and all theatrical or melodeon performances, and performances of any kind for which an admission fee is charged, or which may be held in any house where wines or liquors are sold to the participators, circuses, shows, billiard tables, bowling alleys, and all exhibitions and amusements; to fix and collect a license tax on all taverns, hotels, restaurants, saloons, bar rooms, bankers, brokers, gold dust buyers, manufactories, livery stable keepers, express companies, and persons engaged in transmitting letters or packages, railroad and stage and steamboat companies, or owners, whose principal place of business is in said city, or who shall have an agency therein; to license and regulate auctioneers; to license, tax, regulate, prohibit, or suppress all tippling houses, dram shops, saloons, bars, bar rooms, raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, and sheds; to prohibit and suppress, or to license and regulate, all cock fights, bear or bull or badger baits, dog fights, or exhibition or show of any animal or animals; also, to prohibit or suppress all gaming, and all gambling or disorderly houses; also, to regulate, prohibit, or suppress all houses of ill fame, and to fix and collect a license tax upon all professions, trades, or business not heretofore specified, having regard to the amount of business done by each person, firm, or association thus licensed.

*Eleventh*—To provide for all necessary public buildings, parks, or squares, necessary or proper for the use of the city.

*Twelfth*—To establish a Board of Health, to prevent the introduction and spread of disease, and to establish a City Infirmary, and provide for the indigent sick.

*Thirteenth*—To prevent and restrain any riot, or riotous assemblage, or disorderly conduct, within said city.

*Fourteenth*—To impose, for the benefit of the city, fines, penalties, forfeitures, and punishments, for breaches to the city ordinances.

*Fifteenth*—To provide for the formation of a chain gang for persons convicted of crimes or misdemeanors, and to their proper employment for the benefit of the city.

*Sixteenth*—To establish and regulate markets.

*Seventeenth*—To provide for conducting elections, establishing election precincts, appointing Judges, Inspectors, and Clerks thereof.

*Eighteenth*—To build, alter, improve, keep in repair, and control the water front; to erect, regulate, and repair wharves, and to fix the rate of wharfage and transit levee dues upon vessels and commodities, and to provide for the collection thereof; to provide for the regulation of berth, landing, stationing, and removing of steamboats, sail vessels, rafts, and all other water crafts, fix the rate of speed at which steamboats may run along

Powers of  
Trustees.

the water front of the city; to fix, alter and change the route of any railroad in the city, and regulate the speed at which the cars may run within the city limits, or any portion thereof.

*Nineteenth*—To examine, either in open session or by committee or commission, books, papers, vouchers, reports, and statements of the several officers, or any other person having the custody, care, management, collection, disbursement, or control of any moneys or property belonging, appertaining, or appropriated to the city, or either of its Funds, trusts, or uses.

*Twentieth*—To provide for arrest and compulsory working of vagrants.

*Twenty-First*—To license hackney coaches, cabs, omnibusses, drays, and other vehicles used for hire, and to regulate their stands and rates of fare, and to license or suppress runners for steamboats, taverns, or hotels.

*Twenty-Second*—To examine and liquidate all accounts against the city, and to allow or reject the same or any part thereof, as it is found legal or illegal.

*Twenty-Third*—To make appropriations, examine and audit, reject or allow, the accounts of all officers or other persons having the care, management, collection, or disbursement of any money collected for, belonging, appertaining, or appropriated to the city or any of its uses or trusts, and to determine, allow, and pay the salary, fees, or per centage which such officer or other person may by law be entitled to receive, except as otherwise herein provided; to make contracts and agreements for the use and benefit of the city, such contracts and agreements in all cases to specify the Fund or Funds out of which payment for the same is to be made, and that the same shall be paid out of the moneys appropriated to such Fund or Funds for the fiscal year; and in no case shall a liability be created or a warrant drawn against any Fund beyond the actual amount of money existing in such Fund wherewith to meet the same.

*Twenty-Fourth*—To license ferries and bridges under the law regulating the granting of such license.

*Twenty-Fifth*—To control, enlarge, and improve the cemetery heretofore belonging to the city, and to create other cemeteries, and to sell or lease lots therein, appoint a Superintendent or Superintendents thereof, and regulate and determine his or their duties and compensation; to control and regulate interments, and prohibit them within the city limits.

*Twenty-Sixth*—To establish fire limits, and prevent the erection of wooden buildings therein; to regulate the construction of buildings, sheds, awnings, and signs.

*Twenty-Seventh*—To provide for supplying the city with water, regulate the sale and distribution thereof.

*Twenty-Eighth*—To prevent any or all domestic animals from running at large within the city limits, or any part thereof, or from being kept therein; to control and regulate slaughter houses, or to provide for their exclusion from the city limits or any part thereof.

*Twenty-Ninth*—To provide for the care, feeding, and clothing of the city prisoners.

*Thirtieth*—To make real estate in said city liable for the construction of sidewalks, crossings, and all other street improve-



ments adjacent thereto, and provide for the forced sale thereof for such purposes.

*Thirty-First*—To employ an Attorney or Attorneys at law if their services may be required.

## ARTICLE II.

### *Officers and their Duties.*

SEC. 3. The officers of the City of Sacramento shall be a First, Officers.  
Second, and Third Trustee, who shall constitute a Board of Trustees; an Auditor, who shall be ex officio Clerk of the Board of Trustees; an Assessor, a Tax Collector, a Police Judge, and such other officers as may be appointed by the Board of Trustees.

SEC. 4. The Board of Trustees shall be designated as follows: The First Trustee shall be President of the Board of Trustees, and general executive officer of the City Government. The Second Trustee shall be ex officio Street Commissioner. The Third Trustee shall be ex officio Superintendent of the Water Works.

SEC. 5. The President of the Board of Trustees shall be the Titles of  
officers.  
head of the police and general executive head of the city, and shall perform all the duties of those offices, and all such other duties, matters, and things, as by law or ordinance of the Board of Trustees may be imposed upon or required of him. He shall preside at the meetings of the Board of Trustees, when not necessarily absent. The minutes of each meeting shall be read and approved in open session, and then shall be signed by the President. It shall be the duty of the President to recommend to the Board of Trustees the adoption of all such measures connected with the police, health, cleanliness, and ornament of the city, and the improvement of its government and finances, as he shall deem expedient; to be vigilant and active in causing the laws and ordinances for the government of the city to be duly executed and enforced; to exercise a constant supervision and control over the conduct and acts of all subordinate officers; to receive and examine into all such complaints as may be preferred against any of them for violation and neglect of duty, and certify the same to the Board of Trustees; sign all warrants drawn upon the Treasury for the payment of money out of any of its Funds thereof; but before he shall sign any such warrants, he shall ascertain from the books of the Auditor that there is sufficient money in said Fund to pay the same, and he shall examine and see that the law, and every ordinance and order in regard to the account, claim, or demand, upon which the issuance of such warrant is predicated, has been strictly complied with in every particular, that the Auditor has made a proper entry of such account, and the proper minute of such warrant in his warrant book. He shall deliver to the Tax Collector, on or before the second Monday in April, the assessment or tax roll certified by the Auditor. He shall keep, in a book to be kept for that purpose, a statement of the total real and personal property assessed, and the amounts of the different taxes therein assessed; *provided*, however, that nothing in any part of this Act shall repeal, alter, amend, or prevent the operation of the Act of April twenty-sixth, eighteen hundred and sixty-two, entitled an Act

to provide for the government of the Common Schools in the City of Sacramento.

Street Com-  
missioners.

SEC. 6. It shall be the duty of the Street Commissioner to enter into, enforce, and carry into effect any law or ordinance referring to the regulation, changing, altering, repairing, and improvement of the streets, alleys, crossings, sidewalks, and awnings, and to discharge such further duties as may be imposed upon or required of him by law or ordinance; and the salary received by him as Trustee shall be in full for his services as ex officio Street Commissioner.

Superinten-  
dent of  
Water Works

SEC. 7. It shall be the duty of the Superintendent of the Water Works to discharge such duties as may be by law or ordinance imposed upon or required of him, and his salary as a Trustee shall be in full for his services as ex officio Superintendent of the Water Works. He shall issue all water permits, and charge the same to the Clerk of the Water Works.

Auditor.

SEC. 8. The Auditor shall be ex officio Clerk of the Board of Trustees, and shall be present at each meeting of the Board of Trustees, and keep a record of its proceedings. He shall have the care of all books and papers belonging to the Board of Trustees, and do and perform such other services as the Board of Trustees may direct. He shall, on or before the first Monday of each fiscal year, make up, under the supervision of the President of the Board of Trustees, an estimate of the revenues of the city for the current year, and the amount which will belong to each Fund or trust, and shall perform all the duties and be subject to all the penalties which now are or hereafter may be imposed upon such officer by law or ordinance. He shall number and keep a record of all demands allowed by him, showing the number and date of approval, amount, and name of the original holder, on what account, and out of what Fund payable. He shall and is required to be constantly acquainted with the exact condition of the Treasury, and every lawful demand upon it. He shall report to the President, on Monday of each week, or oftener if required, the condition of each Fund in the Treasury; he shall keep a complete set of books for the city, in which shall be set forth, in a plain and business-like manner, every money transaction of the city, so that he can at any time when requested tell the state of each and every Fund, where the money came from, to what Fund it belonged, and for what purpose it was expended, and also the collections made and the money paid into the Treasury by each officer; he shall issue all licenses, except as otherwise provided in this Act, and countersign all warrants on the Treasury. Immediately after the Board of Equalization adjourn, and the Assessor has extended the equalized value on the assessment roll, the Auditor shall add up the column of total amounts, and charge the Collector with the amount of tax thereon, and shall deliver such roll to the Collector on or before the first Monday of February; and the subsequent assessment roll shall be added up, charged, and delivered, in the same manner, within ten days after it has been received by the Auditor. And the Auditor shall, within three days after receiving any delinquent list, credit the Collector with the amount of taxes delinquent, and deliver the list to the City Attorney.

SEC. 9. Every demand upon the Treasury, except demands <sup>Demands upon Treasury.</sup> on the School Fund, must be acted upon by the Board of Trustees, and be by them allowed or rejected, in whole or in part, in the order of presentation; and every demand upon the Treasury so allowed, shall be carefully examined by the Auditor, who shall satisfy himself whether it is correct, and whether the money is due and unpaid, and the payment thereof authorized by law, and if so, out of what Fund it is payable; and after such examination, he shall either approve or reject the claim, either in whole or in part, and indorse on such demand, over his signature, such approval or rejection, together with the date thereof, and if it is approved, the Fund or Funds out of which it is to be paid; and if he rejects it, or any part of it, unless the party presenting it is willing to take the sum approved by the Auditor in full of the entire demand, return it, with his reasons for rejecting it, to the Board of Trustees, when, if it is allowed by a vote of all the Trustees, it shall be paid in the same manner as though it had not been rejected. No demand upon the Treasury shall be considered presented for action, or be acted upon, allowed, or approved, unless it specifies on its face each several item composing it, and the amount and date thereof, and refer by title, date, and section, to the law, ordinance, or contract authorizing it; and, *provided*, that every such demand shall be acted on in the order of its presentation, and numbered consecutively as allowed, either in whole or in part, and that the warrant therefor shall be issued, numbered, and paid in the same order as allowed, out of their respective Funds.

SEC. 10. No demand upon the Treasury shall be allowed by the Auditor in favor of any officer or other person, or any of their assigns, who is in any manner indebted to either the city, or any of its Funds, trusts, or uses, without first deducting therefrom the amount of such indebtedness; nor in favor of any officer or person, or their assigns, having the collection, care, custody, control, or disbursement of public funds, unless the accounts of such officer or person have been duly presented, passed, approved, and allowed, as is or may be required by law or ordinance; nor in favor of any officer or persons, or their assigns, who shall have neglected to have made each and every of the oaths, official returns, reports, and statements, required of him, in the manner and at the time the same are or may be required by law or ordinance, or the regulation of the Board of Trustees; nor to any officer, or his assigns, who shall have neglected, failed, or refused to perform each and every of the duties, matters, and things which by law, ordinance, or regulation of the Trustees, may be imposed upon him.

SEC. 11. It shall be the duty of the Assessor to make and <sup>Assessor.</sup> complete the assessment roll and map book between the first Monday in October and the third Monday in December, in each year, and shall, on or before the said third Monday in December, attach his certificate to said tax list or assessment roll, and deliver it and the map book to the Auditor. He shall make a subsequent assessment roll, and deliver the same to the Auditor on or before the third Monday in January of each year, which shall contain any property which shall not be on the regular or original assessment roll. The manner of making the assess-

ments and assessment roll shall be the same as are prescribed by an Act entitled an Act to provide revenue for the government of this State, approved May seventeenth, eighteen hundred and sixty-one. The said Assessor shall discharge such other duties as may be imposed upon him by law or ordinance. The Assessor shall, immediately after the adjournment of the Board of Equalization, extend the equalized value on the assessment roll.

Tax  
Collector.

SEC. 12. It shall be the duty of the Tax Collector to receive and collect all taxes, general and special, and shall, on the second Monday in May of each year, at the close of his official business on that day, make a levy upon the property delinquent for taxes, in accordance with the Act to provide revenue for the Government of this State, approved May seventeenth, eighteen hundred and sixty-one; and shall, on or before the first Monday in June of each year, make out and file with the Auditor a delinquent tax list, as is prescribed by the revenue law. He shall collect all city licenses, and such other branches of the city revenue as the Board of Trustees may direct, and pay the same over to the Treasurer weekly. The time and manner of such collections of license shall be determined by the Board of Trustees. And after the levy made as provided in this section, no taxes shall be received by the Collector unless an additional five per cent thereon is also paid, which said additional five per cent is hereby required to be paid and collected, as costs, and to be paid into the Treasury. But no tax, assessment, fine, harbor dues, or levee fees, or other revenues or dues of any kind or nature, shall be paid otherwise than in the gold or silver coin of the United States.

Board of  
Equalization

SEC. 13. After the assessment roll has been added up by the Auditor, and before it is delivered to the Collector, the Trustees shall, by ordinance, levy the several amounts of general and special taxes to be collected thereon. The Board of Trustees shall constitute the Board of Equalization, and the Assessor shall be Clerk thereof. The said Board of Equalization shall meet on the first Monday in January of each year, and remain in session for a period of ten days. They shall also meet on the third Monday in January, to equalize the subsequent assessment roll. The said Board are hereby vested with such authority as is prescribed in the revenue laws of this State; and the valuation placed upon the real estate and personal property shall be the equalized valuation for all city purposes. And every tax levied under the provisions of this Act is hereby made a lien against the property assessed, which lien shall attach on the day of the levy, and shall not be satisfied or removed until such taxes are all paid, or the property has absolutely vested in a purchaser under a sale for such taxes.

Bonds of  
officers.

SEC. 14. It shall be the duty of the Board of Trustees to provide for the accommodation of all officers and other persons elected or appointed, to whom the receipts or expenditures of any of the funds of the city shall be intrusted, and shall require from them sufficient security for the faithful performance of their respective duties. These officers or persons from whom security shall be required shall, before entering upon the discharge of their duties, file with the Board of Trustees an official

bond, with two or more sufficient sureties. Such bonds shall be made payable to The City of Sacramento, shall, in form, joint and several, be conditioned for the faithful performance of the duties of the office. In case any such bond shall, at any time, be deemed insufficient, additional security may be required, and if the officer or person required to give such additional bonds shall neglect or refuse to do so for the space of five days, the Board of Trustees may declare his office vacant.

SEC. 15. All official bonds shall be approved or rejected by the Board of Trustees, by an order entered on the minutes, and by the indorsement of the word "approved," or the word "rejected," on the bond, with the date of the approval or rejection signed by the President. The Auditor shall be the legal custodian of all official bonds, except his own, which shall be deposited with the Treasurer, and shall be responsible on his official bond for the safe keeping of all such bonds intrusted to his charge. Bonds of officers.

SEC. 16. It shall be the duty of the Board of Trustees to publish in one or more newspapers in said city, within ten days after the expiration of the fiscal year, a full and detailed statement of the receipts and disbursements of the city during the fiscal year next preceding, and shall set forth in every such statement the different sources of the city revenues and the amount received from each, the various appropriations made by the Board of Trustees, the object for which the same were made, and the amount expended under each. The fiscal year shall begin on the first Monday of April of each and every year, and extend to the first Monday of April of the succeeding year. They shall publish all ordinances, for ten days, in some newspaper published in said city. Report of finances.

### ARTICLE III.

#### *Police Court.*

SEC. 17. A Police Court is hereby established in said city, which shall be presided over by the Police Judge. The Police Court shall have exclusive jurisdiction of all violations of any city ordinances, and may hold to bail, fine, or commit to prison any offender, in accordance with the provisions of such ordinance, as well as in all cases of crimes, misdemeanors, and willful injury to property committed within the city limits, punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment; also, in all cases of assault and battery committed within the city limits. The Police Judge shall exercise all the powers and jurisdiction of a Justice of the Peace in regard to offences committed within the city limits, and may administer all oaths or affirmations known to the law. The said Court shall have such further powers and jurisdiction as is by general statute conferred upon Recorders' Courts, and the proceedings therein shall be such as are provided by law for proceedings in Justices', Recorders', and Mayors' Courts. Whenever sentence of imprisonment is passed upon any offender, the Police Judge may include in such sentence that such offender shall be subject to labor, under the charge and in the custody of the Chief of Police. Powers of Judge of Police Court

Powers of  
Judge of  
Police Court.

The Police Judge shall keep a record of his proceedings, receive, and pay, weekly, into the Treasury of the city all moneys collected by him, and render to the City Auditor, weekly, an exact and detailed account, under oath, of all fines imposed and moneys collected since his last account rendered. He shall not collect or receive, for his own use, any fee or perquisite for the discharge of any of the duties of his office, but all moneys collected by him shall be paid into the City Treasury; and if he shall receive and appropriate to his own use any fee or perquisite, as above referred to, or any funds belonging to the city, he shall be considered guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars, or imprisonment not exceeding twelve months, or both such fine and imprisonment, and shall be removed from office. In case of the absence of the Police Judge, or his inability to act, the duties of his office shall be discharged by the President or one of the Trustees while such absence or inability continues.

#### ARTICLE IV.

##### *Salaries.*

Salaries.

SEC. 18. The President of the Board of Trustees shall receive a salary of two thousand five hundred dollars per annum; the Second and Third Trustees shall each receive one thousand two hundred dollars per annum; the Auditor and ex officio Clerk of the Board of Trustees shall receive two thousand dollars per annum; the Assessor shall receive one thousand dollars per annum; the Police Judge shall receive one thousand eight hundred dollars per annum; the Tax Collector shall receive two per cent upon the gross amount of the general annual tax collected by him; *provided*, such percentage does not exceed twelve hundred dollars per annum; but no percentage shall be charged by, allowed, or paid to him for the collection of any special taxes levied and required to be collected by him. The Tax Collector shall receive four per cent upon all licenses collected by him. The salaries or compensation of all other officers within the city shall be fixed and determined by the Board of Trustees.

Proviso.

SEC. 19. No compensation shall be allowed to any officer over and above the fixed salary, or percentage, or fees, for any duties imposed upon him by law or ordinance, except as hereinafter provided; and no Trustee shall hold any other office created by or under this Act.

#### ARTICLE V.

##### *To create Debts.*

May create  
debts and  
levy special  
taxes.

SEC. 20. Should the Board of Trustees at any time deem it necessary for the interest and protection of the city at large, or any portion thereof, or the property or health of the citizens thereof, or any other matter or thing the object of which would be to advance the interests of the city, to contract and create any debts or obligations against the city for materials furnished and labor and services performed, without having

the funds in the Treasury to pay the same, the said Board may enter into contracts and create debts or obligations, without interest, and are hereby empowered and authorized to levy and collect a special tax, annually, or in one levy, to pay such debts and obligations so created, and provide the mode and manner of their payment; *provided*, always, that no debts, obligations, or claims, shall be contracted or created against the city without first having been voted upon by the qualified electors thereof.

SEC. 21. It shall be the duty of the Board of Trustees to advertise in some newspaper of general circulation published in the said city, for a period of ten days, a full and complete specification of the contemplated improvements, repairs, and expenditures, the cost or estimated cost of the same, the mode and manner that the same shall be paid for, and to plainly set forth the amount of debt or obligation the said Board of Trustees desire authority to contract or create. Duties of Trustees.

SEC. 22. The Board of Trustees shall name the time and place for the qualified electors to vote upon the propositions of said Board. Said election shall be held within fifteen days after the publication has been made, and they shall appoint the Judges and Inspectors thereof. Should two thirds of all the votes cast or polled at such election be in favor of the propositions named by the said Board, then, and in such case only, shall the said Board of Trustees be and they are hereby fully empowered to contract and create such debts and obligations against the city to the full amount so specified and voted upon. But any excess or overplus debt or obligation contracted or created by the said Board, shall be null and void as against the city or any of its Funds. Further powers.

SEC. 23. For all debts and obligations so contracted and created, the said Board shall issue warrants therefor, under the seal of the city, and specifying therein the date of the election by which the issuance thereof was authorized, and the total amount of warrants then issued under and by virtue of such authority. Warrants.

SEC. 24. The Board of Trustees are strictly prohibited from contracting, creating, or pretending to contract or create, any debt or debts of any nature whatever, without the money, over and above any then outstanding contracts and liabilities, is in the proper Fund in the Treasury to pay the same at such time as the debt may be contracted or created, except as is provided in sections twenty, twenty-one, twenty-two, and twenty-three of this Act. Should the said Board, or a majority thereof, contract or create any debt against the city, contrary to the provisions of this Act, such debt, claim, or obligation shall be null and void as against the city or any of its Funds. But every Trustee voting in favor of the contracting or creation of any such illegal debt, shall be held personally responsible, jointly and severally, for the entire debt so created or contracted, and shall be deemed guilty of a malfeasance in office, and upon conviction shall be removed therefrom; *provided*, however, that during the first forty-five days after the organization under this Act, a debt, not exceeding four thousand dollars, may be incurred for the purpose only of carrying on the government. Powers restricted.

## ARTICLE VI.

*Revenue.*Limit of  
annual tax.

SEC. 25. The Board of Trustees shall not have power, except as hereinafter provided, to levy any further or greater tax annually for municipal purposes than one dollar on every one hundred dollars of real and personal property within the limits of the said City of Sacramento, except such as is exempt by law. All taxes shall be levied and collected in accordance with and under the provisions and enforced in such manner as provided by the revenue laws of the State, except as herein otherwise provided.

Disposition  
of revenue.

SEC. 26. The revenue derived from and within the city limits for municipal purposes, viz: taxes, licenses, harbor dues, net water rents, and fines collected in the Police Court or otherwise, except as hereinafter provided, when paid into the Treasury, shall be appropriated and divided as follows: Fifty-five per cent to an Interest and Sinking Fund, which shall be applied to the payment of the annual interest upon the bonds legally issued for city indebtedness, issued under the Act of eighteen hundred and fifty-eight, the excess of said Fund, after the payment of said interest, shall be applied to the redemption of said bonds, in such manner as the Board of Trustees may determine; eight per cent to a School Fund, to be applied to the support of schools within the limits of said city; seven per cent to a Fire Department Fund; and the residue to a Fund to be called the General Fund, to be used for all such necessary municipal expenses, including salaries, as are not otherwise provided for in this Act; *provided*, however, that all moneys received from the sale or lease of any lots in the cemetery, or for any interment therein, or for any burial permit, or from any fine for a violation of any law or ordinance concerning the cemetery, shall be kept in a distinct Fund, and shall be used exclusively for cemetery purposes.

Proviso.

WaterWorks  
Fund.

SEC. 27. All revenues derived from the Water Works shall be paid into a Fund to be known as the "Water Works Fund," and at the end of every three months, after the payment of all necessary expenses, including salaries, to carry on and keep in order the said Water Works, it shall be the duty of the Auditor to apportion the residue, if any there may be, in the same proportions as the other Funds of the city provided in section twenty-six.

## ARTICLE VII.

*General Provisions.*Payments  
into City  
Treasury.

SEC. 28. Every officer having the control, collection, or custody of any money collected for taxes, licenses, water rents, levee dues, or any account or branch of city revenue, shall pay the same into the Treasury on the Saturday of each week, and shall, on the same day, file the Treasurer's receipt with the Auditor, and shall, at the same time, file with the Auditor a statement, under oath, of the sources from which the money came, and that the money so paid over is the total amount collected by him or his Agent since his last payment. Such state-



ment shall also be filed, in duplicate, with the President of the Board of Trustees. If any officer or person, having the control or custody of any money collected for or belonging to the said city, or of any fees which shall by ordinance be required to be paid into the Treasury, shall fail or neglect to pay over the said money or fees, as required herein, or shall fail to make such affidavit, it shall be the duty of the Auditor to inform the President, in writing, of such failure; whereupon said President shall issue an order, returnable before said Board of Trustees on such day as may, by the said President, be directed, requiring such officer or person to show cause why he has not made such returns and payments. Upon the return day of such order, or at any other time as said matter may be adjourned to, said Board of Trustees shall proceed to hear and determine the matter, and if, by a majority of said Board, said office shall be declared vacant and he removed therefrom, said Board shall thereupon fill said office by appointment, and their action shall be final. The President of the Board, or Auditor, may administer oaths in regard to any official business, or in any matter pending before the Board. If any Trustee shall, in any manner, either directly or indirectly, be interested in any contract with the city, he shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, and by removal from office.

Failure to pay over.

Trustees not to be interested in contracts.

#### ARTICLE VIII.

##### *Election and Appointment of Officers.*

SEC. 29. The First, Second, and Third Trustees shall each hold office for three years, except as provided in section thirty, and until their successors are duly elected and qualified. The Auditor, Assessor, and Tax Collector, and Police Judge, shall each hold office for two years, and until their successors are duly elected and qualified.

Terms of office.

SEC. 30. On the tenth day after the passage of this Act, unless such day is Sunday, in which case on the eleventh day, the electors of the City of Sacramento shall elect a First, a Second, and a Third Trustee, an Assessor, a Collector, an Auditor, and a Police Judge, who shall each hold office until his successor is elected and qualified.

Election.

SEC. 31. There shall be an annual city election held on the second Tuesday in March, at which elections there shall be elected as follows: In the year eighteen hundred and sixty-four, and each three years thereafter, a Third Trustee; in the year eighteen hundred and sixty-five, and each three years thereafter, a Second Trustee; and in the year eighteen hundred and sixty-five, and each two years thereafter, an Assessor, a Collector, an Auditor, and a Police Judge; and in the year eighteen hundred and sixty-six, and each three years thereafter, a First Trustee. All officers elected under the provisions of this Act shall qualify and take office on the Monday next succeeding the election, and shall hold until their respective successors are elected and qualified; and it is expressly understood and provided that said offices of Assessor and Collector may be held by one and the same per-

Annual election.

son, and that the qualified electors of the City of Sacramento may elect one and the same person to fill both of said offices. No person shall be allowed to vote at any city election or be eligible to any office in said city, who is not a qualified elector of the State of California, and has not been a resident of said city for at least three months next preceding said election or appointment; nor shall any person be qualified to vote in any ward or district other than that in which he has resided for at least ten days next preceding the election. All the provisions of law in force regulating elections, so far as the same are applicable and not inconsistent with the provisions of this Act, shall apply to the election of the city officers by the voters of this city. But each of the City Supervisor Districts, as they were bounded on the day of the passage of this Act, shall constitute one ward, and not more than two election precincts shall be established in any ward.

City  
Attorney.

Sec. 32. The Board of Trustees shall appoint a City Attorney, whose duty it shall be to attend to the prosecution of all criminal cases before the Police Court, or before any Justice of the Peace within the city; and he shall keep a list of the names of the witnesses in all cases of examination and appealed cases, and when he deems proper, demand that such witnesses be placed under bond; and it shall be his further duty to attend all examinations before either of said Magistrates, and also to assist the District Attorney in obtaining testimony and procuring indictments in all cases in which he appeared at the examination; and he shall collect the city delinquent taxes and assessments, and perform such other duties as may be imposed on him by law or ordinance. He shall receive for his services such fees as are allowed by the Act of April fifteenth, eighteen hundred and sixty-one, entitled an Act concerning the compensation of the Deputy District Attorney in the City and County of Sacramento, which fees shall be paid in the manner in that Act provided, excepting only that in no case whatever shall he have any claim on or receive any compensation out of the city; but the District or Deputy District Attorney shall not receive any fee or compensation for any prosecution or examination before the Police Court, or any Justice's Court in the city; the City Attorney shall also be entitled to the fees fixed by law for the District Attorney in cases for delinquent city taxes or assessments.

Duties.

Payment of.

Treasurer.

Bond of.

Sec. 33. The Trustees shall, at their first meeting after the passage of this Act, and from time to time thereafter as they deem proper, but not for a longer term than two years, elect a Treasurer, who shall give bonds in a sum of not less than one hundred and twenty-five thousand dollars, conditioned for the faithful performance of his duties, which bond shall be approved by the Trustees, and also by the County Judge. The Treasurer shall perform such duties as may be imposed on him by law, ordinance, or order of the Trustees.

Floating  
indebtedness

Sec. 34. All floating or unbonded indebtedness against the City of Sacramento, created since the twenty-fourth day of April, eighteen hundred and fifty-eight, and outstanding, accrued prior to the organization of the Trustees under this Act, shall be examined by the Board of Trustees in open session, taking the claims in the order in which the vouchers are filed; and said

Board shall separate such claims into two classes, putting into one class all such as were allowed for salaries, together with all such as were allowed for the monthly expenses of the several companies of the Fire Department, and into the other class all other claims of every kind, nature, and description. And it shall be the duty of the Board to allow all or so much of every claim allowed by the Supervisors as was at the time it accrued a legal charge against the city; and it may allow so much of any other claim as is equitably due, and shall reject all claims or parts of any claim as are neither a legal nor an equitable charge. The Auditor shall issue to each holder of any claim or portion of claim so allowed, a certificate, which shall be countersigned by the President, and be impressed with the corporate seal, and shall show the amount allowed, the number of the certificate, and to whom issued, and shall state that it is payable to bearer out of the Fund, designating it; *provided*, however, that the provisions of this Act shall not apply to or in any manner alter or affect claims allowed against either the Levee Fund or School Fund.

SEC. 35. For the purpose of such redemption, the Board of Trustees shall raise and collect, and are hereby required to levy, a special tax of one half of one per cent the present year, and a tax not exceeding one half of one per cent annually thereafter, upon all the taxable real and personal property within the city limits, until the amount of said indebtedness so allowed by the said Board shall have been wholly discharged and cancelled. All the moneys which shall be hereafter collected for delinquent taxes due the said city from the year eighteen hundred and fifty to eighteen hundred and sixty-two, inclusive, and all such sums collected by special tax, are hereby expressly set apart and constituted a separate and distinct Fund, to be called a Floating Debt Redemption Fund; *provided*, that this section shall not affect the delinquent taxes known as the Franklin School House and State Capitol taxes, but they shall be paid in accordance with the present law into the City School Fund.

Special  
redemption  
tax.

SEC. 36. All certificates issued under section thirty-four shall be legal evidence of indebtedness of the City of Sacramento, and shall be redeemed by the said Board of Trustees in such manner as is hereinafter provided for the redemption of the floating debt of said city.

SEC. 37. The money received under the provisions of section thirty-five shall be divided as follows, to wit: Forty per cent to a General Redemption Fund, and sixty per cent to a Salary Redemption Fund; and whenever a sum of one thousand dollars shall be in either of said Funds, the Trustees shall advertise, for five days, in a daily paper published in the city, that they will receive sealed bids for the surrender of certificates on such Fund. At the time named the Board shall, in public, open the proposals, and accept the lowest bid or bids for the surrender of the certificates issued against such Fund; *provided*, that no bid for more than par value shall be considered, nor any bid that is not accompanied by the certificate or certificates proposed to be surrendered. If any bids are equal, the preference shall be given to those of the lowest number. All unaccepted

Redemption  
Funds.

Proviso.

bids and the accompanying certificates shall be returned to the owner.

**Canceling certificates.** SEC. 38. The President of the Board of Trustees shall cause to be written across the face of each of such certificates as may be surrendered and redeemed the rate at which the same was redeemed, and the amount to be paid, which shall be signed by the President and countersigned by the Auditor.

**Payment.** SEC. 39. The Treasurer shall pay the amount written and specified on the face of such certificates from the said Floating Debt Redemption Fund, and shall mark or stamp such certificates paid, and giving the date of payment.

**Surplus.** SEC. 40. Should any money remain in either of said Floating Debt Redemption Funds after the payment of all certificates issued against it, such money shall be transferred to the other of said Funds; and after all such certificates are paid, the money shall be transferred to the General City Fund. If, at the end of any fiscal year, any money shall remain in the Fire Department Fund, created by section twenty-six, such money shall be used to redeem the certificates issued for the monthly appropriations to companies, in the order of their issuance.

#### ARTICLE X.

##### *Bonded Debt.*

**Outstanding bonds.** SEC. 41. The Board of Trustees are authorized and empowered to call in all outstanding bonds against the City of Sacramento issued under the Act of eighteen hundred and fifty-eight, and issue annuities therefor, for the principal and interest due thereon, (and pledging the faith and credit of the city for the payment of said annuities) and in accordance with the following sections; *provided*, the sum of one million four hundred and thirty thousand dollars of said bonds shall be surrendered or pledged to be surrendered to the said Board of Trustees, or their authorized Agent, before any annuities shall be issued.

**Proviso.**

**Annuities.** SEC. 42. When the required amount of bonds have been surrendered or obligated to be surrendered to the said Board, they shall proceed to issue annuities of not less than sixteen payments, without interest, the first annuities to fall due and payable one year from the first day of January next succeeding the date of the annuity, and the remaining annuities to be made payable annually thereafter. The said annuities shall be signed by the President, countersigned by the Auditor, and indorsed by the Treasurer.

**Transfer of moneys.** SEC. 43. When all the annuities are issued, the Treasurer is hereby authorized and directed to transfer the moneys in the Sinking and Interest Fund to another Fund, to be called the Annuity Fund, and all moneys intended to be paid into said Interest and Sinking Fund by virtue of this Act, shall, from and after the date of such transfer, be paid into the Annuity Fund.

**Estimates of revenue.** SEC. 44. It shall be the duty of the Board of Trustees, on the first Monday in February next succeeding the payment of the first annuities, and yearly thereafter, to estimate the municipal revenue for the ensuing year, and, after deducting fifteen per cent for delinquencies, the portion due to the Annuity Fund

should be ascertained to be inadequate to pay the annuities next due, then the said Board shall and they are authorized and empowered to levy, raise, and collect a special tax for the estimated deficiency in said Fund; said special tax to be collected at the same time and in the same manner as the annual taxes for municipal purposes.

SEC. 45. The Auditor shall keep a full record of the bonds cancelled and the annuities issued, and shall mark or stamp each bond as follows: "Cancelled by issue of annuities No. —, to —, dated — day of —, 18—," and shall file said bonds with the archives of the city. Such compensation shall be allowed the Auditor for the issuing of the annuities and cancelling of the bonds as the Board of Trustees may deem just and proper. Cancellation of bonds.

SEC. 46. All necessary books, papers, and blanks, to complete the issuance of the annuities, shall be paid for out of the Annuity Fund.

SEC. 47. Should there be any money remaining in the Annuity Fund annually after paying the annuities then due, the said Board shall advertise for sixty days in some newspaper published in New York, and thirty days in some newspaper published in said City of Sacramento, that they will receive sealed bids for the redemption of the annuities then outstanding. Said bids shall be publicly opened by the Board of Trustees at the expiration of sixty days, and the bid or bids surrendering the greatest amount of annuities shall be accepted; *provided*, that no bid be accepted at a higher rate than par. Redemption of annuities.

SEC. 48. The Board of Trustees may appoint an Agent in the City of New York, whose duty shall be to open books for the registry of bonds that may be offered for annuities, with such guarantees and conditions as the Board of Trustees may authorize and direct. The salary or compensation shall be fixed and allowed by the Board of Trustees, and payable out of the General Fund. Agent in New York.

#### ARTICLE XI.

##### *Taxes and Licenses.*

SEC. 49. The city taxes shall be levied, assessed, and collected, under the provisions of an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one, except as herein otherwise provided. The Board of Trustees shall have and are hereby possessed of the same powers as the Board of Supervisors in said Act, and the City Assessor the same as County Assessor, the City Tax Collector the same as County Tax Collector, the City Auditor the same as County Auditor, and the City Attorney shall perform all the duties devolved by said Act upon District Attorneys, and shall be entitled to the same fees and compensation for his services. Levy, collection, etc.

SEC. 50. Whenever any person or persons required by any city ordinance to take out a license, shall fail, neglect, or refuse, to take out such license, and pay therefor in the manner and at the time in such ordinance provided, or if any person or persons so required to take out any license shall transact, do, or carry Action to recover license moneys.

on any business, trade, or occupation, matter, or thing, without having first procured the requisite license for such doing, trading, or carrying on, the Collector may direct suit, in the name of The City of Sacramento, to be brought against him, her, or them, for the recovery of the license money due, and all costs and damages; and in such case, either the Collector or his Attorney may make the necessary affidavit, and a writ of attachment shall thereupon issue, without any bond being given by or on behalf of the plaintiff; and in case any such suit is brought, the sum of fifteen dollars, liquidated damages, shall be recovered in the action, which shall be included as part of the original debt, and be paid by defendant, and when collected, shall be paid five dollars to the Collector, and ten dollars to the Attorney prosecuting the suit for him, for their own respective uses for their trouble in and about the matter; *provided*, however, nothing in this section shall authorize the Collector, Attorney, Justice, officer, or any other person whomsoever, to make any claim or charge against the city for any services rendered in or about any such action; and, *provided*, further, that in any such suit no witness for the plaintiff shall be entitled to demand or receive any witness fees or mileage in advance, nor shall any witness be entitled to charge or receive any fees or mileage whatever, unless the same are made as costs out of the defendant; and, *provided*, further, that if judgment is rendered for the defendant, it shall be general and without costs; and, *provided*, further, that any person or persons who shall commence, or continue to do, transact, or carry on any business, trade, profession, or calling, for the doing, transacting, or carrying on, of which a license may by any ordinance be required to be taken out, without first procuring such license, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten nor more than one hundred dollars, or be imprisoned for not less than five nor more than fifty days. Upon the trial of any criminal action provided for by this section, the defendant shall be deemed not to have procured the proper license, unless he either produces it, or proves that he did procure it; but he may plead in bar of the criminal action a recovery against him and the payment by him, in a civil action, of the proper license money, damages, and costs.

Previous.

Penalty for doing business without license.

Property liable for license monies.

Sec. 51. All billiard tables, bar fixtures, tenpin alleys, pins and balls, furniture, crockery, glassware, liquors, and chattels of every kind, used in transacting, or carrying on, or doing the business of a drinking saloon, or bar, or restaurant, or billiard saloon, or tenpin alley, or tavern, or eating house, or ball room, or dance house, where by ordinance such business is required to be licensed, shall, without reference to the actual ownership of such property, be liable for and may be taken in attachment or on execution for the license due on the business in which they are allowed to be used; and every dray, cart, wagon, carriage, hack, omnibus, or other vehicle required by ordinance to be licensed, together with the horse or horses commonly used therein, shall, without reference to the actual ownership of such property, be liable for and may be taken in attachment or on execution for the license due on such dray, cart, wagon, carriage, hack, omnibus, or other vehicle. There shall be added to every

license not obtained within five days after the same becomes due and payable, the sum of one dollar, which shall become a part of the license, and paid into the Treasury in the same manner as other revenues.

## ARTICLE XII.

*Streets and Highways.*

Sec. 52. In the public streets already laid out by lawful authority, opened and graded within the limits of said city, or which shall hereafter be laid out, opened, and graded as provided in this Act. the paving, planking, draining, and repairs of every kind, shall be assessed upon and done at the equal expense of the adjacent lots on each side of said streets, each separate owner being at liberty, and being required, under the direction of the Street Commissioner, to do or cause to be done, at his own expense, the work, repairs, and improvements in front of his own premises, to the centre of the street. The expense of all such work, improvements, and repairs, upon each street crossing or the space formed by the junction of two or more streets, shall be assessed with equality upon each quarter block adjoining and cornering upon the same, each distinct lot or parcel of a lot included in such quarter being separately assessed for its equal proportion. For that purpose all the blocks shall be considered as divided into quarters by straight lines running through the centre of them, and running parallel with each of the streets bounded by said blocks. In case where the blocks are of irregular shape, and not bounded by parallel streets, so that they cannot be equally divided in that manner, the expense of constructing and repairing crossings, or that portion of them adjacent to such irregular shaped blocks, shall be assessed as aforesaid with equality upon the lots in the whole block. The space formed by the junction of two streets terminating at the same point, if such a case should occur, shall be planked, paved and kept in repair at the equal expense of the lots fronting thereon and the contiguous quarter blocks.

Assessments  
for labor  
upon  
streets, etc.

Sec. 53. When any street is located, but not graded, paved, or planked, the Board of Trustees, when they shall deem it expedient, may order the whole or any portion thereof to be graded, after notice of their intention published in some daily newspaper printed in said city, for the period of ten days, unless the owners of over one half in extent of frontage of lands and lots bounded on such streets or portion of a street so proposed to be graded, shall have made written objection thereto and delivered the same to the Clerk of the Board of Trustees within the said period of ten days.

Powers of  
Trustees.

Sec. 54. If the owners of more than one half in extent of frontage of land and lots fronting on any street or portions of a street not yet graded, paved, or planked, or their duly authorized Agent, shall petition the Board of Trustees, in writing, to grade, pave, or plank the same, the said Board of Trustees shall order the same to be done; but in such case they may receive and consider remonstrances for the purpose only of ascer-

Petition of  
owners of  
property.

taining whether the petitioners truly comprehend more than one half of said owners, as in this section required. No order or permission shall be given to grade, pave, or plank any street or portion of a street without extending and completing such grading, paving, or planking throughout the whole breadth of such street up to the boundary of the sidewalk thereof.

Expenses  
of grading  
streets, etc.

SEC. 55. The total amount of the expenses of grading, planking, or paving any street or portion of a street under the provisions of this Act, shall be assessed upon and borne with absolute equality by all the lands fronting thereon; the expense to be calculated upon and borne by each block separately, and in proportion to the frontage, at a rate of per foot sufficient to cover such total expense of the work on each block, including to the centre of cross streets, and the contract therefor, and also all contracts for work authorized to be done upon street crossings, shall, in all cases, be given to the lowest bidder giving adequate security, and shall be given without security to the owners of lands and lots, or the greater part thereof in extent of frontage, which are liable to be assessed therefor; *provided*, the offer to take the same at as low a rate as any others offering adequate security; and if the owner or owners of any lot or part of a lot shall have filled in whole or in part the street opposite thereto at his own or their own expense, such owner or owners shall be entitled to an allowance therefor upon his or their assessment, at the same rate per cubic yard as shall be paid for filling such street, whenever for that purpose an assessment shall be made.

Proviso.

Contracts for  
grading, etc.

SEC. 56. Before giving out any such contracts, the Board of Trustees shall cause notice to be conspicuously posted at the Court House door, and inserted in one of the daily newspapers published in said city, for a period of ten days, inviting sealed proposals for the work contemplated, to be handed in to the Board of Trustees, who shall open and examine and publicly declare them in open session, and thereupon the contract shall be awarded at the lowest price offered, according to the provisions of the next preceding section; *provided*, that the lot owners, or the major part, as specified in said section, liable to be assessed therefor, shall not be required to present sealed proposals, but may, within five days of such award, elect to take the contract for the price it has been awarded at. The President of the Board of Trustees shall be authorized, in his official character, to enter into written contracts for work upon streets and street crossings ordered to be done, and awarded or taken by the owners, according to the provisions of this article.

Assessments  
for improv-  
ing streets.

SEC. 57. The assessments for all improvements on streets, crossings, or spaces formed by the junction of two or more streets, shall be taken from the last assessment roll made. And the value of the land only shall be assessed for such purposes. When required by the President, the Assessor shall make a list, which shall state value, per centage, or assessment per foot, as the case may require, for each separate parcel of land liable for improvements made or about to be made, which shall be handed to the Auditor. The Auditor shall make a certified copy of said roll, and deliver the same to the Tax Collector within five days after the said original roll has been received by him. The Tax



Collector shall cause a copy of said roll to be published in some newspaper designated by the President of the Board of Trustees, for a period of five days. He shall, immediately after said publication is made, proceed to collect the assessed tax for twenty days after the five days' publication have expired. After the expiration of the twenty days, he shall immediately make out a list of all delinquents, which shall be handed by him to an Attorney at law, to be named by the Board of Trustees. And said Attorney shall proceed to collect, sue for, and recover the said delinquent taxes in the same manner as is or may be provided for the collection of State or county taxes under the general revenue laws. And the said Attorney shall have the same power and authority as District Attorney, and entitled to charge and include in any judgment the same cost and fees.

SEC. 58. All taxes or assessments levied or assessed on any property for the purposes of grading, paving, planking, repairing, or improving any streets, crossing, spaces, or sidewalks, shall become a lien against said property, the same as other taxes or assessment for State and county purposes; said lien to take effect on the day the assessment roll is handed to the Auditor by the Assessor, and it shall be the duty of the Auditor to certify at the end of said roll the hour, day, month, and year, the same was received. Taxes to become liens.

SEC. 59. The grading, draining, planking, paving, repairing, or otherwise constructing or improving of streets and street crossings, must in all cases be done under the direction and to the satisfaction of the Street Commissioner; and all contracts made therefor must contain this condition, and also express notice that in no case (except when it is otherwise provided in this Act) will the said city be liable for any portion of the expense, nor for any delinquency of persons or property assessed. Street Commissioner.

SEC. 60. The Street Commissioners shall require, by verbal or written notice, (to be delivered to them personally, or left upon the premises,) all owners, tenants, and occupants of lots and buildings situated and fronting upon streets already graded and planked, or paved, or which shall hereafter have been graded and planked, or paved, where local repairs are needed in the planking, paving, sidewalks, sewers, or otherwise, to make such repairs forthwith, each one in front of the property of which he is the owner, tenant, or occupant; and all repairs so made, or expense therefor incurred, by tenants, may be charged to the landlord, unless otherwise agreed between such landlord and tenant, and deducted from the rents payable under their leases; and the said tenant shall have a lien upon the premises therefor, and may retain possession thereof, till the amount so advanced shall be repaid with interest, from accruing rents or otherwise. Duties of.

SEC. 61. All city ordinances now in force shall be and are hereby continued in full force until repealed by the Board of Trustees.

SEC. 62. Should there be any vacancy in the Board of Trustees, caused by resignation, death, or otherwise, the Board of Trustees shall, within twenty days thereafter, call an election to elect a Trustee to fill the balance of the term caused by such Vacancies.

vacancy. Should there be any vacancy in the office of Auditor, Assessor, and Collector, or Police Judge, or any other office created by the Board of Trustees, caused by resignation, death, or otherwise, such vacancy shall be filled by appointment by the Board of Trustees.

ARTICLE XIII.

*Special Provisions.*

Levy and  
collection of  
special taxes

SEC. 63. For the purpose of enabling the city authorities to levy and collect the annual and special taxes for the fiscal year commencing on the first Monday in April, A. D. eighteen hundred and sixty-three, in the months of April and May of said year, the Board of Trustees are hereby authorized and empowered to levy the annual and special taxes provided in this Act within three days after the first meeting in eighteen hundred and sixty-three, upon all the taxable property within the limits of the City of Sacramento as assessed in the equalized assessment roll of the City and County of Sacramento for the year eighteen hundred and sixty-two. And said taxes, when so levied, shall be a lien upon all property in said assessment roll for said fiscal year.

Duties of  
Assessor.

SEC. 64. It is hereby made the duty of the Assessor to make a certified copy of the assessment roll for said year eighteen hundred and sixty-two, so far as to include the property of the city, which assessment is hereby adopted, and the value of the property in the same is made the basis for said taxes, and deliver the same to the Auditor.

Auditor.

SEC. 65. It shall be the duty of the Auditor to extend the annual and special taxes in said copy of the assessment roll, and deliver the same to the Tax Collector, with his certificate thereto attached.

Tax  
Collector.

SEC. 66. It shall be the duty of the Tax Collector, immediately after receiving said assessment roll, to give notice by publication for ten days in one newspaper published in Sacramento, notifying the tax payers that he is ready to receive the taxes levied and assessed in accordance with the foregoing sections. And he shall proceed to collect said taxes for thirty days from the publication of the above notice. At the expiration of the said thirty days, he shall make out a delinquent tax list or roll, and deliver the same to such Attorney as may be appointed by the Board of Trustees. And the delinquent taxes shall be collected by the said Attorney in the same manner as taxes levied under the Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Officers to  
deliver  
books, etc.

SEC. 67. The Auditor, Treasurer, and all other officers having any moneys, books, papers, maps, charts, and effects of any nature, belonging to the City of Sacramento, shall deliver the same to the President of the Board of Trustees on the first Monday in April, eighteen hundred and sixty-three, or as soon thereafter as he may demand the same; and all moneys so received by the President of the Board of Trustees, except the Interest and Sinking, School, Levee, and Cemetery Funds, shall be paid into the General Fund.

SEC. 68. The District Attorney of the City and County of Sacramento shall pay to the City Treasurer, weekly, all moneys collected by him from delinquent taxes for the years prior to and including the year eighteen hundred and sixty-two, belonging to the City of Sacramento.

Duty of  
District  
Attorney.

#### ARTICLE XIV.

##### *Fire Department.*

SEC. 69. The Fire Department of the City of Sacramento shall consist of a Chief Engineer, a First Assistant Engineer, a Second Assistant Engineer, a President, a Vice-President, a Secretary, a Treasurer, a Board of Delegates, a Board of Trustees, and the certificate members of such organized companies as are at present in the Department; *provided*, however, that if, for any cause, any company shall disband, or be disbanded, another company may be organized, as hereinafter provided, in its place.

Officers.

SEC. 70. The Board of Trustees may, under the name and style of the Trustees of the Charitable Fund of the Fire Department of the City of Sacramento, purchase, receive, hold, and convey real estate and personal property for the use of the Charitable Fund of the Fire Department, and by the name aforesaid may maintain actions in law and equity in any Court in this State. The Board of Trustees shall consist of three persons, members, or exempt members, of the Sacramento Fire Department, and annually, at its first meeting in August, or as soon thereafter as may be, the Board of Delegates shall elect one Trustee, who shall qualify by taking the oath of office and giving such bond as may be required, and shall hold office for three years, and until his successor is elected and qualified; *provided*, however, that nothing in this Act shall affect or abridge the terms of office of the Trustees now in office.

Trustees and  
powers of.

SEC. 71. There shall be held annually, on the first Monday in August, by the certificate members of the Fire Department, who have been such for at least ninety days next preceding the election, an election for a Chief Engineer, and Second Assistant Engineer, of which election the President of the Fire Department shall give at least ten days notice, in two or more daily newspapers; or in case of his failure so to do, the Vice-President shall in the same manner give five days notice thereof. The polls shall be open from twelve o'clock, noon, until six and a half o'clock, post meridian, at a place to be selected by the Board of Delegates, and the election shall be held under the inspection of three Judges, (no two of whom shall be members of the same company,) chosen by the Board of Delegates, and either of said Judges may administer oaths and affirmations at such election. The person receiving a plurality of votes for Chief Engineer shall be elected; the person receiving the highest number of votes for Assistant Engineer shall be First Assistant Engineer; and the person receiving the next highest number of votes shall be Second Assistant Engineer; but in case of a tie vote, for either office, the Board of Delegates shall elect from the tied candidates. Whenever a vacancy occurs in the office of Chief

Election of  
officers.

Vacancies.

or Second Assistant Engineer, the President, or in case of his neglect or refusal, the Vice President, shall call a special election to fill such vacancy for the remainder of the term; and when any vacancy occurs in the office of First Assistant, the Second Assistant shall take the place, and a special election shall be called in the manner aforesaid to elect a Second Assistant Engineer for the remainder of the term. Each of the Engineers shall hold office for one year, and until his successor is elected and qualified; but nothing in this Act shall change or alter the term of office of any of the present incumbents of office in the Department.

Delegates, and powers and duties.

SEC. 72. Each and every company, at its stated meeting in the month of July, in every year, shall elect two of its members as Delegates, and the members so elected shall compose the Board of Delegates of the Fire Department of the City of Sacramento, which body shall meet and organize on the first Monday in August, in each year, and shall hold stated meetings at least once in each month. It shall have power to elect and define the duties of a President, Vice-President, Secretary, Treasurer, a Board of Trustees of the Charitable Fund of the Department, and such officers as it may from time to time deem necessary. It shall have power to make all laws for the government of the Fire Department, and all laws made by it shall be binding on every company and member of the Department. Any Engineer, company, officer, or member of the Department, who shall violate any of said laws, or who shall refuse to obey the lawful orders of the Chief, or other Engineer, shall, upon complaint, be tried by the Board of Delegates, and if found guilty, be censured, suspended, removed from office, or expelled from the Fire Department, as the judgment of the Board may direct. It shall have power to summon any member of the Department to attend and testify in any case when an officer or member of the Department is charged with having broken its laws; and any officer or member of the Department who shall disobey such summons, may be suspended or expelled from the Department, as the judgment of the Board may direct. It shall examine the returns, and declare the result of all Engineers' elections, and give them their certificates of election, which shall be filed with the Auditor. The three Engineers and Secretary of the Department shall be ex officio Fire Wardens, and shall perform such duties as may be imposed on them by law or ordinance. The salary of the Chief Engineer shall be one thousand dollars per annum; that of the Secretary, five hundred dollars; that of the First Assistant Engineer, three hundred dollars; and that of the Second Assistant Engineer, two hundred dollars per annum.

Salaries.

Trustees and their powers and duties.

SEC. 73. The Trustees shall order all work and supplies for the Fire Department, under such rules and regulations as the Trustees may adopt, but no work performed, or supplies furnished the Fire Department, shall be paid for until the Chief Engineer shall have certified that the work was faithfully performed, or the supplies were properly furnished, and of the kind represented; *provided*, however, that in no case shall the Board of Trustees, except by a unanimous vote, [shall they] grant an appropriation of any funds, except the monthly appropria-

tion, to any company, unless such appropriation shall have first been recommended by the Board of Delegates of the Fire Department.

SEC. 74. The Trustees shall allow each engine company fifty, Same. and each hose company and each hook and ladder company thirty-three dollars and thirty-three cents per month, to be used by the company under the superintendence of the Chief Engineer, in keeping the apparatus and hose in repair; and if any company shall fail, neglect, or refuse to keep its apparatus or hose in repair, the allowance in this section provided shall not be paid; and the Trustees shall also pay to each company the further sum of ten dollars per month for gas for lighting its house; but no money shall be expended for the salary of any officer of the Department, or for any appropriation to the companies, or for other Fire Department matters, excepting only out of the Fire Department Fund provided in section twenty-six.

SEC. 75. A license tax of two dollars per month is hereby levied on and directed to be collected from each person or firm within the City of Sacramento who keeps on storage or sells gunpowder, which tax shall be collected by the Secretary of the Department, for the Charitable Fund, the licenses for this tax being provided by the Board of Trustees, and signed by the President and Secretary. Gunpowder license. Collection. And all the provisions of section seventy-seven of the Act of May the seventeenth, eighteen hundred and sixty-one, entitled an Act to provide revenue for the support of the government of this State, so far as they regard the manner of enforcing the payment of licenses, and the damages for non-payment thereof, are hereby made applicable to licenses issued under this section, the Secretary of the Department doing as the Collector is therein directed to do. And all fines imposed for the violation of any fire ordinance, ordinance regulating the construction of buildings, or the storage, transit, or sale of gunpowder, camphene, or other combustible, shall be paid into the City Treasury for the use and benefit of the Charitable Fund of the Fire Department. Powers of Chief Engineer and Secretary. The Chief Engineer, the President, and Secretary of the Board of Delegates of the Fire Department of the City of Sacramento, are hereby authorized and empowered to sign all certificates in accordance with law. The Chief Engineer shall report to the Board of Trustees on the first Monday in August, November, February, and May, in each year, the number, location, and condition of cisterns, hydrants, fire engines, and other fire apparatus, and the state of fire companies' houses, and all property of the city in the keeping of the said Department; also, all accidents by fire that may have taken place in the city, with the causes thereof, as well as they can be ascertained, and a description of the property destroyed or injured, with the names of the owners of the same; also, such other information and such recommendation as he may deem proper; and after such report is due, no salary shall be allowed to the Chief until his report is made. The President and Secretary of the Department are hereby authorized to administer oaths and affirmations to any member of the Department on any matter, thing, or business in regard to the Department or its affairs, and the Chief Engineer may administer oaths

and affirmations in investigating the cause of any fire, or amount of loss caused thereby.

Number of  
company.

SEC. 76. No engine or hook and ladder company shall have more than sixty-five, and no hose company more than twenty-five certificate members. The officers of a company shall consist of a Foreman, and at least one Assistant Foreman, a Secretary, and a Treasurer. It shall require at least fifteen persons, twenty-one years of age, to compose a company, all of whom must have signed the constitution previous to their petition for admission, and they shall forward a copy of their constitution, together with the names of their officers and men, and their residences, the situation in which they wish to locate, and a petition for admission into the Fire Department, to the Board of Delegates; and whenever there are less than eight organized companies in the Department, and the Board of Delegates, by a vote of all its members, shall decide to recommend the admission of a company, it shall be the duty of the Secretary of the Board to forward to the Board of Trustees a certificate of such recommendation, together with the petition of the company, the constitution of the same, the names of the officers and men, and their residences, and the location desired. If such recommendation shall receive the approval of the Trustees, the company shall be declared admitted into the Fire Department, and shall be furnished with an engine or fire apparatus, and a house suitable for receiving the same, by the Trustees. But no petition for admission of any company shall be entertained by the Trustees until it shall have received the recommendation of the Board of Delegates in the manner herein provided.

Companies  
may be  
disbanded.

SEC. 77. Whenever an engine, hose, or hook and ladder company, by reason of deaths, resignations, or expulsions, shall have reduced its roll to less than fifteen active certificate members, it shall be the duty of the Secretary to notify the Chief Engineer and the Foreman of the company of the fact, and it shall be the duty of the Chief Engineer to report the condition of such company to the Board of Delegates, at their first regular meeting, and the Board shall then declare whether such company shall be disbanded or continued in the Fire Department, to be decided by a majority vote of the members composing the same. Whenever any company shall violate any law or ordinance, or the Board of Trustees shall deem the public good requires its disbandment, such company may, after a hearing, be disbanded by the Board of Trustees.

Election.

SEC. 78. The election provided for by section thirty, shall be held at the places and under the supervision of the Judges and Inspectors where and by whom the last general election was held, except that in case of the absence of any Judge or Inspector, his place shall be filled as is required by the election law.

To take  
effect.

SEC. 79. Sections thirty and seventy-eight of this Act shall take effect immediately, and the remainder of the Act on the Monday next succeeding the election held under the provisions of section thirty.

Acts  
repealed.

SEC. 80. An Act to repeal an Act, passed March twenty-sixth, eighteen hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and

supplementary thereto, and to incorporate the City and County of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight, and all and every the Acts amendatory or supplementary thereto, and all other Acts or parts of Acts in conflict with the provisions of this Act, are hereby repealed; but this repeal shall not in any manner affect the county organization.

CITAP. CCCIX.—*An Act amendatory of and supplementary to an Act entitled an Act in relation to the Militia of this State, approved April twenty-fourth, eighteen hundred and sixty-two.*

[Approved April 25, 1863.]

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

SECTION 1. Section two of the above recited Act is hereby amended so as to read as follows:

Section 2. The Adjutant-General shall be appointed by the Commander-in-Chief, by and with the consent of the Senate, and shall hold his office for the term of two years. He shall be ex officio Chief of Staff, Quartermaster-General, Commissary-General, Inspector-General, and Chief of Ordnance. He shall receive a salary of three thousand dollars annually, to be paid out of moneys appropriated for that purpose. He shall reside at the seat of government, and shall keep his office open for the transaction of business every day, (Sundays excepted,) from ten o'clock, A. M. to four o'clock, P. M.

Sec. 2. Section fourteen of said Act above recited is hereby amended so as to read as follows:

Section 14. The District or County Assessor of each and every Revenue District or county in this State, shall, at the same time in each year when he prepares a roll containing the taxable inhabitants of his district or county, enroll all the inhabitants of his district or county subject to military duty, which list or roll shall be sworn to by him, and delivered to the Clerk of the Board of Supervisors, in the same manner and at the same time as is provided by law for the civil tax list or assessment roll, and the Clerk of the Board of Supervisors shall keep the same open for inspection, as is provided by law for the civil assessment roll; *provided*, that in the City and County of San Francisco, the Tax Collector of said city and county shall perform the duties by this section imposed upon District or County Assessors.

Sec. 3. Section fifteen of said Act above recited is hereby amended so as to read as follows:

Section 15. The Board of Equalization shall correct the said military assessment roll at the same time and in the same manner as is proscribed by law for the correction of the civil tax list; and it shall be the duty of the said Clerk to deliver to the

Brigadier-General of the brigade to which his county belongs a triplicate of said list, certified by him, within ten days after the Board of Equalization shall have completed their corrections; and the compensation allowed to said Assessors for making out said military list, shall be determined by the Boards of Supervisors of the several counties, at the rate of five dollars for each one hundred names of persons returned by the County or District Assessors, who, by said Board of Equalization; shall be determined as subject to military duty.

SEC. 4. Section sixteen of said Act above recited is hereby amended so as to read as follows:

Violations of Act.

Section 16. If any Assessor, or the Tax Collector of the City and County of San Francisco, shall neglect or refuse to perform any of the duties required of him by this Act, he shall be subject to the same penalties, liabilities, and punishments, as is provided by law for a neglect or refusal to perform any of the duties required of him for the assessment of the civil taxes; and, moreover, he shall forfeit and pay the sum of not less than three hundred and not more than one thousand dollars, to be sued for in the name of The People of the State, by the District Attorney of the respective county, and recovered in the name of The People of the State, and paid into the Military Fund of the State; and if the Clerk of the Board of Equalization shall neglect or refuse to make and deliver to the Brigadier-General of the brigade to which his county belongs the triplicate of the military assessment roll, as directed in this Act, he shall forfeit and pay the sum of not less than two hundred and not more than five hundred dollars, to be sued for and recovered in the same manner as is provided in this section with respect to the Assessor.

Penalties.

SEC. 5. Section nineteen of the above recited Act is hereby amended so as to read as follows:

Volunteer companies.

Section 19. The volunteer or independent companies shall be armed and equipped in the same manner as similar corps in the United States Army, and shall consist of the following officers, non-commissioned officers, and privates, viz: to each company of cavalry, one Captain, one First Lieutenant, one Senior and one Junior Second Lieutenant, five Sergeants, four Corporals, one Trumpeter, one Farrier, and not less than thirty nor more than eighty privates; to other companies there shall be one Captain, one First Lieutenant, one Senior and one Junior Second Lieutenant, five Sergeants, four Corporals, one Drummer, one Fifer, and not less than thirty nor more than eighty privates, excepting Light Batteries, which shall be allowed one hundred active members each, and such officers as are allowed in the United States service; *provided*, that infantry, artillery, and cavalry regiments may be organized with the number of Field, Staff, and non-commissioned officers as are allowed in the United States service.

SEC. 6. Section twenty-two of the above recited Act is hereby amended so as to read as follows:

Armories.

Section 22. It shall be the duty of the Board of Supervisors of each county in which there shall be one or more organized volunteer companies, upon application of the Captain or commanding officer of the same, to provide for each company in said



county, an Armory, safe and suitable for the drill of squads in the School of the Soldier, and an Armorer to take charge of the same; and it shall also be the duty of the Board of Supervisors of each county in which there shall be one or more organized regiments, upon application of the Colonel or commanding officer of the same, to provide for each regiment in said county a drill room, suitable for skeleton regimental drill; and said Board shall also, at each of its sessions, audit and allow, and cause to be paid, the necessary incidental expenses of said company or regiment, previously incurred; *provided*, that the total amount Proviso. for all the purposes above mentioned, shall not exceed fifty dollars per month for each company, and one hundred dollars per month for each regiment; and for light batteries not less than two hundred and fifty dollars per month; and, *provided*, further, that at the annual settlement of the several Treasurers of such counties with the State Treasurer, the amounts so paid, or caused to be paid, by the several Boards of Supervisors thereof, shall be allowed and credited to such counties.

SEC. 7. Section thirty-three of the above recited Act is hereby amended so as to read as follows:

Section 33. It shall be the duty of each and every Brigadier-General to make, from the assessment rolls received by him from the Clerk of the Boards of Supervisors, and from the muster rolls received by him from the officers of companies, battalions, and regiments, as prescribed in this Act, on or before the first Monday in October of each year, two brigade muster rolls, one to be entitled "Muster Roll of the Organized Militia of the ——— Brigade," and the other to be entitled "Muster Roll of the Enrolled Militia of the ——— Brigade," in the first of which he shall include the names of all the officers of his staff, and all the officers, non-commissioned officers, musicians, artificers, and privates, of the organized volunteer regiments, battalions, and companies in his brigade, in the order of their organization; and in the second, he shall include the number of all other persons subject to military duty. The original of these muster rolls, signed by the General of Brigade, shall be filed in his office, and duly certified copies thereof shall be furnished by him to the General of Division, and to the Adjutant-General of the State. Muster rolls.

SEC. 8. Section thirty-four of the above recited Act is hereby repealed.

SEC. 9. Section forty-three of the above recited Act is hereby amended so as to read as follows:

Section 43. The Commander-in-Chief shall order a Camp of Military Instruction, to continue for ten days, at some central point in this State, in the month of April or May of each year, which shall be attended by all of the commissioned officers, non-commissioned officers, and non-commissioned staff of the militia of this State, the same to be commanded by the Major-General, or, in his absence, by the senior Brigadier-General present. The Commander-in-Chief shall also order, annually, an Encampment, to continue not more than ten days, of the Organized Militia of this State, to be held in the month of September or October of each year, within the limits of the brigade to which such troops respectively belong; the troops attending each Camp of Instruc- Camp of Instruction.

Camp of  
Instruction.

tion and State Encampment shall be deemed to be in active service, and shall be reviewed by the Commander-in-Chief, and in addition to such inspections as may be ordered by the officer in command, shall be inspected by the Inspector-General of the State, on the second and last days of such Camp of Instruction and Encampment; *provided*, that in the City and County of San Francisco, the Organized Militia shall parade at least four times during the year: once by brigade, twice by regiments or battalions, and once by company, which last shall be for target practice, the result of such target practice shall be reported to the commanding officer of the brigade; and, *provided*, further, that upon occasions of reception, or upon the celebration of any event of public importance, the commanding officer of the brigade shall have authority to order out the Organized Militia to join such parade, and the parade so ordered is hereby constituted a legal parade; *provided*, further, that each and every company of the Organized Militia of the City and County of San Francisco shall assemble at least once in each week for military instruction. In other parts of the State, such companies shall assemble at least once a month for such instruction, and all members who absent themselves from such meetings for instruction during three consecutive meetings, unless excused by the commanding officer of such company, shall be debarred from the exemption of jury duty, and poll and road tax, and subject to expulsion from their company; *provided*, at any other legal parade, that any officer, non-commissioned officer, or private, who shall neglect to attend a Camp of Instruction, or Military Encampment, as above provided, when legally required to do so, shall be subject to a fine of three dollars for each day's absence from such Camp of Instruction or Military Encampment, unless excused in consequence of sickness or absence from the State; such fines may be sued for and recovered in the name of The People, before any Justice of the Peace of the township in which such delinquent resides.

SEC. 10. Section forty-eight of the above recited Act is hereby amended so as to read as follows:

Active  
service.

Section 48. Whenever any of the militia of this State shall be called into active service for the space of more than two days, they shall receive the same pay and allowances as United States troops serving in California. Any General or Field Officer, being called into active service, such call shall be deemed to include all the officers of their respective staff. In case a Division, or part of a Division, is called into active service, the Commander-in-Chief shall be authorized to put upon active service one of his Aides-de-Camp.

SEC. 11. Section fifty of the above recited Act is hereby amended so as to read as follows:

Military  
Auditors.

Section 50. The Commander-in-Chief, Adjutant-General, and the Surveyor-General, shall constitute a State Board of Military Auditors. The Commander-in-Chief shall be President, and the Adjutant-General shall be Secretary of said Board.

SEC. 12. Section fifty-two of the above recited Act is so amended as to read as follows:

Duties of.

Section 52. It shall be the duty of said Board of Military Auditors to audit and allow all proper claims against the Mil-

tary Fund incurred by the organized troops in the service of this State, and officers attached to the same, and all other just claims required to be paid under the provisions of this Act; it shall be the duty of the Controller of State to draw his warrants for the amounts thus audited and allowed, and the Treasurer of State is hereby required to pay the same out of the Military Fund.

SEC. 13. Section fifty-five of the above recited Act is hereby amended so as to read as follows:

Section 55. The Organized and Enrolled Militia of this State shall be organized into one division and six brigades. The brigades shall be as follows: Brigades.

*First Brigade*—San Diego, Los Angeles, San Bernardino, Santa Barbara, San Luis Obispo, and Monterey Counties.

*Second Brigade*—Santa Cruz, Santa Clara, San Mateo, San Francisco, Alameda, Contra Costa, Marin, Sonoma, Solano, Napa, and Lake Counties.

*Third Brigade*—San Joaquin, Mariposa, Tuolumne, Fresno, Stanislaus, Calaveras, Merced, Mono, Buena Vista, and Tulare Counties.

*Fourth Brigade*—Sacramento, Yolo, Sutter, El Dorado, Amador, Placer, Nevada, Yuba, and Sierra Counties.

*Fifth Brigade*—Butte, Plumas, Colusa, Tehama, Shasta, Trinity, and Siskiyou Counties.

*Sixth Brigade*—Mendocino, Humboldt, Del Norte, and Klamath Counties.

SEC. 14. The sum of three hundred dollars annually shall be audited by the Board of Military Auditors, and paid out of the Military Fund, to each duly uniformed company of sixty active members, and in the same proportion to all uniformed companies, and be received for by the Captain or commanding officer of said company; and also, the sum of one hundred dollars to each detachment of Engineers, which shall be placed in and known as the Company Fund of said company, and be used for such purposes as the company officers may direct. A quarterly statement of the manner in which any portion of the same has been expended, shall be made to the Adjutant-General of the State, duly certified by the commanding officer of the company; *provided*, that no company of the Organized Militia of this State shall be entitled to the benefits of this Act which have not complied with all its provisions; a certificate of which, signed by the commanding officer of the company, and approved by the commanding officer of the battalion, regiment, and brigade, to which such company may be attached, shall be filed with the Board of Military Auditors. Payments to companies.

SEC. 15. The Adjutant-General of this State, under the direction and with the approval of the Governor, shall purchase the necessary camp equipage for the use of the Camps of Instruction and Military Encampments hereby ordered; the same to become the property of the State, and to be paid for out of the Military Fund, upon orders drawn by the Board of Military Auditors. He shall also, in the same manner, provide the necessary transportation and company stores required for the militia of the State, while marching to and from each Camp of Duties of Adjutant-General.

Instruction and Military Encampment, and while in attendance at the same.

Military  
Fund.

SEC. 16. For the purpose of creating a State Military Fund, an annual poll tax of two dollars is hereby levied upon each male inhabitant of the State, of the age of twenty-one years and upwards, (California Indians alone excepted,) to be known as the "Military Poll Tax;" which shall be assessed and collected in the same manner and at the same time as is now or may be prescribed by law for the assessment and collection of State poll taxes. For the purpose of collecting said tax, the officers hereby authorized to collect the same shall have all the powers which are now or may hereafter be conferred by law on the Collectors of State poll taxes; and any person who shall neglect or refuse to pay said military poll tax, or who shall forge or fraudulently issue any military poll tax receipt, or give a false name, or refuse to give his proper name, shall be subject to all the pains and penalties imposed by law on persons who neglect or refuse to pay the State poll tax, or who forge or fraudulently issue any State poll tax receipt, or who give a false name, or refuse to give their proper names, to the officer collecting the same; *provided*, that volunteers serving in the army of the United States be and they are hereby exempted from the provisions of this Act.

Poll tax.

Collection.

SEC. 17. The said military poll tax shall be due and payable on and after the first Monday of March in each year, and the officers hereby authorized shall proceed to collect the same as soon as it becomes due; and the said officers, and County Auditors and Treasurers, shall make their statements, settlements, and payments, at the same time and in the same manner as is now or may hereafter be required by law in making statements, settlements, and payments of the State poll tax, except that the return and exchange of blank receipts shall not be required to be made on the first Monday in August, as directed by the law as to State poll tax receipts; *provided*, that the officers authorized to collect the military poll tax shall be allowed to retain for their services fifteen per cent on all sums collected by them and paid over to the County Treasurers.

SEC. 18. The officers herein authorized to collect said military poll tax shall keep a book, in which they shall enter the name of every person on whom said tax is assessed, who, when called upon, shall refuse or neglect to pay the same, and shall, on the first Monday in March of each year, deposit the same with the County Auditor, who shall carefully preserve the same, and said book shall, at all times during office hours, be open to the free inspection of all persons desiring it.

Controller to  
furnish  
receipts in  
blank.

SEC. 19. The Controller of State shall, immediately after the passage of this Act, for the year one thousand eight hundred and sixty-three, and before the first Monday of March in each succeeding year, cause proper blank receipts for military poll taxes, to be printed by the State Printer, of a uniform appearance, changing the style thereof each year; and said Controller, after numbering and signing them, shall cause a number thereof, equal to the probable number of inhabitants in each county liable to pay the military poll tax, to be immediately forwarded to the County Treasurer of each county, who shall sign them,

or so many of them as may be required, and make an entry thereof in a book to be kept by him for that purpose, and thereupon deliver them to the Auditor, who shall likewise sign them, and make an entry of the number he receives in a book to be kept by him for that purpose; and he shall, from time to time, issue to the Tax Collector, or the District Collectors in those counties divided into Collection Districts, so many of the military poll tax receipts as they may need, taking their receipts therefor, and the said Auditor shall immediately charge the same to the Collector so receiving them.

SEC. 20. Any officer, non-commissioned officer, or private, <sup>Persons exempt.</sup> who shall have faithfully served in the Organized Militia of this State for the term of seven consecutive years, shall be thereafter exempt from military service, except in time of war, and shall be entitled to such other exemptions as are provided in the Act of which this is amendatory and supplemental, and he shall be entitled to a certificate of such exemption from the Adjutant-General of this State.

SEC. 21. Commissioned officers, while on active duty in the service of the State, shall receive the same pay and emoluments <sup>Pay of officers.</sup> as is paid to officers of the United States Army of similar grade, the same to be audited by the Board of Military Auditors upon the pay roll, properly made up, and signed by the officer so serving.

SEC. 22. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed. <sup>Acts repealed.</sup>

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

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CLAP. CCCX.—*An Act to authorize the City and County of Sacramento to subscribe to the Capital Stock of the Central Pacific Railroad Company of California, and providing for the payment of the same, and other matters relating thereto.*

[Approved April 25, 1863.]

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

SECTION 1. It shall be the duty of the Board of Supervisors <sup>Election.</sup> of the City and County of Sacramento to order a special election to be held in said county, at the several places for holding elections therein, on the tenth day, unless such day shall be Sunday, in which event on the eleventh day, after the passage of this Act, unless there is an election provided by law to be held on that day; and at the election held on such day there shall be submitted to the qualified electors of said county the proposition for said Board of Supervisors to take and subscribe for three thousand shares of the capital stock of the Central Pacific Railroad Company of California, a corporation duly organized under the laws of this State, on the twenty-eighth day of June, eighteen hundred and sixty-one, for the purpose of constructing a railroad from the City of Sacramento, over the Sierra Nevada

Mountains, to the eastern boundary of the State of California; and it shall be the duty of the said Board of Supervisors to cause notice of at least seven days to be published in one or more newspapers printed and published in said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon.

**Ballots.** SEC. 2. Each of the voters at said election shall have written or printed upon his ballot the words "Pacific Railroad Subscription—Yes," or the words "Pacific Railroad Subscription—No." Said election shall be conducted in the same manner, and subject to the same regulations, as provided for general elections, and the votes cast on said proposition shall be made up, certified, returned, opened, counted, and the result declared, within the same periods of time, and in the same manner, as the votes for county officers at a general election; and if at said election a greater number of the electors of said City and County of Sacramento voting upon said proposition shall vote "Yes" than shall vote "No." then said Board of Supervisors are hereby

**Subscription** authorized, directed, and required, to subscribe and pay for three thousand shares of the capital stock of said company, as hereinafter provided.

SEC. 3. The said subscription shall be made upon the stock books of said company by the President of the Board of Supervisors, within ten days after the result of said election shall have been ascertained, or in case of his inability to act, by any member of the Board, appointed by the Board for that purpose. Such subscription shall be in the name of The City and County of Sacramento, and such subscription shall only be paid in the manner provided in this Act.

**Bonds.** SEC. 4. The said Board of Supervisors are hereby authorized, directed, and required, immediately, or as soon as practicable after said election, should the same be in favor of said proposition as aforesaid, to prepare and issue to the said company the bonds of the said City and County of Sacramento to the number of six hundred, in the sum of five hundred dollars each, payable to the said company, or to the holder thereof, at the expiration of thirty years from the date thereof, with interest thereon at the rate of eight per cent per annum, payable semi-annually, on the first day of July and January of each year, upon interest coupons to be attached to such bonds, which

**Interest.** coupons shall express the amount and time of payment of such interest, and the principal and interest shall be made payable

**Coupons.** at the office of the Treasurer of said City and County of Sacramento, in United States gold coin, dollar for dollar; said bonds shall be signed by the President of the Board of Supervisors, and by the Auditor and Treasurer of the City and County of Sacramento, and shall be sealed with the county seal; and said interest coupons shall be signed by the Treasurer of said city and county; and said bonds shall be transferable by delivery, and shall bind the said City and County of Sacramento to the payment of the principal and interest as therein expressed.

**How payable.**

**Reports of Chief Engineer.**

SEC. 5. Whenever said bonds shall have been thus prepared, and from time to time thereafter, as said bonds are required to be issued by said company, it shall be the duty of the Chief Engi-

neer and Secretary of said company, to make reports, under oath, in writing, and lay the same before the Board of Supervisors, showing the progress of the work in the construction and equipment of said railroad, the amount thereof done and performed, and the amount of funds and other means expended thereon obtained by said company from other stockholders, or otherwise, or that may have been furnished and supplied by the contractors who are or may be engaged in the construction and equipment of said road for said company, as near as the same can be ascertained; and thereupon the President of said Board of Supervisors shall, immediately after the filing of such reports, from time to time, deliver to said company, and take their receipt therefor, an amount of said bonds thus executed, equal to, as near as may be, and not exceeding the amount thus expended on said road from other stockholders and other sources, reported as aforesaid, which shall be received by said company as payments on said subscription on said capital stock at par, dollar for dollar; and when said subscription shall have thus been fully paid, it shall be the duty of the Board of Directors of said company to issue to said City and County of Sacramento a certificate or certificates for said shares of stock, but not for less than five shares to each certificate, which shall be deposited with the County Treasurer of said city and county. And if, after the issuance of the first instalment of said bonds on such subscription, as aforesaid, there should be at any time any failure or refusal in the expenditure of said bonds, with other funds, in the mode and manner provided by this section, in the construction of said road, then, and in that event, the said Board of Supervisors may, at their option, withhold any further payments on such subscription, and shall not thereafter be liable to any further calls for assessments thereon; and if so declared by said Board of Supervisors, the said subscription shall be held void and of no effect, and the said company shall be liable to said city and county for any amount that may have been previously paid on such subscription at the time of such failure or refusal, recoverable at law in any Court having jurisdiction. And the holder of any of said bonds shall have the right, at any time, to present the same, with all the unpaid coupons belonging thereto, to said County Treasurer, in exchange for shares of said capital stock at par, dollar for dollar; and upon the payment to said County Treasurer, for the use of said county, by such holder, of the amount of the interest paid on such bond or bonds, said County Treasurer shall thereupon receive such bond or bonds, and duly assign to such holder a sufficient number of said certificates of stock equal in amount to the principal of such bond or bonds, and shall thereupon cancel such bond or bonds with the unpaid coupons attached thereto, and said bonds shall express upon their face that they are exchangeable for said capital stock as aforesaid. The sums received by the County Treasurer under the provisions of this section, shall be paid into the Sinking and Interest Fund of said county.

Tenance and  
delivery of  
bonds.

Powers of  
Supervisors.

Bonds may  
be exchanged  
for stock  
of company.

SEC. 6. It shall be the duty of said Board of Supervisors of said City and County of Sacramento, previous to the making

out of the duplicate or other general assessment roll or list for said city and county, in each year, and at the same time as the other county taxes are levied, to levy a special tax, to be styled the "Railroad Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued under this Act; and on and after the year eighteen hundred and seventy-three, an additional amount, sufficient to pay five per cent of the principal of said bonds, which tax shall be levied and collected in the same manner as the general taxes for county purposes, and when collected shall be paid to the City and County Treasurer of said city and county, to be kept by him as a Special Fund, to be called the "Railroad Fund," to be paid out solely in payment of the interest on said bonds and the redemption of said bonds.

**Interest tax.**

**Redemption Fund.**

**Surplus.**

**SEC. 7.** Whenever, at any time after the payment of or providing for the July interest on said bonds, there shall be in the "Railroad Fund" a sum of two thousand dollars or upwards remaining after the payment of the interest then due on said bonds, the Treasurer of said city and county shall advertise in a public newspaper published in said county, and also in a newspaper published in each of the Cities of Sacramento and San Francisco, for the space of at least three weeks, for sealed proposals for the redemption of said bonds, fixing a time for filing such proposals, and after said time shall have expired, said City and County Treasurer, and the President of the Board of Supervisors of said city and county, shall open such sealed proposals, and shall pay and liquidate, so far as the amount of said Fund then on hand shall extend, such bonds presented under such of said proposals as shall propose the lowest value at which they may be liquidated, but not at a rate exceeding the par value thereof; and whenever any of said bonds shall be redeemed or paid, the said City and County Treasurer shall cancel the same by writing across the face of the same, and across the signatures, the word "cancelled," in large letters, and shall file the same in the office of the County Auditor of said city and county.

**Cancellation of bonds.**

**Votes of stockholders**

**Powers of Supervisors**

**SEC. 8.** The Board of Supervisors of said city and county, each year, at their meeting next before the annual meeting of the stockholders of said company, shall appoint a committee of not more than three of their own number, or of other persons, to vote the said stock of said city and county, which committee shall alone be entitled to cast the votes to which said capital stock thus owned by said city and county shall be entitled, at such annual meeting, and all special meetings of the stockholders of said company during the succeeding year; and said Board of Supervisors shall receive all dividends, rents, issues, and profits of said shares of stock, and the proceeds of all dividends, rents, issues, and profits, received upon said shares of stock, and the proceeds of all sales of said stock, and all taxes paid by said railroad company shall be paid to said City and County Treasurer of said city and county, and by him put into said "Railroad Fund," to be applied as hereinbefore provided.

**Liabilities of officers.**

**SEC. 9.** The said President, Auditor, and Treasurer, and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall, in all things herein required of them, be subject to all the liabilities and penalties



to which they are subjected in the performance of any other of the duties of their respective offices, and they shall, where the fees or salary is not fixed by law for the services herein required, be allowed by the Board of Supervisors a reasonable compensation therefor, to be paid by said city and county, as other fees and salaries are paid; and the said Board of Supervisors may, and they are hereby fully authorized so to do, require of the said President, Auditor, and Treasurer, such bonds and security for the performance of their duties herein required of them as they, the said Board of Supervisors, shall deem proper; *provided*, however, that the penal sums of such bonds to each of said President, Auditor, and Treasurer; shall not exceed ten thousand dollars. The said President, Auditor, and Treasurer, shall, when so required, execute the said bonds in the same manner as other official bonds are executed, and to be approved by said Board of Supervisors, and filed in the office of the Clerk of said city and county.

Bonds  
of officers.

SEC. 10. The said subscription of stock shall be made upon, and the same shall be subject to the express condition that the said City and County of Sacramento shall not be liable or bound for the debts or liabilities of said company beyond or exceeding the amount of the stock thus subscribed or held by said city and county, and all contracts made by said company for the construction or equipment of said railroad after such subscription shall have been made, shall be subject to said condition, whether expressed therein or not; and in case the said company shall fail or refuse to make such stipulation in all their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover from said company any previous payments that may have been made thereon at the time of such failure or refusal. And if the city and county governments of the present City and County of Sacramento shall be separated by law, then all the provisions of this Act relating to the City and County of Sacramento, and the officers thereof, shall be held and deemed to apply and relate to the County of Sacramento, and the officers of the County of Sacramento, as the same may be organized, or appointed, or elected by law.

Conditions of  
subscription.

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

CHAP. CCCXI.—*An Act to make certain Offices in the County of Calaveras Salaried Offices.*

[Approved April 25, 1863.]

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

SECTION 1. The Sheriff, County Clerk, and County Treasurer of Calaveras County, from and after the first Monday in March, eighteen hundred and sixty-four, shall receive for all ser-

Salaried  
offices.

VICES required of them by law, or for duties imposed on them by virtue of their several offices, a salary at the rate per annum, respectively, as herein prescribed.

**Sheriff.** SEC. 2. The Sheriff shall receive for all services required of him by law in said office, a salary at the rate of four thousand dollars per annum; *provided*, that for any services rendered the State he shall receive the payment provided for such service, from the State, for his own proper use, in full compensation for such service and expenses incurred in the performance of such service.

**County Clerk.** SEC. 3. The County Clerk, for all services required of him in his office, or by virtue of his office as Clerk, Auditor, and Recorder, shall receive a salary at the rate per annum of twenty-four hundred dollars, which shall be in full for all services required of him by law; *provided*, that for any service rendered the State, he may retain the amount paid by the State for such service for his own proper use, in full compensation for such service.

**County Treasurer.** SEC. 4. The County Treasurer, for all services required of him by law, or by virtue of his office, shall receive a salary at the rate per annum of two thousand dollars; *provided*, that for any service rendered the State, he may retain the amount paid by the State for such service for his own proper use, in full compensation for such service.

**Sheriff's Deputies.** SEC. 5. The Sheriff shall be allowed the following Assistants, to be paid by the county: an Under Sheriff, to be paid at the rate of one hundred and fifty dollars per month; one Deputy, at the rate of one hundred dollars per month; and one Keeper of the Jail, at the rate of seventy-five dollars per month; any other Deputies that may be required for the performance of the duties of the office of Sheriff shall be paid by the Sheriff from his salary herein provided; *provided*, he may summon one Constable, whose duty it shall be to attend the sittings of the District Courts, and act as Deputy Sheriff, for which service the said Constable shall receive three dollars per day, to be paid by the county.

**Deputies of County Clerk.** SEC. 6. The County Clerk shall be allowed two Deputies, who shall be paid by the county, one at the rate of one hundred and twenty-five dollars per month, the other at the rate of seventy-five dollars per month.

**Duties of officers.** SEC. 7. The officers named in the first section of this Act shall collect and safely keep all fees, commissions, and per centage now allowed them by law for services rendered by them in their several official capacities, except for such services as the county or State is chargeable with, and upon the first Monday in each month shall pay the same into the County Treasury.

**Officers to keep Fee Book.** SEC. 8. The officers named in the first section of this Act, all Assistants, and Deputies, if so required to do by the Board of Supervisors, shall, from and after the first Monday in March, A. D. eighteen hundred and sixty-four, keep a book, to be denominated the "Fee Book," which book shall be the property of the county, and which shall be open during office hours to public inspection. In this book shall be entered, in detail, all fees or compensation, of whatever nature or kind, collectable or chargeable; in one column the fees or compensation belonging

to the county, and in another column the fees or compensation which under this Act may be retained by the officer. On the first Monday of March, eighteen hundred and sixty-four, and on the first Monday of each month thereafter, the officer shall carefully add up the several columns, and set down the total; and the compensation and fees collected or chargeable for the county, shall be paid to the County Treasurer, accompanied by a full, accurate, and detailed statement, in duplicate, under oath, of all fees, per centage, and compensation, of whatsoever kind, collected for or charged for the county. Upon receiving the Treasurer's receipt for the payment of such fees or compensation, said receipt, and one of the statements herein required to be made out in duplicate, shall be filed with the Auditor; and until the payment of such fees or compensation which under this Act shall belong to the county shall be made to the Treasurer, and said Treasurer's receipt, and such officer's detailed statement, have been filed with the Auditor, said Auditor is prohibited from drawing any warrant, and the Treasurer from paying any warrant, in favor of such officer, or any of such officer's Deputies. It is hereby expressly provided that any officer crediting any fee or per centage for any official service which under this Act is provided to be paid into the County Treasury, shall do so at his own risk, and said officer shall set down the same in his Fee Book, and it shall be paid by him into the County Treasury, as herein provided, the same as if he had collected said fee at the time or prior to the performance of the service for which said fee was chargeable. The duplicate certificate herein provided to be filed with the Treasurer and Auditor, shall be sworn to as follows:

Oath of officers, to report of fees.

Duty of Treasurer and Auditor.

"I, ———, Sheriff (or other officer, as the case may be,) of the County of ———, do solemnly swear that the entire fees, compensation, per centage, and payment, for official service rendered by me, or any Deputy or person connected with my office for me, has been entered in detail in the "Fee Book" of my office, and added up, and that the portion belonging to the County is ———, and that said amount is the full amount received or chargeable since the last payment, and neither myself, nor to my knowledge, any Deputy for me, has rendered any service, except service for the county or State, which is not entered and added up to make the aforesaid sum."

Form of certificate.

All fees or compensation for official service, which under the provisions of this Act are required to be paid into the County Treasury, shall be and is hereby constituted and known as the "County Officers' Salary Fund," which amount so remaining in the County Treasury on the first Monday in each month, from and after the first Monday in March, A. D. eighteen hundred and sixty-four, shall be set apart and applied to the payment of warrants drawn on the Treasury for the salaries of county officers, their Assistants, Clerks, and Deputies; *provided*, that after paying or setting apart by the Treasurer an amount equal to the amount due the officers named in this Act, their Assistants, Clerks, and Deputies, that any residue shall be placed to the credit of the "General Fund," to meet the current expenses of the county. The county officers named in this Act shall perform all services required of them by law for county purposes

Salary Fund.

Surplus.

without fee or compensation, other than is provided for in this Act.

Neglect of duty.

Penalty.

Proviso.

SEC. 9. For a wilful neglect or a refusal to comply with the provisions of this Act, or for any one of them, any officer or officers herein named, their Assistants, Clerks, or Deputies, shall, on conviction, be subject to a fine not exceeding five thousand dollars, a forfeiture of their offices, to imprisonment in the State Prison not less than one year nor more than three years, or to any one or more of the said penalties, in the discretion of the Court; *provided*, that nothing in this section shall release any one of them from their liability on their official bond required by law, or from any civil responsibility to any and all persons, in relation to the business of their said offices, that may be by law applicable to their said several official duties.

Payment of salaries.

SEC. 10. On the first Monday in each month, from and after the first Monday in March, A. D. eighteen hundred and sixty-four, the officers may make out and present to the Board of Supervisors the account for their services and the services of their Deputies, as provided in this Act; and if it shall appear to the satisfaction of the Board that said officers have complied with the provisions of this Act, the Board of Supervisors shall audit, allow, and order paid, out of the "County Officers' Salary Fund," or any other money in the Treasury, not set apart for any specific purpose, the amount severally due them, from any money paid in from and after the first Monday of March, A. D. eighteen hundred and sixty-four.

Bond of officers.

SEC. 11. Each officer named in the first section of this Act, before entering upon the duties of his office, shall execute to The People of the State of California a bond, in such penal sum as the Board of Supervisors shall require, with two or more sufficient sureties, to be approved by the County Judge, conditioned for the faithful performance of all the duties of his office required by law, and shall take the oath of office, which shall be indorsed upon his certificate of election or appointment.

Duties of Supervisors, and per diem

SEC. 12. It shall be the duty of the Board of Supervisors to meet at the Court House of the County of Calaveras, on the first Monday of March, A. D. eighteen hundred and sixty-four, and on the first Monday of each month thereafter, for the purpose of examining the accounts of the officers that may be presented under the provisions of this Act, and it shall be their duty to order the Auditor to draw his warrants on the Treasurer for the respective amounts that they may find due the officers, their Assistants, Clerks, or Deputies, as provided for by the provisions of this Act. The Supervisors shall receive for their services five dollars per day, for each day that they may meet under the provisions of this Act, which are not the regular meetings of the Board; *provided*, that they shall receive pay for only one day in each month for such extra meetings.

Payment of salaries.

SEC. 13. The amount specified in this Act to be paid to under-officers, Assistants, Clerks, and Deputies, shall not be paid to the principal, but shall, at all times, upon being found due, be paid to such under-officer, Assistant, Clerk, or Deputy; *provided*, always, that such under-officer, Assistant, Clerk, or Deputy, make out, subscribe, and file his affidavit with the Supervisors, setting forth that he was employed by such superior officer, and

that he performed the services therein named, that the amount due is for his own proper use and benefit, and not for another.

SEC. 14. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed, so far as they relate to the said several officers herein named for the County of Calaveras. Acts repealed.

SEC. 15. This Act shall take effect and be in force from and after the first Monday in March, A. D. one thousand eight hundred and sixty-four.

CHAP. CCCXII.—*An Act to authorize William F. Nelson and his associates to lay down and maintain a Railroad within the City and County of San Francisco.*

[Approved April 25, 1863.]

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

SECTION 1. The right is hereby granted to William F. Nelson, James T. Godfrey, Peter Witbeck, J. M. Buffington, Francis Conn, A. W. McPherson, and their associates and assigns, to lay down and maintain an iron railroad, within the City and County of San Francisco, along and upon the following streets, viz.: Beginning at or near the centre of intersection of Greenwich street with Front street; thence along and upon Front street to Market street; thence along and upon Market street to Sutter street; thence along and upon Sutter street to Larkin street; thence along and upon Larkin street to Pacific street; thence along and upon Pacific street to the charter limits, with the right of continuation along the said line of Pacific street to the ocean beach, whenever said street is declared open by the proper authorities of the City and County of San Francisco, with an intersecting railroad connecting at the junction of Sutter with Larkin street; thence running southerly along and upon Larkin street to Market street; thence along and across Market street to Johnson street; thence along and upon Johnson street to Mission street; thence along and upon Mission street to Spark street; thence along and upon Spark street to Dolores street; thence along and upon Dolores street to Corbet street; thence along and upon Corbet street to Mission street; thence along and upon Mission street to Spark street; together with the right to lay and maintain an iron railroad from the intersection of Corbet street with Mission street, along and upon Mission street to the charter limits of said city and county. Said road to have a single or double track, at the option of the said grantees, their associates and assigns; the rails to be adopted, the same as the street railroads of San Francisco, with the proper and necessary switches and turnouts along the entire route; and to run cars thereon of the most improved construction for the comfort and convenience of passengers, and shall be provided with the most improved brakes and other means of stopping the same when required; they shall be moved at a speed not exceeding

eight miles an hour, by horses or mules, at convenient hours of every day and night, for the transportation of passengers; *provided*, that no railroad track shall be laid on Front street until the written consent of the owners of more than half of the property fronting on the line of said track on Front street is first obtained, estimating said property by the front foot; *provided*, further, that if any other railroad company shall, at any time, obtain the right to construct a railroad track on any portion of the streets herein named, such other company shall have the right to use the rails of the grantees herein named, on not exceeding five blocks, upon paying one half of the expense of constructing and maintaining the railroad on that portion of the track so used; *provided*, further, that whenever the said railroad shall run along any street where there exists another railroad, established by law, the consent of a majority of the property owners upon that portion of any street where the two tracks run side by side, estimating by the front foot, shall be obtained before the railroad track provided for in this Act shall be laid side by side with such other road upon such portions of any streets.

Proviso.

To pave,  
etc., certain  
streets.

SEC. 2. The owners of said railroads shall pave or plank, as the proper authorities of said City and County of San Francisco shall direct, the streets through which the said railroad shall run, along the whole length thereof, for a width extending two feet on each side of said road, and shall keep the same in repair; *provided*, that beyond Larkin street, the grantees shall not be compelled to plank or pave, until said streets shall be graded.

Conditions.

SEC. 3. The track of said railroad shall not be more than five feet wide, within the rails, with a space between the double tracks sufficient for the passage of the cars. It shall be laid, as nearly as possible, in the centre of each street, and flush with the level of the street, and so as to offer as little obstruction as possible to the crossing of vehicles; and when the road herein provided for shall intersect any other road, the rail of each shall be so altered or cut, as to permit the cars to cross without obstruction or hindrance.

Rates of fare.

SEC. 4. The rate of fare on said railroad, for each passenger, shall not exceed five cents for any distance, except for passengers going from the east of Larkin street to the ocean beach, or returning over the same route, in which case twenty-five cents may be charged for three tickets, or ten cents for a single ticket; *provided*, it shall be unlawful for any person or persons, corporation, or joint stock company, or association, running passenger cars upon any street railroad laid down and maintained by virtue of the franchise herein granted, to demand of or receive from any person desiring to be conveyed, or being conveyed, or purchasing tickets for passage on such railroad, a sum of money greater than is allowed by the provisions of this Act; and for each and every violation of the provisions of this section, such person or persons, corporation, joint stock company, or association, so demanding or receiving such sum, or whose Agent or Agents, employé or employés, shall demand or receive such sum, shall forfeit to the person so overcharged the sum of two hundred dollars, to be recovered in a civil action, in any Court of competent jurisdiction.

Penalty for  
overcharges.

SEC. 5. Any person wilfully obstructing said railroad shall be deemed guilty of a misdemeanor, and punished accordingly. Obstructions

SEC. 6. The franchises and privileges hereby granted shall continue for the period of twenty-five years, to date from and after the passage of this Act; and the grantees shall, within three months after the passage of this Act, execute to The City and County of San Francisco a bond, with good and sufficient sureties, to be approved by the County Judge of said city and county, conditioned in the sum of thirty thousand dollars for the completion of the said railroad according to the requirements and privileges of this Act, and file the same with the Treasurer of said city and county, for the benefit thereof; and upon a failure to comply with the provisions of this section, the franchise and privileges hereby granted shall utterly cease and determine, and the amount of said bond may be recovered from the obligors therein named in an action brought in the name of The City and County of San Francisco; *provided*, that the line of said railroad shall be completed, at least upon a single track, and passenger cars running thereon, within five years from the filing of the aforesaid bonds; and the grantees shall, within one year after the passage of this Act, commence the construction of said road, but no time during which they shall be prevented from the construction by legal process, shall be counted as part of said time. Duration of franchise.  
Bond.  
Further conditions.

SEC. 7. The owners of said railroad shall pay to the City and County of San Francisco the sum of fifty dollars per annum, as a license, upon each car used by them upon said railroad, which payment shall be made quarterly to the said city and county. License.

SEC. 8. The owners of said railroad are required to sell, transfer, and convey the same, together with the cars that may be employed thereon, to the City and County of San Francisco at any time after the expiration of fifteen years from the completion of the same, upon a demand being made to that effect by the said city and county, and upon the payment to said parties by said city and county of the appraised value of the same, exclusive of this franchise; said appraisal to be made by five Commissioners, in the following manner: The Board of Supervisors of the City and County of San Francisco shall appoint two Commissioners, and notify the grantees or their assigns of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners, and notify the Board thereof; the four Commissioners so appointed shall elect a fifth; but in case of their inability to agree upon such fifth Commissioner within ten days, he shall be appointed by the County Judge of said city and county. In case of the failure of the grantees or their assigns to appoint Commissioners on their part, as above provided, or in case of their refusal to act, the County Judge shall have the power of appointing them. Said Commissioners shall make their appraisal and present their report within thirty days after the completion of the commission, and file the same in the office of the Clerk of the Board of Supervisors. A majority of said Commissioners shall constitute a quorum, and the award of the majority shall be final and City and county may purchase.  
Appraisers.

binding upon the parties. The amount of the award shall be paid by the Treasurer of the city and county to the grantees or their assigns within sixty days after the filing of said award, and thereupon the title to said railroad and cars shall vest in the said city and county.

Reserved  
rights of city  
and county.

SEC. 9. Nothing in this Act shall be so construed as in anywise to prevent the proper authorities of the said City and County of San Francisco from sewerage, grading, paving, plank-ing, repairing, or altering any of the streets hereinbefore speci-fied, but all such work shall be done, if possible, so as not to obstruct the free passage of the cars upon the said railroad; and when the same shall not be possible, the said authorities, before the commencement of said work, shall allow to the own-ers of said railroad time sufficient to enable them to shift the rails or take other means so as to avoid said obstructions during the continuance thereof, which they, the said owners, are hereby authorized to do.

Powers of  
Supervisors

SEC. 10. The Board of Supervisors of the City and County of San Francisco, or their legal successors, are hereby author-ized and empowered to grant to the said parties named in the first section of this Act, their associates, or assigns, such addi-tional rights, privileges, and grants, as the said parties, their associates, and assigns, may desire or deem necessary for the full and complete enjoyment of the franchise and privileges cre-ated and granted by this Act.

SEC. 11. The Police of the City and County of San Fran-cisco, while on duty, shall be allowed to ride free of charge on any route included in this Act.

CHAP. CCCXIII.—*An Act concerning the Insane Asylum of Cali-fornia, and to levy a Tax therefor.*

[Approved April 25, 1863.]

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

Board of  
Directors.

SECTION 1. Messrs. E. S. Holden, J. G. Gasman, Austin Sperry, H. B. Underhill, T. R. Anthony, and G. A. Shurtleff, are hereby constituted a Board of Directors of the Insane Asylum of Cali-fornia, and shall hold their office until their successors, who shall be elected by the Legislature in Joint Convention, and whose term of office shall be four years, shall be elected and qualified.

Election.

At said election, such choice shall be made that the Board of Directors shall always consist of citizens of the City of Stock-ton, or vicinity; they shall be divided into two classes, in the order of their names as herein recorded. The first, second, and third named, shall go out of office at the expiration of one year from the passage of this Act; the fourth, fifth, and sixth, shall go out of office at the expiration of three years from the passage of this Act. In case of a vacancy in said Board occurring when the Legislature is not in session, said Board may fill said vacancy

Terms of  
office.



until the next assembling of the Legislature, and then the Legislature shall proceed to fill said vacancy for the unexpired term only.

SEC. 2. The Directors herein provided shall, within thirty days after the passage of this Act, qualify by taking the usual oath of office, and meet at the Asylum in the City of Stockton, and organize by electing from their number a President, who shall preside at their meetings, and perform such other duties as may be prescribed by the by-laws; and they shall, at the same time and place, elect from their number a Vice-President, who shall perform the duties of the President in his absence.

Oath of office

President  
and Vice-  
President.

SEC. 3. The Board of Directors shall be known by the name and style of the Directors of the Insane Asylum, and by that name they and their successors shall be known in law, may sue and be sued in any of the Courts of this State, and may receive and hold property, real and personal, for the use and benefit of said Asylum. They shall have full power to manage and administer the affairs of said Asylum, shall make and adopt 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. Said by-laws shall provide for the several necessary standing committees, to wit: Auditing Committee, Visiting Committee, Committee on Finance, and Committee on Improvements and Repairs, together with such other committees as may be necessary for the despatch of business; and said committees shall meet at the Asylum once a month for the transaction of business.

Powers of  
Directors.

The Board of Directors shall cause to be kept a full and complete record of their proceedings, which shall be open at all times to the inspection of any citizen desiring to examine the same; they shall hold stated meetings at the Asylum, monthly, and a majority of the Board shall constitute a quorum for the transaction of business; they shall at such meetings receive and act on the reports from the several standing and other committees, which shall always be made in writing; they shall make a thorough inquiry into all the departments of labor and expense, and a careful examination of the buildings, property, and general condition of the Asylum; and they shall submit to the Governor, on or before the first day of November of each year, a report, showing the receipts and expenditures, the condition of the Asylum, the number of patients under treatment during the preceding year, the number remaining in the Asylum at the date of the report, and such other matters touching the general affairs of the Institution as they may deem advisable; and the said report shall be transmitted by the Governor to the Legislature.

Duties.

SEC. 4. The Directors shall not be, directly or indirectly, interested in any contract or contracts for supplies furnished said Asylum, but shall receive as their compensation the sum of ten dollars per day for their services and expenses in attending monthly or called meetings of said Board, payable out of any moneys set apart by law for the use and benefit of said Asylum, as other bills and accounts against the Asylum are paid; *provided*, the amount so received shall not exceed the sum of one hundred and thirty dollars per year to each Director.

Not to be  
interested in  
contracts.Compensa-  
tion.

SEC. 5. Doctors Lorenzo Hubbard, of Marysville, J. F. Morse, of Sacramento, and J. P. Whitney, of San Francisco, are hereby

Medical  
Visitors.

constituted a Board of Medical Visitors of said Asylum. They shall be divided into three classes, and shall hold their office until their successors, whose terms of office shall be four years, shall be elected and qualified, which election shall be made by the Legislature in Joint Convention. The first in the order herein named shall go out of office at the expiration of one year, the second and the third shall go out of office at the expiration of three years, from the passage of this Act. The Medical Visitors shall, before entering upon their duties, take the usual oath of office. They shall hold their meetings at the Asylum, semi-annually, on the first Tuesday in April and October in each year. They shall, at such meetings, make a careful and complete inquiry into the sanitary condition and medical management of the Asylum, and report upon the same to the Governor of the State on or before the first day of November of each year. The compensation of the Medical Visitors shall be seventy-five dollars for each semi-annual visit, and shall be paid in like manner as provided for the payment of the compensation of the Directors in section four of this Act. And in case of a vacancy occurring in said Board of Medical Visitors, the same shall be filled by appointment by the Governor until the next meeting of the Legislature, at which time the vacancy shall be filled for the unexpired term by the Senate and Assembly in Joint Convention.

**Section of Resident Physician.** SEC. 6. The Board of Directors and Board of Medical Visitors shall elect, in joint ballot, one Resident Physician, who shall hold his office for a term of four years, and until his successor shall be elected 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. He shall receive an annual salary of three thousand five hundred dollars, payable quarterly, out of any moneys appropriated by law for the use and benefit of said Asylum. Said Resident Physician shall be provided with suitable apartments within the Asylum grounds, and be supplied with provisions, fuel, lights, and household furniture, for the comfort of himself and family, if he has one. Before entering upon his duties he shall qualify by taking the usual oath of office, and he shall execute and deliver to the President of the Board of Directors a bond, with good and sufficient sureties, to be approved by the Directors, in the sum of five thousand dollars, conditioned for the faithful discharge of his duties, as required by law, and the delivery to his successor of all books, papers, moneys, vouchers, and effects, belonging to his office.

**Powers and duties.** SEC. 7. The Resident Physician, who shall also be Superintendent, shall be the chief executive officer of the Asylum; he shall have the general superintendence of the buildings, grounds, and property, subject to the by-laws and regulations of the Directors; he shall have the sole control of the patients, prescribe their treatment, and adopt such sanitary measures as he may think best; he shall appoint, with the approval of the Directors, so many attendants and assistants as he may deem proper and necessary for the economical and efficient performance of the business of the Asylum, prescribe their several duties and places, fix, with the Directors' approval, their compensation, and discharge any of them, subject to the approval of the

Board of Directors; he shall also give, from time to time, such Same. orders and instructions as he may judge best 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 uniform obedience to all rules and regulations of the Asylum. He is required to estimate, quarterly in advance, the probable expenses of the Asylum, and submit the same to the Directors at their stated meeting for their approval; and the Controller of State is hereby authorized and directed to draw his warrants for the amount thus ascertained and approved by the Directors, in three equal sums, in favor of the Directors, to be drawn monthly; and the Treasurer of State is hereby authorized and directed to pay the same out of any moneys set apart by law for the use and benefit of said Asylum. The Resident Physician is further required to ascertain as nearly as he can, and report to the Directors, the amount, character, and quality of provisions, fuel, and clothing, needed for the six months ending on the first day of May and November of each year, and the Directors shall then advertise for contracts for furnishing such supplies, for three weeks successively, in one newspaper in San Francisco, one in Sacramento, and one in Stockton. The contract or contracts shall be awarded to the lowest bidder or bidders, upon their giving satisfactory security for the performance of the same. Other needful expenditures than those for provisions, fuel, and clothing, shall be made under the direction of the Superintendent, subject to the inspection of the Auditing and Finance Committees, and approval of the Board of Directors. The Superintendent shall cause full and fair accounts and records Superintendent. of all his official transactions to be kept, from day to day, in books provided for that purpose, in the manner and to the extent prescribed by the by-laws; and he shall see that all of Duties. his accounts and records are fully made up to the twentieth day of October of each year, and that the principal facts and results, with his report thereon, be presented to the Directors as soon as possible thereafter, that they may submit the same, and a report therewith, to the Governor, on or before the first day of November. The said Resident Physician shall reside within Residence. the Asylum grounds, and shall not be allowed to engage in any private practice, but shall be in attendance at all times at said Asylum, except when he may obtain leave of absence from the Directors.

Sec. 8. There shall be one Assistant Physician, who shall be Assistant Physician. elected at the same time and manner as the Resident Physician. He shall be a graduate in medicine, and shall have practiced his Qualification profession at least five years from the date of his diploma, and shall hold his office for the term of four years, and until his successor shall be elected and qualified. The Assistant Physician shall perform the duties and be subject to the responsibility of Duties. the Resident Physician in his sickness or absence, and he shall perform such other duties as may be described by the by-laws. He shall have an annual salary of twenty-five hundred dollars, payable quarterly, out of any moneys appropriated by law for the use and benefit of said Asylum. And the said Assistant Residence. Physician shall reside within the Asylum grounds, and shall be

Provino. supplied with provisions, fuel, and household furniture for himself and family, if he has one; *provided*, that after the expiration of the term of office of the present Assistant Physician, the said Assistant Physician shall not be allowed to engage in any private practice, but shall be in attendance at all times at said Asylum, except when he may obtain leave of absence from the Board of Directors.

First election under Act. SEC. 9. No part of this Act shall be so construed as to affect the compensation of the Resident and Assistant Physicians during their present term of office; and the first election for Resident Physician and Assistant Physician under this Act shall take place at a joint meeting of the Directors and Medical Visitors to be holden at the time of the stated meetings of these two bodies next preceding the expiration of the term of office of the present incumbents, the twentieth day of April, A. D. eighteen hundred and sixty-five.

Treasurer. SEC. 10. The Directors shall elect, at their first meeting after the passage of this Act, a Treasurer, not of their number, who shall hold his office for two years, and until his successor in office shall be elected and qualified. Before entering upon his duties, the Treasurer shall qualify by taking the usual oath of office, and shall give bond, with good and sufficient sureties, in the sum of twenty thousand dollars, payable to The State of California, to be approved by the Directors, conditioned for the faithful performance of his duties as required by law and prescribed by the by-laws, and for the delivery to his successor of all books, papers, moneys, vouchers, and effects, held by him by virtue of his office. The Treasurer shall keep a correct account of the receipts and expenditures of the Asylum, together with its property, assets, and revenue. He shall act as Secretary of the Board of Directors, shall have charge of their books and accounts; he shall render to the State Board of Examiners, monthly, a detailed statement, under oath, of the expenditures of the preceding month, and shall perform such other duties as the Board of Directors may require. He shall have an annual salary of five hundred dollars, payable quarterly, out of any moneys appropriated for the use and benefit of said Asylum.

Powers of Directors. SEC. 11. The Board of Directors may expel any one of their number, or the Treasurer, for good and sufficient cause; *provided*, that no such expulsion shall be had except by a vote of two thirds of the whole number, nor until the party sought to be expelled shall be first heard, by counsel or otherwise, in his own defence, and any vacancy in the Board, or in the office of Treasurer, may be filled for the unexpired term by an election at a stated meeting of the Directors, and a majority vote of the remainder of the Board shall constitute an election.

Expulsion. Vacancy. Failure to perform duties. SEC. 12. Should the Resident or the Assistant Physician neglect or refuse to discharge their duties, as herein prescribed, or absent themselves without leave, and without good and sufficient cause, they, or either of them, may be suspended or removed from office, at the discretion of the Directors and Medical Visitors; *provided*, that no such suspension or removal shall be had except by a vote of two thirds of all the Directors and Medical Visitors on joint ballot, nor until the party accused shall be confronted by his accuser, and be heard by counsel, or other-

wise, in his own defence; and any vacancy in the office of Resident Physician or Assistant Physician shall be filled in the manner prescribed in this Act for the election of said officers.

SEC. 13. Any employé of the Asylum holding office or position under appointment by the Resident Physician, and accused of unfitness for such place, may be discharged from service by the Directors; *provided*, that after a hearing by the Directors of said employé in his defence, a majority of the Board shall, by ballot, so determine. Employés.

SEC. 14. The County Judge of any county in the State shall, upon application under oath, setting forth that a person, by reason of insanity, is dangerous to be at large, cause the said person to be brought before him at such time and place as he may direct, and he shall also cause to appear before him at the same time and place, two Physicians, (graduates in medicine, having practiced in their profession at least five years from the date of their diploma,) who shall examine the person alleged to be insane, and if said Physicians, after careful inquiry, shall certify, upon oath, that the charge be correct, and also certify to the name, age, nativity, occupation, residence, length of time in this State, State last from, previous habits, premonitory symptoms, apparent cause, and class of insanity, duration of the disease, and present condition, as nearly as may be ascertained, of the said insane person so examined, and if the County Judge shall be satisfied that the charge is well founded, he shall direct the Sheriff of the county, or some suitable person, to convey to and place in the Insane Asylum such insane person, and shall transmit a copy of the Examining Physicians' certificate to the Resident Physician of said Asylum; and such person so appointed shall receive for such services the same fees as are allowed by law the Sheriff for like services, to be paid in like manner. Said two Physicians shall be allowed, by the Supervisors of the county, five dollars each for said examination. County Judge to examine insane persons  
Physicians to attend.

SEC. 15. The County Judge shall also cause inquiry to be made into the ability or inability of said insane person to bear the charge or expense for the time he or she may remain in the Asylum, and in case of inability, he shall certify the same in his commitment of such insane person. In any case where the insane person is able, by possession of real or personal property, to pay said charges, the County Judge shall appoint a Guardian for said insane person, who shall be subject to the provisions of the general law in relation to Guardians, as far as the same may be applicable; and the Judge may order the sale of the property of such person, or so much thereof as may be necessary, from the proceeds of which sale the said Guardian shall pay to the Directors of the Asylum the sum of twenty-five dollars a month, quarterly in advance, for the maintenance of said insane person; and he shall also give security, to be approved by the County Judge, for the prompt payment in advance of such charges, for each and every successive quarter the said insane person may remain in the Asylum, or as long as there shall be a sufficiency of said property to meet said charges. But in case any insane person shall have a family, or a father, or mother, dependent upon him or her for support, no homestead or other property belonging to such insane person, that is by Further duties of County Judge.  
May appoint Guardian.  
Payment by persons or Guardians when able.

the laws of this State exempt from sale under execution, shall be sold or appropriated to pay the expense of maintaining such insane person. In case said insane person shall recover, and be discharged, before the expiration of the quarter for which payment shall be made in advance, the Directors shall refund to the said Guardian any sum remaining over and above the charges, at the rate of six dollars a week; *provided*, that no amount shall be refunded for any fraction of the first month. Any person or persons committed to the Asylum, having money on their persons belonging to such insane person or persons when arrested, the committing Judge shall certify to the amount, and order the same to be sent with said insane person or persons to the Asylum; and when the amount shall not exceed fifty dollars, it shall be held on deposit, for the use and benefit of said insane person or persons when discharged; but when the sum shall exceed fifty dollars, the excess shall be paid to the Treasurer of the Asylum, and shall be applied, monthly, for the maintenance of said insane person or persons, in such sums as required for other paying patients. On the death of such insane person or persons, the balance of the money on deposit for his or her use shall be held subject to the order of his or her legal representatives, or in case of recovery, then the fifty dollars, together with the balance of the excess, if there be any, shall be refunded to said person or persons after recovery.

Proviso.

Non-residents.

SEC. 16. Insane persons, not citizens of this State, may be received into the Asylum upon commitment by the County Judge, as is required in section fourteen of this Act, and on the payment of the charges, as provided in section fifteen of this Act. No indigent insane person of any other State shall receive the benefits of said Asylum unless the State, or some local authority of the State, from which such insane person shall be sent, shall pay all charges, in the manner and to the extent as prescribed for paying patients in this Act.

Powers of Police Judge in San Francisco.

SEC. 17. The duties of the County Judge herein provided may be performed by the Police Judge in and for the City and County of San Francisco, in case of the absence of said County Judge, or his inability from any cause to perform the same.

Powers of Courts of Record.

SEC. 18. Any Court of record of this State shall have power to commit to said Asylum any person charged with any offense triable by such Court, who shall have been pronounced, in the manner proscribed by law, to be insane, and who shall continue insane; *provided*, that the said Court shall issue, with the commitment of said person, an order to the Resident Physician of the Asylum, requiring him, in case such person shall be found to have feigned insanity, to notify the Judge of the Court committing such person of such fact, that the criminal may be returned and dealt with according to law.

Special Asylum tax.

SEC. 19. A tax of five cents upon each one hundred dollars value of taxable property is hereby levied, and directed to be collected and paid, for the year eighteen hundred and sixty-three, and the year eighteen hundred and sixty-four, for Insane Asylum purposes, upon the assessed value of all real and personal property in this State, not by law exempt from taxation; and the said tax levied under the provisions of this Act shall be paid in

legal coin of the United States, or in foreign coin at the value fixed for such coin by the laws of the United States. The money collected under the special tax herein provided shall be expended in the erection of additional buildings, yards, and other improvements, in connection with the present buildings, and in the purchase, for the State, of two blocks of ground adjacent to the Insane Asylum; and the Controller of State is hereby authorized and directed to draw his warrants on the Treasurer of State in favor of the Directors of the Asylum, in such sums as may be required of him, from time to time, by said Directors; *provided*, that said warrants do not exceed, in the aggregate, the sum that shall be collected and paid into the Treasury under the provisions of this Act; and, *provided*, further, that the Board of Supervisors of each of the several counties of this State, are hereby required at their meetings, to be held on the first Monday of May, A. D. eighteen hundred and sixty-three, if they have not already done so, to add to the amount levied by law on each one hundred dollars of taxable property, real and personal, for either State or county purposes, the ad valorem tax levied by this Act; and the tax so levied is hereby made a lien against the property so assessed, which lien shall attach on the first Monday of May, eighteen hundred and sixty-three.

SEC. 20. The moneys collected under the special tax herein levied, shall be expended for the purposes herein specified, under the direction of the Board of Directors of said Asylum; *provided*, that they shall pay for the two blocks of land herein specified, an amount not exceeding the sum of four thousand five hundred dollars; and, *provided*, also, that they shall be assisted in devising plans of improvements by the Resident Physician of said Asylum. This Act shall take effect and be in force from and after its passage, and all laws or parts of laws inconsistent or being in conflict with this Act are hereby repealed.

CHAP. CCCXIV.—*An Act to aid the Construction of the Central Pacific Railroad in the State of California, and other matters relating thereto.*

[Approved April 25, 1863.]

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

SECTION 1. Whenever "The Central Pacific Railroad Company of California," a corporation duly organized under the laws of this State, on the twenty-eighth day of June, one thousand eight hundred and sixty-one, for the purpose of constructing a railroad from the City of Sacramento, over the Sierra Nevada Mountains, to the eastern boundary line of the State of California, shall have completed not less than twenty consecutive miles of any portion of their said railroad, ready for the conveyance

Disposition  
of moneys.

Proviso.

Supervisors  
to levy tax.

Expenditure  
of moneys.

Proviso.

Upon  
completion  
of twenty  
miles of road  
company to  
receive  
\$10,000 per  
mile from  
the State.

and transportation of passengers and freight, supplied with all necessary bridges, drains, culverts, viaducts, crossings, sidings, turnouts, watering places, depots, locomotives, cars, equipments, furniture, and all other appurtenances of a first class railroad, the President and Chief Engineer of said company shall file with the Governor of this State a statement, in writing, duly verified by oath, setting forth the completion and equipment of such portion of said railroad as aforesaid, and thereupon the Governor, Lieutenant-Governor, and Surveyor-General of the State, shall proceed as Commissioners to examine said portion of said railroad, and report and certify to the Controller of State the number of consecutive miles of said railroad thus completed and equipped in accordance with the requirements of this Act, and the amount or sum of money which the said company shall or may be entitled to receive under the provisions of this Act; and if the said Commissioners, or a majority of them, shall report and certify to the Controller of State that not less than twenty consecutive miles of said railroad have been completed and equipped in all respects as required by this Act, then the said Controller of State is hereby authorized and required to draw warrants in favor of said company upon the Treasurer of State, in such sums as said company may determine, but not less than one thousand dollars each, for such an amount as shall be equal to ten thousand dollars per mile for each mile of said railroad thus completed and equipped, payable to the said company or to the holders thereof, out of any moneys in the Treasury not otherwise appropriated; and if at the time such warrants are or may be issued there shall not be money in the Treasury for the payment of the same, then such warrants shall be drawn payable, with interest thereon, at the rate of seven per cent per annum, from the date of such warrants until paid, and warrants shall in like manner and to the like tenor and effect be issued when the second twenty miles are completed and equipped as aforesaid; and when fifty miles of said railroad are completed and equipped as aforesaid, then the Controller of State is hereby authorized to draw his warrants upon the State Treasurer in favor of the said railroad company, in the same manner as heretofore provided for his drawing his warrants for the first and second twenty miles of said railroad, for such a sum as not to exceed ten thousand dollars per mile for the last ten miles completed on said railroad; *provided*, that no warrants shall be drawn in favor of said company until a verified statement shall be made by the Commissioners mentioned in this Act to the Controller of State that said railroad is completed as heretofore provided in this Act; and, *provided*, further, that no warrants shall be drawn by the Controller in favor of said company for the last thirty of the first fifty miles of said railroad until he shall have received a report from the President, and a majority of the Directors of said railroad, verified by them and approved by the Commissioners heretofore mentioned, that said company have expended a sum of money not less than three hundred thousand dollars upon that portion of the line of said railroad that is situated between a point fifty miles from the place of beginning of said railroad in the City of Sacramento and the eastern boundary

Warrants.

Interest.

Warrants to be drawn upon further completion.

Provision.



line of the State of California; *provided*, however, that only the sum of one hundred thousand dollars, and the interest which may have accrued upon said warrants therefor issued as aforesaid, shall be due and payable upon said warrants within or during each year of the first two fiscal years during which and after the same are issued, and two hundred thousand dollars, and the interest thereon, each fiscal year thereafter; and said warrants shall specify in what fiscal year the same shall be due and payable; *provided*, farther, that said company shall complete and equip as aforesaid, at the rate of not less than twenty consecutive miles of their said railroad each year hereafter, until the same is fully completed and equipped; *provided*, further, that this Act, and the appropriations under the same, shall not be subject to the provisions of an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, one thousand eight hundred and fifty-eight.

\$100,000 only, to be paid for first two fiscal years.

Conditions.

Exemption.

Sec. 2. The said sum of one hundred thousand dollars, and a sufficient further sum to pay the interest which may accrue upon said warrants issued as aforesaid, is hereby appropriated and set apart each of said first two fiscal years during or after said warrants shall be issued as aforesaid, and the sum of two hundred thousand dollars, and a sufficient further sum to pay the interest which may accrue upon said warrants as aforesaid, is hereby appropriated and set apart each fiscal year thereafter, out of any moneys in the Treasury not otherwise appropriated, for the payment of said warrants and the interest thereon, and the Treasurer of State shall pay said warrants and interest, on presentation, out of the moneys hereby appropriated and set apart for that purpose.

Appropriation.

Sec. 3. The grants aforesaid are made upon the condition that said company shall, at all times when required, transport and convey over their said railroad, all public messengers, convicts going to the State Prison, materials for construction of the State Capitol building, and articles intended for public exhibition at the Fairs of the State Agricultural Society, and in case of war, invasion, or insurrection, shall transport and convey over their said railroad all troops and munitions of war belonging to the State of California, free of charge.

Conditions of grant.

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

CHAP. CCCXV.—*An Act to amend an Act entitled an Act concerning the construction and repair of Levees in the County of Sacramento, and the mode of raising Revenue therefor, approved April ninth, eighteen hundred and sixty-two.*

[Approved April 25, 1863.]

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

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

Duties of  
City Levee  
Commis-  
sioners.

SECTION 9. The Board of City Levee Commissioners of the City of Sacramento, herein created, shall, from personal inspection and examination, annually, on or before the time provided by law for the levy of the general city taxes, make and certify to the proper authorities of the city, an estimate of the amount of money that will be necessary to pay any existing indebtedness, and to put the levees, and the works for their protection, under their control, in perfect repair, and keep them so during the year, and also the amount by them deemed necessary for still further altering, deepening, or widening, the channel of the American River; and upon receiving such statement, the Board of Trustees, or other proper city authorities, shall levy upon all taxable property within the lines of said city levee and within the city limits, a tax sufficient to produce the whole amount of money so estimated to be required, less the sum, if any there be, in the City Levee Fund. The taxes levied under this section shall be collected as other city taxes are, and shall be paid into a Special Fund, entitled the City Levee Fund, and the money shall only be drawn from said Fund upon warrants for claims for levee purposes, allowed by a majority of the Levee Commissioners, and approved by the proper city authorities.

Special  
levee tax.

SEC. 2. Section thirteen of said Act is hereby repealed.

Dist. No. 2.  
Surveys  
forbidden.

SEC. 3. The Board of State Swamp Land Commissioners shall not authorize any further surveys, or let any contracts for building levees, or other work of reclamation, in Swamp Land District Number Two.

Commission-  
ers in Dist.  
No. 2.

SEC. 4. Sol. Runyon, Dwight Hollister, and D. T. Luskins, are hereby appointed a Board of Commissioners for the construction and care of levees, and other work or reclamation, in that portion of Swamp Land District Number Two lying south of the northern limit of the Town of Sutterville; *provided*, that the Commissioners created under the provisions of this Act shall, before they enter upon the discharge of their duties, take the usual oath of office; and, *provided*, further, that in case of a vacancy in the Board, it shall be filled by the remaining members of the Board.

Vacancy.

Tax.

SEC. 5. The Board of Supervisors of Sacramento County shall, annually, for two years, at the time when State and county taxes are levied, levy a tax of fifteen cents on each one hundred dollars, on all real estate and improvements in said county, and outside of the limits of the City of Sacramento, which real estate and improvements are to be protected from overflow by the construction of levees, and other work of recla-

mation, on said district; *provided*, that the annual tax for the first year shall be levied by the Board of Supervisors at their first regular meeting after the passage of this Act. Proviso.

SEC. 6. The tax thus authorized to be levied shall be collected as other taxes are authorized to be collected, and shall be paid to the County Treasurer, and be credited by him to a Fund hereby created and to be known as County Levee Fund, for the construction and repairs of levees in District Number Two, and the laws for the collection of delinquent taxes are hereby made applicable to the tax herein authorized to be levied, except so far as they conflict with the provisions of this Act. Levy and collection.

SEC. 7. The Assessor, in making an assessment of real estate and improvements under the provisions of this Act, shall ascertain and return in his assessment roll all the lands in and adjoining on the east of District Number Two, and outside of the corporate limits of the City of Sacramento, which lands were actually overflowed either in December, eighteen hundred and sixty-one, or in January, eighteen hundred and sixty-two, and said lands and their improvements shall be assessed and taxed in accordance with the provisions of this Act. Duties of Assessor.

SEC. 8. The owner of the land over which a levee may be constructed shall be the Overseer of the work; *provided*, that the persons owing the tax herein levied may, in their discretion, perform work under the supervision of the Overseer, for the amount of their tax on the levee to be constructed; and, *provided*, further, that should any person owing said tax fail or refuse to work out said tax, on or before the first day of December of the year in which the tax is levied, then said tax shall be due and payable in gold or silver coin; and *provided*, further, that said taxes shall not be returned as delinquent, nor shall suit be commenced for their collection, until after the first Monday in March of the year succeeding the year in which the tax was levied; and *provided*, further, that suit for delinquent taxes shall be commenced in the township in which the land is situate. Overseers. Proviso.

SEC. 9. Each Overseer shall keep a correct account of the number of days that each person may work, for which he shall give a receipt to the person performing such work, stating the number of days, both in person or with team of oxen or horses. Such receipt shall be sworn to by the person performing the work, and be presented to the Board of Commissioners herein created, whereupon, if the account be correct, the Board of Commissioners shall issue a certificate for the amount to the holder, which certificate shall be receivable by the Tax Collector for the tax herein authorized to be levied. Duties of Overseers.

SEC. 10. The Commissioners and Overseers herein created shall not be entitled to any pay for their services as such Commissioners or Overseers.

SEC. 11. The Levee Commissioners created by this Act are hereby empowered, if they deem it advisable, to cause a levee to be constructed across said district; *provided*, it shall be constructed south of the road extending from Richland to the Franklin School House; *provided*, further, that no moneys or labor from taxes on lands and improvements, on the south of said proposed cross levee, shall be used in the construction of such cross levee. All the provisions of this Act shall apply to Powers of Commissioners.

the construction of such proposed cross levee except as in this section provided.

Amounts  
allowed for  
labor.

SEC. 12. In the work of reclamation herein provided for, ten hours shall constitute a day's work, for which the following amounts shall be allowed: For one day's work of one man, with shovel or spade, two dollars; for one man, two horses and scraper, five dollars per day; for one man, one yoke of oxen and scraper, three dollars and fifty cents per day.

Construction  
of levees.

SEC. 13. The levees, or other work of reclamation to be constructed under the provisions of this Act, shall be in accordance with the plans and specifications made by the Engineer of Swamp Land District Number Two, now on file and in the possession of the State Board of Swamp Land Commissioners.

Levees now  
built.

SEC. 14. If in the construction of the levees herein provided for, it shall be found necessary to use any levee or a portion of a levee heretofore constructed, such levee or portion of a levee shall be paid for as hereinafter provided; *provided*, always, that such levee or portion of a levee shall be on the line and in accordance with the plans and specifications heretofore adopted by the Board of State Swamp Land Commissioners.

Payment for

SEC. 15. For the purpose of ascertaining the amount due for levees or portions of levees heretofore constructed, the Levee Commissioners of said district shall employ some competent, disinterested person, to measure the work heretofore done, and report the number of cubic yards of such constructed levee to the Levee Commissioners, who may, in their discretion, allow a sum not exceeding ten cents per cubic yard for such work; *provided*, always, that no pay shall be allowed for any levee constructed under the direction of the Levee Commissioners of the City of Sacramento. In payment for the levees heretofore constructed, and which may be used in the reclamation of the district as herein authorized, the Levee Commissioners shall issue certificates to the claimants for fifty per cent, payable out of the tax first to be levied, and fifty per cent to be paid out of the tax to be levied in the following year.

SEC. 16. Two Commissioners shall constitute a quorum for the transaction of business.

Acts  
repealed.

SEC. 17. Section two of the Act of which this Act is amendatory, and all Acts and parts of Acts, so far as they relate to Swamp Land District Number Two, and conflict with the provisions of this Act, are hereby repealed; *provided*, that such repeal shall not be construed to affect or divert any moneys received into the State Treasury from the proceeds of sales of Swamp Lands, or proceeds from interest due on the purchase money on Swamp Lands in said district, as is provided in section seventeen of an Act entitled an Act concerning the construction and repairs of levees in the County of Sacramento, and the mode of raising revenue therefor, approved April ninth, eighteen hundred and sixty-two.

SEC. 18. This Act shall take effect and be in force from and after its passage.

**CILAP. CCCXVI.**—*An Act supplementary to and to amend an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said City, approved April twenty-fourth, eighteen hundred and sixty-two.*

[Approved April 25, 1863.]

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

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

**Section 57.** The City Council shall, when they may deem the same necessary, establish by ordinance a general plan or plans of streets, for any and all portions of the city not laid out into streets; and after such plan or plans shall have been so established, any improvements which may thereafter be made, or erected, or constructed, within the lines of any street contemplated by said plan or plans, shall not be included in any assessment of damages which may be made when the city proceeds to open said streets. Applications for opening any street or streets embraced in any plan heretofore adopted, or to be hereafter adopted, by the City Council, shall be made to the Council by petition in writing, designating the street or any part thereof desired to be opened, which said petition shall be signed by the applicant or applicants, and shall state their places of residence. If the City Council so resolve, it shall direct the City Marshal to give written notice to the owners or the occupants of the land embraced within the lines of said street, or owning or occupying the lands abutting upon the same, which said notice shall briefly state the substance of said petition, and shall require such owners or occupants to appear before such Council, at the time which said Council shall designate by resolution, which shall not be less than twenty days from the adoption of such resolution, and not less than ten days after the service of said notice upon said owners or occupants, then and there to state any objections they may have to the opening of said street; *provided*, however, that whenever the lands embraced within said lines of said streets, or abutting upon the same, are vacant or unoccupied, or the owners or occupants thereof cannot be found within the limits of said city by said Marshal, then, and in that event, it shall be a sufficient service of said notice upon said owners or said occupants, to post the same in a conspicuous place upon said vacant or unoccupied lands, and also at the office of the Mayor of said city, at least ten days prior to the said time fixed for said appearance. At the time appointed for said hearing, the parties notified shall appear and briefly state, in writing, their objections, if any they have, to the opening of said street or streets, and if damages are claimed, shall also therein state the amount thereof; if damages are claimed, the Council shall designate a day to determine the same, which shall not be less than ten days after the time so appointed to hear said parties as aforesaid. Upon such designated day, or such other day to which the hearing of the same shall be continued, the Council shall

Powers of Council.

Streets.

proceed to hear the allegations of the parties, and such process as may be produced in support of or against the same, for which purpose the presiding officer at such meeting of said Council shall have power to administer all necessary oaths or affirmations, and if the party to whom the same is administered shall wilfully, corruptly, and falsely swear touching the matter in issue before said Council, he shall be deemed guilty of perjury, and upon conviction thereof, shall be punished by imprisonment in the State Prison for any term not less than one nor more than fourteen years. Thereupon, said Council shall separately assess the amount of damages to each person entitled to the same; *provided*, that if the opening of said street or streets shall benefit the lands abutting upon or adjacent to the same, and increase the value thereof, such benefit and increase in value shall be estimated, and deducted from the damages. If, however, after being notified as aforesaid, said owners or occupants fail to appear and claim damages as aforesaid, the said Council shall only award them nominal damages. Any owner or occupant of land aggrieved by the action of the Council respecting the amount of damages allowed them, shall have the right to appeal to the County Court of the County of Alameda, where said question of damages, and none other, shall be heard anew and determined. Said appeal shall be taken by filing a notice with the Clerk of said County Court, and by serving a copy upon the Mayor of said city, within five days after said assessment of damages by said Council; and within three days after the filing of such notice, said aggrieved party shall cause to be transmitted to the said County Court a copy of the order or resolution of said Council assessing said damages, certified to by the Clerk of said Council, for which copy and certificate said Clerk shall be entitled to receive a fee of two dollars. Upon the filing of said certified copy of said order or resolution in said County Court, together with an undertaking on the part of said appellants, in the sum of one hundred dollars, executed by two good and sufficient sureties, to be approved by the Mayor of said city, which said undertaking shall be conditioned to the effect that the said appellants will pay all the costs of the appeal and all costs that may be recovered against him or them in said County Court; *provided*, he or they recover therein no greater sum as damages than were assessed or allowed by said Council, together with ten per cent additional thereto. The County Judge shall order a special term of said County Court to be holden upon a day to be designated, not more than ten days after the filing of said certified copy of said resolution or order, at which said special term, the said issue as to damages shall be tried *de novo*, with or without a jury, as the parties may desire; and upon the rendition of judgment therein, a certified copy thereof shall be transmitted by the Clerk of said Court to the Clerk of the City Council, who, upon the order of said Council, shall cause the amount thereof to be paid by the Marshal of said city to the parties entitled to the same. Said judgment shall separately state the amount of damages to which each party is entitled. If the appellants, or either of them, recover no more in said County Court than the amount allowed or assessed to him by said Council, together with ten per cent additional

Aggrieved parties.

Damages.

thereto, he shall pay the costs of the appeal; but if he or they recover a sum more than ten per cent beyond the amount so allowed, he shall be entitled to recover of said city the said costs of appeal; *provided*, that if any claimant of damages shall not give notice of appeal in the manner and within the time hereinbefore specified, then he shall be deemed to have assented to said assessment of damages by said Council; and, *provided*, further, that if any occupant or owner of such lands shall fail, after being notified as aforesaid, to appear and claim damages, he shall be deemed to have waived his right of appeal to said County Court. The provisions of an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, and the Acts amendatory thereof and supplementary thereto, shall be applicable so far as the same are not inconsistent with this Act. There shall be the same right to an appeal from any such judgment rendered in said County Court as if the action had been originally brought therein. When the amount of damages shall be finally ascertained and determined, the said Council shall order the City Marshal to pay the amount thereof to the parties entitled thereto, and upon such payment, or the tender thereof, the said Marshal shall proceed and open said street. All streets that have been laid out by the authorities of the Town or City of Oakland, and declared to be public thoroughfares or streets, and that have been used as such, shall be and are hereby declared public streets, to the extent that the same may have been used; *provided*, that private rights of property shall not be affected thereby.

Payment of  
damages.

Sec. 2. Section fifty-eight is amended so as to read as follows:

Section 58. An Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and also an Act to amend an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, approved May fifteenth, eighteen hundred and sixty-one, and also, an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, approved May fourteenth, eighteen hundred and sixty-one, and also, all other Acts in conflict with the provisions of this charter, are hereby repealed; *provided*, that the validity of the ordinances or proceedings of the Trustees of the Town of Oakland and of the authorities of the City of Oakland shall in no wise be affected thereby.

Acts  
repealed.

Proviso.

CHAPTER CCCXVII.—*An Act to provide for a Railroad within the City and County of Sacramento.*

[Approved April 25, 1863.]

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

- Grantees.** SECTION 1. The right is hereby granted to J. F. Houghton, R. H. McDonald, James A. Duffy, C. H. Grimm, E. B. Kenyon, F. F. Fargo, G. W. Chesley, H. T. Holmes, I. B. Marshall, T. W. Whitmore, and their associates or assigns, to lay down and maintain an iron railroad within the City of Sacramento, along and upon the following streets: Commencing at the intersection of K street with the eastern line of Front street; thence along K street to Tenth street. Also, from the intersection of J with the eastern line of Front street; thence along J street to Sixth street. Also, from the intersection of Tenth and G streets; thence along Tenth street to Y street. Also, from the intersection of Tenth and M streets; thence along M street to Sixth street; thence along Sixth street to J street. Also, from the intersection of Twentieth and G streets; thence along G street to Ninth street; thence along Ninth street to H street; thence along H street to Seventh street; thence along Seventh street to I street; thence along I street to Sixth street. Also, from the intersection of Second and J streets; thence along Second street to Y street, with lateral branches in N, P, and Q streets, from Second street to the eastern line of Front street; *provided*, that the consent of a majority of property owners of each block on the line of J street shall be obtained to the construction of said road along J street, to be estimated by the front foot. Such consent shall be given in writing, and proof of the same shall be made before the Board of Trustees of said city, at a regular meeting of said Board. If said Board are satisfied such consent has been given, they shall declare the same by ordinance; and until after the passage of such ordinance, it shall not be lawful to lay down any portion of said railroad along J street. Said railroad to have a single track, the rails to be of the most approved pattern now used in San Francisco, with the proper and necessary switches and turnouts along the whole route, and to run cars thereon not exceeding twenty-four feet in length, at convenient hours of every day and night, for the transportation of passengers.
- Route of road**
- Consent of property owners.**
- Track, rails, etc.**
- Duties of owners.** SEC. 2. The owners of said railroad shall pave, plank, or macadamize, (as the proper authorities of said City of Sacramento shall direct,) the streets through which said railroad shall run, along the whole length thereof for a width extending two feet on each side of said roads, and between the rails, and shall keep the same constantly in repair; *provided*, that said repairs shall not embrace the raising or filling in of any of the streets to a higher than the present grade.
- Width of track.** SEC. 3. The track of said railroad shall not be more than five feet wide within the rails, and shall be laid as nearly as possible in the centre of each street, and flush with the level of the



street, and so as to offer as little obstruction as possible to the crossing of vehicles.

Sec. 4. The rates of fare for each passenger upon said railroad shall not exceed ten cents each way, from any point on said road to the end of the route. But three tickets shall be given for twenty-five cents, which shall entitle the holder to passage on any part or the whole of the road. After the year eighteen hundred and seventy-three, the corporate authorities of the City of Sacramento may, by ordinance, reduce the price of fare to five cents for each passenger, over the whole or any part of said railroad. Fare.

Sec. 5. The cars upon said road shall be of the most approved construction for the comfort and convenience of passengers, and shall be provided with sufficient brakes and other means of stopping the same when required. They shall be moved by horses or mules, and not otherwise, and at a speed not exceeding eight miles per hour; and in case of a violation of this provision, the owners of said road shall be subject to a fine not exceeding fifty dollars for each offence. Cars.  
Motive power, and speed.

Sec. 6. Any person wilfully obstructing said road shall be deemed guilty of a misdemeanor, and punished accordingly. Obstructing road.

Sec. 7. The franchises and privileges hereby granted shall continue for the period of twenty-five years, to date from and after the passage of this Act; *provided*, that the construction of said road shall be commenced within the period of six months from the passage of this Act, and one half the entire length of said road shall be completed, and cars running thereon, within three years from the first day of June, eighteen hundred and sixty-three, and the remaining one half shall be completed within five years from the first day of June, eighteen hundred and sixty-three. A failure to comply with the provisions of this section shall be deemed a forfeiture of the rights and privileges hereby granted. Form of franchise.  
Conditions.

Sec. 8. The owners of said railroad are required to sell, transfer, and convey the same, together with the cars that may be employed thereon, to the City of Sacramento, at any time after the expiration of fifteen years from the completion of the same, upon a demand being made to that effect by the said city, and upon the payment to the said parties by the said city of the appraised value of the same, exclusive of the value of the franchise; said appraisal to be made by five Commissioners, in the manner following: The Board of Trustees of the City of Sacramento shall appoint two Commissioners, and notify the grantees, or their assigns, of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners, and notify the Board thereof. The four Commissioners so appointed shall elect a fifth, but in case of their inability to agree upon such fifth Commissioner within ten days, he shall be appointed by the County Judge of Sacramento. In case of a failure of the grantees, or their assigns, to appoint Commissioners on their part as above provided, or in case of their refusal to act, the County Judge shall have the power of appointing them. Said Commissioners shall make their appraisal and present their report within thirty days after the completion of the commission, and file the same in the office of the Clerk City may purchase.  
Appraisal.

of the Board of Trustees. A majority of said Commissioners shall constitute a quorum, and the award of a majority shall be final and binding upon the parties. The amount of the award shall be paid by the Treasurer of the city to the grantees or their assigns within sixty days after the filing of said award, and thereupon the title to said railroad and cars shall rest in the said City of Sacramento.

Rights reserved.

SEC. 9. Nothing in this Act shall be so construed as to in anywise prevent the proper authorities of the said city from sewerage, grading, paving, planking, repairing, or altering, any of the streets hereinbefore specified, but all such work shall be done, if possible, so as not to obstruct the free passage of the cars upon the said railroad; and when the same shall not be possible, the said authorities, before the commencement of said work, shall allow to the owners of said railroad time sufficient to enable them to shift the rails, or take other means so as to avoid said obstruction during the continuance thereof, which they, the said owners, are hereby authorized to do.

Rights of owners.

SEC. 10. It shall be lawful for the owners of said franchise hereby granted, their associates or assigns, at any time, to remove any portion of said railroad to any other street or streets of said City of Sacramento; *provided*, permission to do so shall be obtained from the Board of Trustees of said city, and the consent of the majority of property owners on the line of the street or streets to which such transfer is proposed to be made, is obtained in writing, to be estimated by the front foot; *provided*, further, that the provisions of this section shall not apply to J street.

License.

SEC. 11. The owners of said railroad shall pay to the City of Sacramento a license of twenty dollars per annum upon each passenger car used by them upon said road, which payment shall be made quarterly to the city.

Rights of city.

SEC. 12. Nothing in this Act shall prevent the city authorities from laying down a railroad in any of the before mentioned streets, and using cars thereon for the purpose of filling, grading, or repairing, the said streets; and where the road herein provided for shall intersect any other road, whether laid by the city authorities or other parties, the rail of each shall be so altered or cut as to permit the cars to pass without obstruction.

Violations of Act.

SEC. 13. For a violation of any of the provisions of either of sections two, three, or four, the owners of said road shall be subject to a fine not exceeding twenty-five dollars per day for each and every offense.

Track to be raised to city grade.

SEC. 14. The said grantees shall raise the railroad track or tracks up to the present or any future grade the city authorities may hereafter establish, whenever the streets are raised or graded on either side of the track or tracks, and that said grantees shall not be entitled to, nor shall the city authorities allow, any claim for compensation or for damages for any act required to be done by said grantees or their assigns under the provisions of this Act.

CHAP. CCCXVIII.—*An Act to appropriate Funds for the Defence of the State.*

[Approved April 25, 1863.]

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

SECTION 1. For the purpose of placing this State in a more efficient state of defence against foreign or internal foes, the sum of one hundred thousand dollars is hereby appropriated from any funds in the State Treasury not otherwise appropriated, to be disposed of as follows: Appropriation.

To each regiment existing in the Second Brigade, California State Militia, the sum of ten thousand dollars.

To the light battery of the Second Brigade, California State Militia, the sum of three thousand dollars.

To the three cavalry companies of the Second Brigade, California State Militia, the sum of two thousand dollars each.

To each company of infantry now organized, or which shall be organized within sixty days after the passage of this Act, consisting of fifty rank and file, and in the same ratio to a greater or smaller number of the First, Third, Fourth, Fifth, and Sixth Brigades, and to each company unattached to regiments of the Second Brigade, and not above enumerated, the sum of one thousand dollars.

To each cavalry company of the First, Third, Fourth, Fifth, and Sixth Brigades, now organized, or which shall be organized within sixty days after the passage of this Act, and to each additional cavalry company which may be organized in the Second Brigade within sixty days after the passage of this Act, two thousand dollars.

SEC. 2. The moneys hereby appropriated shall be expended in equipping for service the men comprising or which may hereafter comprise the said regiment, batteries, and companies of the Organized Militia of this State, under the direction and superintendence of the following officers, viz: Expenditure of moneys.

For the three regiments, light battery, cavalry companies, and companies unattached, of the Second Brigade, the Governor, and Major-General of this State, and the Brigadier-General of the Second Brigade.

For each company of the First Brigade, the Governor, and Adjutant-General of this State, and the Brigadier-General of the First Brigade.

For the companies of the Third Brigade, the Governor, and Adjutant-General of this State, and the Brigadier-General of the Third Brigade.

For the companies of the Fourth Brigade, the Governor, and the Adjutant-General of the State, and the Brigadier-General of the Fourth Brigade.

For the Fifth Brigade, the Governor, and Adjutant-General of the State, and the Brigadier-General of the Fifth Brigade.

For the Sixth Brigade, the Governor, and Adjutant-General of the State, and the Brigadier-General of the Sixth Brigade.

**To be property of State** SEC. 3. All articles for military purposes purchased under the provisions of this Act, shall be receipted for and held as the property of the State of California, and shall be subject, at all times, to the inspection of the Legislature, the Governor, and the Adjutant-General, and may, upon the order of the Governor, be withdrawn from the use and custody of the troops whenever misapplied, or whenever the same shall not be kept in proper order for military uses. Such bonds as shall be required by the Governor of this State for the safe keeping and return of the military property purchased under the provisions of this Act, shall be given by officers receiving the same, to be approved by the Governor, and filed in the office of the Adjutant-General of this State.

**Bonds of officers.**

**Duty of Controller.**

SEC. 4. The Controller of State is hereby authorized and required to draw his warrants for the sum of money herein appropriated to each brigade, in favor of the officers named in this Act, to disburse the same under the provisions of this Act, upon the written certificate of the Adjutant-General that the same is due and payable out of the moneys herein appropriated, and the Treasurer of State is hereby required to pay the same, when there is money in the Treasury for that purpose.

**Supervisors of San Francisco authorized.**

SEC. 5. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to advance, out of the General Fund of said City and County of San Francisco, the sum of money herein appropriated for the three regiments, light battery, and three cavalry companies, and also for any other companies which may be organized in said City and County of San Francisco, and be entitled to the benefits of this Act, and to receive the warrants of the Controller, hereinbefore provided, for the troops named in this section; and in case the said Board of Supervisors shall advance said sum of money, then the Governor, Major-General, and Brigadier-General of the Second Brigade, shall indorse and deliver to the Auditor of said city and county the said Controller's warrants, and upon receiving the same he shall draw his warrant on the Treasurer of the City and County of San Francisco for the said sum of money, in favor of the Governor, Major-General, and Brigadier-General of the Second Brigade, and the Treasurer is authorized to pay the same out of the said General Fund for the purposes herein provided for.

**Duty of Controller.**

SEC. 6. The Controller of State shall draw his warrants as provided in this Act, whether there is or is not money in the State Treasury for the payment thereof.

**Reports of disbursing officers.**

SEC. 7. The disbursing officers herein appointed for the various brigades, shall report the amount of money expended under this Act, and how the same has been expended, and the condition of the property purchased, to the Legislature at its next session.

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

СПАР. CCCXIX.—An Act to amend an Act entitled an Act to organize Townships, and regulate their powers and duties, and submit the same to a vote of the people, approved May fifteenth, eighteen hundred and sixty-two.

[Approved April 25, 1863.]

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

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

Section 4. The corporate powers and duties of every town-<sup>Township</sup>ship shall be vested in a Board of Trustees, to consist of three <sup>officers.</sup> qualified electors of the township, who shall be elected by the qualified electors of the township, on the first Monday in May in each year, and shall hold their office for one year, and until their successors are elected and qualified. At the same time, in the same manner, and for the same term, shall be elected the following township officers: One Clerk, one Assessor, one Treasurer, one Tax Collector, and one Road Overseer for each Road District in the township. There shall also, at the township election, to be held on the first Monday in May, eighteen hundred and sixty-three, and every two years thereafter, be elected two Justices of the Peace, and two Constables, who shall hold their offices for two years from the first Monday in June succeeding their election, and until their successors are elected and qualified; *provided*, that the Justices and Constables elected at the first election, under the provisions of this Act, shall not take their offices until the expiration of the term of office of the present incumbents.

SEC. 2. Section seven is hereby amended so as to read as follows :

Section 7. The Board of Trustees shall have power to make <sup>Powers of</sup> such by-laws and ordinances, not inconsistent with the Consti- <sup>Trustees.</sup>tution and laws of the United States and of this State, as they may deem necessary, to prevent and remove nuisances; prohibit disorderly conduct; provide for the licensing of public shows, and bars at which spirituous liquors are sold; construct and keep in repair wharves, and issue licenses for constructing the same; lay out, alter, keep open, build, and repair streets, roads, bridges, and highways of the township; levy and collect, annually, a tax on all property in the township, not exceeding one per cent on the assessed value thereof, for the support of the township government; to assess and collect State and county taxes, including poll tax, foreign miners' licenses, and provide for the payment of the same into the County Treasury; and pass such other by-laws and ordinances for the regulation and police of such township as they may deem necessary, and fix a penalty for a violation of the same, and fix and regulate the fees and salaries of all township officers; *provided*, that the compensation of the Township Trustees shall not exceed three dollars per day for not more than twenty days in any one year.

SEC. 3. Section nine is hereby amended so as to read as follows :

Duties of  
Clerk.

Section 9. The Township Clerk shall be the Clerk of the Board of Trustees; he shall keep a record of all estrays taken up in his township, with a full description of the same; he shall file all certificates of election, with the oaths indorsed thereon; shall receive, file, and safely keep, all official bonds of the township, except the official bond of the Township Clerk, and keep a record of all marriages, births, and deaths, and shall receive and place on file in his office chattel mortgages and bills of sale of mining claims and personal property, and make certified copies of the same, when required; and such filing shall have, to all intents and purposes, the full force and effect of a record at the County Recorder's office under the laws of this State; he may administer and certify oaths of officers of the township.

Sec. 4. Section ten is hereby amended so as to read as follows:

Powers and  
duties of  
Assessors  
and  
Collectors.

Section 10. The power and duties of Township Assessor and Township Tax Collector shall be the same, within the limits of the township, as are now conferred upon County Assessors and County Tax Collectors by the revenue laws of this State; and the said revenue laws which are now in force in any county, are hereby declared to be in force in the several townships therein, except such part of said revenue laws as regulate the compensation for services; *provided*, the Township Tax Collector shall pay all taxes collected for township purposes into the Township Treasury; he shall, on the last Saturday of each month, pay all county and State taxes into the County Treasury, and return all delinquent lists to the County Auditor.

Sec. 5. Section twelve is hereby amended so as to read as follows:

Treasurer.

Section 12. The Township Treasurer shall receive all local taxes, and give his official receipt therefor; he shall pay out all township moneys, in the manner prescribed by the Board of Trustees, and shall annually, on the last Monday in April, report in detail to the Board of Trustees all moneys received and paid out by him for the year next preceding, and the balance remaining on hand; he shall also file in his office the official bond of the Township Clerk.

Sec. 6. Section thirteen is hereby amended so as to read as follows:

Oath.

Bond.

Section 13. Each township officer, before entering upon the duties of his office, shall take the oath of office prescribed by law, and shall give bond, with sureties, payable to The Township, in such sum of money as may be determined by the Township Trustees, conditioned for the faithful performance of the duties of his office; said bond to be of no effect till approved by the said Trustees. In case such bond shall become insufficient in the opinion of said Board, the said Board may require of any officer such additional bond as they may deem necessary; *provided*, that the Justices of the Peace shall fix the amount of the bond required to be given by the Township Trustees, and shall approve of the sureties on said bond.

Sec. 7. Section fifteen is hereby amended so as to read as follows:

Report of  
Trustees.

Section 15. The Board of Trustees shall annually, on the second Tuesday in April, make out a full and complete state-

ment of all moneys received and expended, from whom, and for what purpose received, to whom, and for what purpose expended, during the year next preceding, and shall cause such statement to be filed in the office of the Township Clerk.

Sec. 8. Section seventeen is hereby amended so as to read as follows :

Section 17. Each Justice of the Peace of the various townships of this State shall, at least five days before the township election, to be held on the first Monday in May, eighteen hundred and sixty-three, post three written notices in the most public places in his township; said notices to state the time and place for the election of township officers provided for in this Act; *provided*, that after the first township election, the Trustees shall appoint the time and place of holding elections. Notice of election.

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CHAP. CCCXX.—*An Act to provide for the Pauper Sick of Tehama County.*

[Approved April 25, 1863.]

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

SECTION 1. Each male inhabitant of Tehama County over twenty-one and under sixty years of age, and not by law exempt, shall pay an annual poll tax, for the use of said county, of two dollars, if paid between the first Monday of March and the first Monday of August, but if not paid prior to said first Monday of August, then three dollars. Poll tax.

Sec. 2. To enforce the collection of poll tax as provided in this Act, the Collector of Poll Taxes in and for said county may seize so much of any and every species of personal property claimed by any person liable to and refusing or neglecting to pay his poll tax, or property in the possession of or due from 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, and shall and may sell the same at any time or place, upon giving verbal notice one hour or more previous to such sale. And any person indebted to another liable to pay poll tax, but who has refused or neglected to pay the same, shall be liable to pay said poll tax for such person after service upon him, by the Collector of Poll Taxes, of a notice in writing, identifying by name or otherwise the person or persons so liable and owing poll tax. And the Collector of Poll Taxes may resort to the same summary process in enforcing the collection thereof as is above provided, against the party primarily liable to pay the same. Such debtor may deduct the amount of such poll tax, with one dollar, (the fee of the Collector for serving the notice,) from the amount of indebtedness due such party. The Collector of Poll Taxes, after having deducted the poll tax for which Collection.

such property was sold, and fees and costs on same as are allowed Constables for similar services, shall return the surplus proceeds, if any, to the owner of the property. A delivery of the possession of any property by said Collector to any purchaser at any such sale, shall be a sufficient title to the same, without execution of a certificate of purchase by said Collector.

Disposition  
of moneys.

SEC. 3. The poll tax specified in this Act shall be collected and paid into the County Treasury at the same time, in the same manner, and by the same officer, as poll taxes are now or may hereafter be authorized by law to be collected and paid. The money arising under the provisions of this Act, together with those arising under any and all Acts whatever applicable to the indigent sick, pauper sick, resident indigent sick, or other Hospital purposes, shall be set apart and constitute a County Pauper Sick Fund, and be applied to the payment in the order of their registry of warrants heretofore lawfully drawn on the Indigent Sick Fund of the county, and warrants that may hereafter be lawfully drawn upon the Pauper Sick Fund of said county.

Receipts.

SEC. 4. The Auditor shall provide blank receipts for the poll tax herein provided, which shall be signed by the President of the Board of Supervisors, and delivered by the Clerk of said Board to the County Treasurer, taking his receipt therefor. The Treasurer shall then countersign such receipts, and from time to time deliver to the Collector of Poll Taxes a sufficient number, taking his receipt therefor. The Collector shall settle monthly, on the first Monday of each month, accounting for all receipts, and pay over all funds into the County Treasury, after deducting fifteen per cent collection fees. The Treasurer shall settle with the Auditor monthly, and account for all receipts received under the Act, in the same manner as required in other cases of collection and disbursement of revenue.

Duties of  
officers.

Powers of  
Supervisors

SEC. 5. The Board of Supervisors shall provide for the care of the pauper sick of said county, and they are authorized to make such contracts as they may deem advisable concerning the same, but no contract for a longer time than one year shall have any validity. No accounts, demands, or claims, whatsoever, against the "Pauper Sick Fund," shall be allowed unless the consideration upon which the same is based shall have been, previously to the time of rendering such consideration, duly authorized by order, and entered in the journal of the proceedings, or under a valid written contract so previously made, and filed with the Clerk of the Board. The Board shall not contract in any manner a greater liability for any one year than twenty-five hundred dollars, nor allow any demands, accounts, or claims, whatsoever, against said county, growing out of the care of the sick of said county, which, with other amounts previously allowed within the twelve months then last past, shall singly or in the aggregate amount to more than twenty-five hundred dollars.

Acts  
repealed.

SEC. 6. An Act to provide for the care of the indigent sick of Tehama County, and to levy a tax therefor, passed April tenth, eighteen hundred and sixty-two, and sections three and six of an Act to provide for the indigent sick of the counties of this State, passed March thirty-first, eighteen hundred and fifty-



five, and all Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed.

SEC. 7. This Act shall take effect immediately. •

CHAP. CCCXXI.—*An Act to authorize and empower the Board of Supervisors of Alameda County to improve the Navigation of San Antonio Creek.*

[Approved April 25, 1863.]

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

SECTION 1. The Board of Supervisors of Alameda County shall have power to cause such improvements to be made, by cribbing, dredging, and other necessary means, to the channel across the bar at the mouth of the San Antonio Creek, in the Bay of San Francisco, as they may deem necessary in order to render said channel navigable at all tides by vessels drawing four feet of water. Powers of Supervisors

SEC. 2. The Board shall have power to authorize the imposition and collection of a charge, for any and all vessels passing through said channel, not exceeding one cent and a half per ton, according to the register, and for a period not exceeding eight years. Said charge shall be applied as compensation for such improvements as may be made to the channel.

SEC. 3. The Board shall advertise for sealed proposals for making such improvements, at least thirty days, in one weekly newspaper published in the county, and also one week in a daily paper published in San Francisco; but no bids shall be entertained by the Board except such as are within the limits of compensation set forth in section two of this Act. Proposals for improvements.

SEC. 4. The Board may enter into a contract with the lowest responsible bidder or bidders to make such improvements to said channel as are set forth in their advertisement, and may authorize such bidder or bidders, his or their assigns, to charge and collect, for all vessels passing through said channel, such sum as is prescribed in the contract; *provided*, however, that the free navigation of San Antonio Creek, otherwise than through said channel, shall remain open as heretofore; *provided*, also, that the party or parties contracting to make such improvement shall not impose or collect any charges until their work has been formally accepted by the Board, and shall continue to keep the channel in as good condition as when so accepted during the time specified in the contract for collection of charges. Contracts. Provision.

SEC. 5. The party or parties making the successful bid shall give such bonds as shall be satisfactory to the Board, for the faithful performance of the work within the time specified in the contract. Bonds of contractors.

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

CHAP. CCCXXII.—*An Act to authorize the Board of Supervisors of Plumas County to levy a Special Tax for purposes therein named.*

[Approved April 25, 1863.]

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

Tax for  
roads, etc.

SECTION 1. The Board of Supervisors of the County of Plumas are hereby authorized and empowered to levy a special tax, not to exceed the sum of thirty cents on each one hundred dollars of the taxable property in said county, for the purpose of constructing, maintaining roads and highways, or purchasing of toll roads and bridges in said county. Said tax shall be levied and collected in the same manner as other taxes are levied and collected in said county.

SEC. 2. Said tax, when collected, shall be known as the "Special Franchise Fund."

Powers of  
Supervisors

SEC. 3. Said Board of Supervisors are hereby authorized to contract with the lowest responsible bidder for the construction of any road or bridge by them deemed necessary, but they shall first give one month's notice, in some newspaper of general circulation in said county, setting forth the proposed improvement, and shall also post a like notice, at least one month prior to making said contracts, in three conspicuous places in said county.

SEC. 4. Said Board of Supervisors are also hereby authorized to purchase and take for the use of said county any franchise now existing and outstanding in said county for any turnpike, toll road, or bridge, upon which toll is charged or received; and in case the said Board of Supervisors and the persons owning any such franchise cannot agree upon the price to be paid for such franchise, then the manner of arriving at the price so to be paid shall be the same as is now provided by law for the condemnation of land for railroad purposes.

Payment  
for improve-  
ments.

SEC. 5. Upon the completion of any improvements, or the purchase of any franchise, as herein provided, the Board of Supervisors shall audit the account and claim arising thereupon, and the County Auditor shall draw his warrant for the amount upon the County Treasurer, payable out of said "Special Franchise Fund;" but no warrant shall be drawn for a greater sum than there shall be in said Fund, and should there not be sufficient money in said Fund to pay the full amount due, then the balance shall be paid out of said Fund, from time to time, as there shall be in the Treasury any money belonging to said Fund; *provided*, nothing in this section shall be so construed that shall prevent the Board of Supervisors from issuing bonds, drawing not to exceed ten per cent interest per annum, for the payment of any toll road franchise or bridge that may be purchased in accordance with the provisions of this Act.

Proviso.

Tolls.

SEC. 6. The Board of Supervisors shall have power, if they deem it necessary, to put toll gates on any road constructed or purchased, and collect tolls thereon; *provided*, that the rates of toll so charged shall not exceed a sufficient sum necessary to keep in repair such road.

CHAP. CCCXXIII.—*An Act to grant to John McNealy and his associates the right to construct and maintain a Toll Bridge across the Mokelumne River, in the Counties of Calaveras and Amador.*

[Approved April 25, 1863.]

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

SECTION 1. John McNealy, and those he may associate with him, their heirs and assigns, shall have full power to build, erect, construct, and maintain, a public toll bridge across the Mokelumne River, at a point about two and a half miles above the town of Lancha Plana, at or near the place where the wire suspension flume of the Lancha Plana and Poverty Bar Ditch Company crosses said river, and the said John McNealy and his associates shall have the right of way across said river, and the privilege of using the same for the purpose heretofore mentioned, and at the point and location before described, and the right is hereby granted and ceded to the parties before mentioned, for the term of twenty (20) years; *provided*, that the parties to whom this franchise is granted shall, within six months commence and within twelve months complete said bridge, from and after the passage of this Act; and if said bridge be not built within the time specified in this Act, then said parties to whom this franchise is granted shall be deemed to have forfeited all rights, franchises, and privileges herein granted; and, *provided*, further, that said bridge shall be constructed of good material, and of sufficient width and strength to pass and sustain teams and wagons of the largest size, and be kept at all times in repair; and the said parties to whom this franchise is granted shall be responsible for all damages arising to persons or property crossing the same, caused by neglect to keep the same in proper repair.

SEC. 2. The said parties to whom this franchise is granted, after the completion of said bridge, are hereby authorized to charge and collect such rates of toll as the Board of Supervisors of Calaveras County shall annually fix; *provided*, that the rates of toll shall not be placed so low as to yield less than fifteen per cent per annum upon the value of said bridge, cost of keeping the same in repair, and expenses of collecting toll; and, *provided*, further, that nothing contained in this Act shall be construed so as to exempt the grantees herein from paying license as required by the laws of this State in relation to toll bridges.

SEC. 3. The said parties to whom this franchise is granted shall have the right to regulate and determine the speed of travel, either riding or driving, on said bridge, and may require the speed not to be faster than a walk; and such regulations, together with the rates of toll, shall be kept posted in some conspicuous place on said bridge, and for each violation of said regulations the parties offending may be prosecuted in any Court of competent jurisdiction, and fined in any sum not less than ten nor more than fifty dollars, and in addition shall be liable to the owners of said bridge for all damages actually sustained by reason of such violation.

**Regulations.** SEC. 4. The owners of said bridge and franchise shall have the right to regulate and determine the number of stock cattle that may pass over said bridge at any one time, which regulation shall be affixed to the rates of toll in some conspicuous place as before mentioned, and the owners of said bridge shall not be responsible for any injury or damages to persons or property resulting from a violation of said regulations.

**Condition.** SEC. 5. This franchise is granted with the express understanding that the passage of this Act shall not interfere with any legal rights that M. Delaney may have acquired from the Board of Supervisors of Calaveras County, or any persons claiming under him by virtue of any franchise granted to said Delaney by said Board of Supervisors, across said Mokelumne River, at or near the point on said river designated in this franchise.

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

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CHAP. CCCXXIV.—*An Act to divide the State into Judicial Districts.*

[Approved April 25, 1863.]

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

**Number of districts.**

SECTION 1. The State shall be divided into fourteen Judicial Districts, which districts shall be numbered, and composed of the several counties, and parts of counties, as hereinafter provided.

**Districts specified.**

SEC. 2. The First Judicial District shall be composed of the Counties of San Diego, San Bernardino, Los Angeles, Santa Barbara, and San Luis Obispo.

SEC. 3. The Third Judicial District shall be composed of the Counties of Monterey, Santa Cruz, Santa Clara, Alameda, and Contra Costa.

SEC. 4. The Twelfth Judicial District shall be composed of the County of San Mateo, and all that portion of the City and County of San Francisco lying south of a line described as follows: Commencing at the western boundary of said city and county, at a point in a line with the centre of Bush street, in said city; thence running easterly, in a line with and through the centre of Bush street, to the centre of Larkin street; thence northerly, along the centre of Larkin street, to the centre of Pine street; thence easterly, along the centre of Pine street, to the centre of Kearny street; thence northerly, along the centre of Kearny street, to a point in a line with the northern side of the City Hall or Court House; thence easterly, to and along the northern line of the City Hall or Court House, to a point sixty-five feet from the eastern line of Kearny street; thence at right angles southerly, to the southern line of said Hall or Court House; thence westerly, along the southern line of said building, to the easterly line of Kearny street; thence southerly, along

the eastern line of Kearny street, to the centre of Clay street; thence easterly, along the centre of Clay street, to the eastern boundary of said city and county. Districts specified.

SEC. 5. The Fourth Judicial District shall be composed of that portion of the City and County of San Francisco which is not included within the limits of the Twelfth Judicial District, as above described.

SEC. 6. The Thirteenth Judicial District shall be composed of the Counties of Tulare, Fresno, Merced, Mariposa, and Stanislaus.

SEC. 7. The Fifth Judicial District shall be composed of the counties of San Joaquin, Tuolumne, and Mono.

SEC. 8. The Seventh Judicial District shall be composed of the Counties of Marin, Sonoma, Mendocino, Napa, Lake, and Solano.

SEC. 9. The Eleventh Judicial District shall be composed of the Counties of Calaveras, Amador, and El Dorado.

SEC. 10. The Sixth Judicial District shall be composed of the Counties of Sacramento and Yolo.

SEC. 11. The Fourteenth Judicial District shall be composed of the Counties of Placer and Nevada.

SEC. 12. The Tenth Judicial District shall be composed of the Counties of Yuba, Sutter, Colusa, and Sierra.

SEC. 13. The Second Judicial District shall be composed of the Counties of Tehama, Butte, and Plumas.

SEC. 14. The Ninth Judicial District shall be composed of the Counties of Shasta, Trinity, and Siskiyou.

SEC. 15. The Eighth Judicial District shall be composed of the Counties of Humboldt, Klamath, and Del Norte.

SEC. 16. This Act shall take effect on the first day of January, in the year one thousand eight hundred and sixty-four; *provided*, that as to the election and qualification of District Judges, it shall take effect immediately.

CHAP. CCCXXV.—*An Act to authorize the sale and conveyance to the South San Francisco Homestead and Railroad Association of certain Overflowed Lands in the City and County of San Francisco.*

[Approved April 25, 1863.]

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

SECTION 1. The Commissioners of Swamp and Overflowed Lands are authorized, whenever requested by the officers of the South San Francisco Homestead and Railroad Association, to appraise the value of the lands belonging to the State in front of the lands of said association, at Hunter's Point, in the City and County of San Francisco, commencing at the boundary of the lands of said association, as surveyed by the United States Surveyor, and confirmed by the United States District Court, and extending to a distance not to exceed two hundred feet from low water mark; *provided*, that in no case shall it extend Duties of Swamp Land Commissioners.

**Proviso.** beyond a depth of water exceeding six feet at the lowest stage of the tide, nor interfere with the water front of the adjoining property; and said Board of Swamp Land Commissioners shall certify the amount found to be the value of said land to the County Treasurer of San Francisco, and also to the Surveyor-General; and upon the approval of the survey of the County Surveyor by the Surveyor-General, and upon the payment to the County Treasurer of San Francisco, for the benefit of the Swamp Land Fund of the State, of the amount so found to be the value of said land, the Register of the State Land Office shall certify said approval and payment to the Governor, whereupon a patent shall issue for said land to said corporation.

**Duties of City and County Surveyor.**

**Sec. 2.** Within thirty days after the appraisement by said Commissioners, the Surveyor of the City and County of San Francisco shall make out a plat and field notes of said survey. He shall, within ten days thereafter, record the same in his office, and forward duplicate certified copies of the same to the Surveyor-General; and it shall be the duty of the Surveyor-General, upon examination and approval of said survey, to return one of the duplicate copies, with his approval indorsed thereon, to said County Surveyor, to be by him delivered to the parties desiring the survey; *provided*, said approval and return of duplicate shall be within ten days after the receipt of said plat and field notes.

**Proviso.**

**Treasurer.**

**Sec. 3.** It shall be the duty of the Treasurer of the City and County of San Francisco to pay over to the Treasurer of this State all moneys received under the provisions of this Act in the same manner and at the same time as other revenues are paid to the State Treasurer.

**Payment of expenses.**

**Sec. 4.** All expenses attending said appraisement by the Commissioners, together with all the costs incident to an accurate survey of the said lands by the Surveyor of the City and County of San Francisco, shall be paid by said association.

**Sec. 5.** The said association, or its assigns, shall not have the power to make any use of said lands or any part thereof that shall interfere with the navigation of the Bay of San Francisco.

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

**CHAP. CCCXXVI.—An Act to regulate the Fees of Constables of El Dorado County.**

[Approved April 25, 1863.]

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

**Fees.**

**SECTION 1.** It shall be lawful for the Constables of El Dorado County to charge and receive the following fees for services:

For serving summons in civil cases, for each defendant, one dollar.

For summoning a jury before a Justice of the Peace, three Fees. dollars.

For taking a bond required by law to be taken, one dollar.

For summoning each witness, fifty cents.

For serving an attachment against the property of a defendant, three dollars.

For summoning and swearing a jury to try the rights of property, and taking the verdict, three dollars.

For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct, and the expenses necessarily incurred.

For collecting all sums on execution, four per cent, to be charged against the defendant in the execution.

Constables shall receive, in serving summons, attachment, order, execution, venire, notice, and subpoena in civil cases, for each mile necessarily travelled, in going only, (but when two or more persons are served in the same suit, mileage shall only be charged for the most distant, if they live in the same direction,) fifty cents.

For serving a warrant, or order for the delivery of personal property, or making an arrest in civil cases, three dollars.

For copy of any writ, process, or other paper, when demanded, or required by law, for each folio, forty cents.

For serving every notice, rule, or order, one dollar.

For making and posting notices and advertising property for sale on execution, or under any judgment, or order of sale, not to include the cost of publication in newspaper, three dollars.

For serving a writ of possession or restitution, putting any person entitled into possession of premises, and removing occupants, five dollars.

For trouble and expense in taking possession of property under attachment or execution, or other process, and of preserving the same, such compensation as the Court from which the writ or order may issue shall certify to be just and reasonable.

For making every arrest, three dollars.

For every mile necessarily travelled in the service of any criminal process, twenty cents, and the same mileage for taking prisoner before a Magistrate or to prison; but in no case shall mileage be allowed for such service unless the points travelled to and from, and the distances between such points, be clearly and distinctly stated by the officer making such service.

For summoning a jury in criminal cases, three dollars.

For additional jurors, each, fifty cents.

In serving subpoenas or venires in criminal cases mileage shall be allowed for the most distant only, where witnesses or jurors live in the same direction.

For the transportation of prisoners, the actual expenses of such transportation shall be allowed.

SEC. 2. All Acts and parts of Acts relating to fees of Constables of El Dorado County are hereby repealed.

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

CHAP. CCCXXVII.—*An Act to prevent the Arming and Equipping, within the jurisdiction of this State, of Vessels for Piratical or Privateering purposes, and other treasonable conduct.*

[Approved April 25, 1863.]

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

Certain acts  
declared  
felony.

SECTION 1. If any person shall, within the limits and jurisdiction of this State, fit out, arm, furnish, provide, or equip, or attempt to fit out, arm, furnish, provide, or equip, or procure to be fitted out, armed, furnished, provided, or equipped, or shall knowingly advise, or aid and abet, or be concerned in the fitting out, arming, furnishing, providing, or equipping, any private ship or vessel of war, or privateer, or vessel, sailing or intended to sail under any letter of marque, with intent that such ship or vessel shall be employed to cruise against or commit hostilities upon the citizens of the United States or their property, or if any person shall take the command of or enter on board any such ship or vessel, with the intent aforesaid, or shall purchase any interest in such ship or vessel, with the view to share the profits thereof, every such person so offending shall be deemed guilty of felony, and on conviction thereof, shall be punished by imprisonment in the State Prison for not more than twenty years nor less than five years, or shall suffer death; *provided*, the jury by their verdict shall so determine and direct.

Penalties.

SEC. 2. If any person shall, within the limits and jurisdiction of this State, begin, or set on foot, or provide, or prepare, or furnish the means for, or knowingly aid and abet, or be concerned in beginning, setting on foot, or providing, preparing, or furnishing the means for any military or hostile expedition, to be carried on against the Government of the United States, or the loyal citizens thereof, or their property, every person so offending shall be deemed guilty of felony, and on conviction thereof, shall be punished by imprisonment in the State Prison not more than twenty years nor less than five years, or shall suffer death; *provided*, the jury by their verdict shall so determine and direct.

SEC. 3. If any person shall, within the limits and jurisdiction of this State, enlist, or enter himself, or hire, or retain, or attempt to hire or retain another person to enlist himself, or aid, counsel, and advise, or aid and abet in procuring another to enlist himself as a soldier, or as a marine or sailor on board of any vessel, with intent that the person so enlisting shall commit hostilities against the Government or citizens of the United States, or their property, any person so offending shall be deemed guilty of felony, and on conviction thereof, shall be imprisoned in the State Prison not more than twenty years nor less than five years, or shall suffer death; *provided*, the jury by their verdict shall so determine and direct.

SEC. 4. If any person shall accept, or deliver to another, any commission, or any letter of marque, purporting to emanate from or to be issued under the authority of the so called Government of the Confederate States of America, with the intent



that the same shall be used as a pretended authority to commit hostilities by land or on sea against the Government of the United States, or the citizens thereof, or their property, every person so offending shall be deemed guilty of felony, and on conviction thereof, shall be punished by imprisonment in the State Prison for not more than twenty years and not less than five years, or shall suffer death; *provided*, the jury by their verdict shall so determine and direct. The possession within this State of any such commission or letter of marque, shall be deemed prima facie evidence on the trial of such offender of the intent that the same shall be used as aforesaid. Penalties.

SEC. 5. This Act shall take effect immediately.

CHAP. CCCXXVIII.—*An Act to grant the Right to construct a Toll Bridge across Feather River, near Oroville, in Butte County.*

[Approved April 25, 1863.]

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

SECTION 1. J. M. Clark, J. M. Brock, George K. Hendel, George Swift, Daniel Evans, and their associates, shall take, have, possess, and enjoy, all the rights, privileges, right of way, franchises, and immunities, hereinafter mentioned, upon condition that they and their associates shall incorporate themselves under the general laws of the State regulating corporations and providing for the incorporation of bridge companies, and shall adopt the name of "The Oroville Bridge Company," and shall abide by and fulfil the further conditions hereinafter mentioned. Franchise.

SEC. 2. Said company, when incorporated as aforesaid, shall have power and they are hereby authorized to build and maintain a toll bridge across Feather River, at any point selected by said company between Huntoon street (a street in the village of Oroville) and a point opposite of Thompson's Flat, in Butte County, known as Lathrop's Ferry, and they shall have and enjoy all the rights, privileges, and franchises thereof, together with the right of way, which is hereby ceded, for the period of twenty years; *provided*, that said bridge shall be commenced within one year, and completed within two years from the passage of this Act; and, *provided*, further, that after the lapse of ten years from the completion of such bridge, the said County of Butte may purchase the said bridge by paying therefor the actual value of the same, to be ascertained by five Appraisers: two to be selected by the owners of the bridge, two by the Board of Supervisors of the County of Butte, and one by the four persons thus selected; and, *provided*, further, that whenever said bridge may be so purchased, the right to collect tolls thereon shall cease. Powers. Proviso.

SEC. 3. Said bridge shall be constructed in a good and substantial manner, of the best and most durable materials, and Conditions.

above high water mark, and said company shall keep the same in good repair.

**Tolls.** SEC. 4. Upon the completion of said bridge, said company may charge and collect such rates of toll as may be annually determined by the Board of Supervisors of the County of Butte, under the laws of this State, and may, moreover, regulate the speed of riding or driving upon said bridge, and may prohibit any person to ride or drive upon said bridge at a faster gait than a walk; and for each violation of this rule so established, may recover judgment for nominal damages, besides the actual damage, in any Court of competent jurisdiction in said County of Butte; *provided*, that at each end of said bridge, said company shall keep a signboard, on which said regulation, and also the rates of toll, shall be distinctly written, printed, or painted.

**Rates of toll.**

SEC. 5. This Act shall not be so construed as to prevent the Board of Supervisors of Butte County from granting renewals of license to any ferries now licensed across said river.

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

CHAP. CCCXXIX.—*An Act supplementary to an Act entitled an Act to alter and define the Boundary Lines of Tehama County, approved April nineteenth, eighteen hundred and fifty-nine.*

[Approved April 25, 1863.]

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

**Commissioners.**

SECTION 1. E. G. Hayden, of Tehama County, and Seneca Ewer, of Butte County, or in case they fail to agree, they shall choose a third person to act with them upon the said Board of Commissioners, or in case they or either of them fail to perform the duties hereinafter required of them, then such other Commissioners as shall be appointed by the Boards of Supervisors of the two counties, respectively, shall proceed to the county seat of Tehama County during the session of the Board of Supervisors of said county, in May, eighteen hundred and sixty-three, then and there to ascertain the amount of indebtedness that was outstanding against the County of Tehama on the nineteenth day of April, eighteen hundred and fifty-nine, and for this purpose they may call to their assistance the Board of Supervisors, or any of the county officers of said county.

**Duties.**

They shall also, at the same time, and with the same assistance, ascertain the amount of taxable property that was annexed to Butte that formerly belonged to Tehama County, by the Act of the nineteenth of April, eighteen hundred and fifty-nine, and shall make a certificate thereof, and file one copy in the office of the Auditor of Butte County, and one with the Treasurer of Tehama County, setting forth the amount of the indebtedness of Tehama County as aforesaid, as also the amount of taxable property thus set into Butte County, and the proper proportion of the indebtedness of Butte to Tehama County, in ratio

of the taxable property thus ascertained. Upon receipt of the certificate mentioned in this section, the Auditor of Butte County shall draw his warrant on the General Fund of said county in favor of the Treasurer of Tehama County for the amount stated in said certificate.

SEC. 2. The Commissioners named in the first section of this Act shall be entitled to receive twenty-five cents per mile for travelling to the county seat, and five dollars per day for each day while engaged in the duties herein assigned them, to be paid by the Board of Supervisors of Butte and Tehama Counties; *provided*, further, that if it shall be found that the indebtedness of Tehama to Butte County, arising under the Act of eighteen hundred and fifty-six, has not been paid, then no such certificate as above shall issue.

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

CHAP. CCCXXX.—*An Act to provide for uniting the Offices of County Clerk and County Auditor in the County of Calaveras.*

[Approved April 25, 1863.]

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

SECTION 1. At the next general election, and at the general election hold every two years thereafter, a County Clerk shall be elected in and for the County of Calaveras, who shall, as such Clerk, be ex officio County Auditor and County Recorder of said county, and who shall enter upon the discharge of the duties of his office on the first Monday of March next after his election, and shall hold such office for the term of two years and until his successor is elected and qualified.

SEC. 2. Upon the qualification of said County Clerk to perform the duties of his office, and at the expiration of the term of the present incumbent of the office of County Auditor of said county, it shall be the duty of said Auditor to deliver to the Clerk, on demand, all papers, books, furniture, and other property belonging to the offices of County Auditor and County Recorder.

SEC. 3. All duties and liabilities heretofore imposed upon the Auditor and Recorder, shall attach to the office of County Clerk; and the Clerk elected under the provisions of this Act shall give such bonds as now by law are required to be given by the County Auditor and Recorder, to be approved in the same manner.

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

CHAP. CCCXXXI.—*An Act in relation to the Construction of Canals, and reclaiming certain Swamp and Overflowed Lands in Tulare Valley.*

[Approved April 25, 1863.]

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

Release granted.

SECTION 1. W. F. Montgomery, Joseph Montgomery, A. J. Downer, F. W. Sampson, and their associates and assigns, are hereby released and exempted from all obligation on their part to construct and put in operation, for the purposes of navigation, the several canals referred to by the provisions of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of canals, and for draining and reclaiming certain Swamp and Overflowed Lands in Tulare Valley, passed April first, eighteen hundred and fifty-seven, and approved April tenth, eighteen hundred and sixty-two; *provided*, the said grantees shall comply with the conditions of said grant according to the provisions of the Act of April tenth, eighteen hundred and sixty-two, aforesaid, so far as relates to the reclamation of the land described in said Act; and said grantees, for and in consideration of the reclamation of the lands mentioned in said Act, shall be entitled to the same quantity of land and all other rights and privileges as if they had not by this Act been released from all obligation on their part to construct and keep in repair said canals.

Provide.

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

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

CHAP. CCCXXXII.—*An Act to provide for the Construction of a Railroad from Wilmington to Los Angeles, in the County of Los Angeles.*

[Approved April 25, 1863.]

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

Franchise.

SECTION 1. The right to lay out, construct, and run a line of railroad, to keep in repair, and use the same, by running thereon cars propelled by steam or other motive power, for the convenient and profitable use thereof, and by such route as may be deemed most advantageous and convenient between Wilmington and Los Angeles, in the County of Los Angeles, is hereby granted to Manuel Dominguez, his associates and assigns, for the term of twenty-five years; *provided*, the construction of said road is commenced in two years, and completed in five years from the passage of this Act.

Powers.

SEC. 2. The party aforesaid, and his associates and assigns, shall have power to procure the right of way over any lands

belonging to individuals or persons other than the State, in the manner prescribed in the general laws of this State concerning the formation and incorporation of railroad companies; and the said grantee, and his associates and assigns, shall, at all times, conform to the general laws of this State concerning railroads, so far as the same refers to the rates of fare and transportation of freight and passengers; *provided*, that said railroad, where it may run parallel to or across a county road, it shall be so constructed as to not obstruct travel on said road. Proviso.

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

CHAP. CCCXXXIII.—*An Act to legalize a Survey of Green's Addition to the Town of Santa Rosa, in Sonoma County.*

[Approved April 25, 1863.]

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

SECTION 1. A survey and a map of Green's Addition to the Town of Santa Rosa, in the County of Sonoma, made by William A. Eliason, and dated on the twenty-fifth day of August, Anno Domini eighteen hundred and fifty-nine, and which said map of said survey is now on file and of record in the Recorder's office in said county, be and the same are hereby declared legal and valid for all purposes, and the said survey, or any map or plat thereof on record, or copy of the same, duly authenticated, shall be received in evidence in all the Courts of Justice, and shall have the same force and effect as if said survey and map had been made by the County Surveyor of said county. Survey  
legalized.

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

CHAP. CCCXXXIV.—*An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.*

[Approved April 25, 1863.]

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

SECTION 1. Section four hundred and one of the above entitled Act is hereby amended so as to read as follows:

Section 401. When a witness does not understand and speak the English language, an interpreter shall be sworn to interpret for him. Any person, a resident of the proper county, may be summoned by any Court or Judge to appear before such Court or Judge to act as interpreter in any action or proceeding. The summons shall be served and returned in like manner as a sub- Interpreters

pœna. Any person so summoned shall, for a failure to attend at the time and place named in the summons, be deemed guilty of a contempt, and may be punished accordingly.

SEC. 2. Section six hundred and nineteen of the above entitled Act is hereby amended so as to read as follows :

Powers of  
Justices of  
the Peace.

SECTION 619. Justices of the Peace may issue subpoenas in any action or proceeding in the Courts held by them, and final process, or any judgment recovered therein, to any part of the county. A Justice of the Peace may issue summons to any person, a resident of the proper township, to appear before him, at his office, to act as interpreter in any action or proceeding in the Courts held by him. Such summons shall be served and returned in like manner as a subpoena issued by a Justice. Any person so summoned shall, for a failure to attend at the time and place named in the summons, be deemed guilty of a contempt, and may be punished accordingly.

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CHAP. CCCXXXV.—*An Act to authorize the Board of Supervisors of San Joaquin County to appropriate Money.*

[Approved April 25, 1863.]

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

Appropriation  
authorized.

SECTION 1. The Board of Supervisors of the County of San Joaquin are hereby authorized and empowered to appropriate any sum of money, not exceeding one thousand dollars, from the County Treasury of San Joaquin County, for the purpose of paying premiums awarded by the San Joaquin Valley Agricultural Society at the Fair of said Society to be held in Stockton, in September, A. D. eighteen hundred and sixty-three.

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CHAP. CCCXXXVI.—*An Act to pay the Claim of D. Z. Moore.*

[Approved April 25, 1863.]

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

Appropriation.

SECTION 1. The Controller of State is hereby authorized to draw his warrant on the Treasurer in favor of D. Z. Moore, to be paid out of any money in the General Fund not otherwise appropriated, for the sum of ninety-three and thirty-three one-hundredths dollars, in payment of Interest Certificate No. (189) One Hundred and Eighty-Nine, drawn in favor of B. Davidson, dated May first, eighteen hundred and fifty-eight, which interest receipt shall be surrendered on receipt of the Controller's warrant hereby authorized to be drawn on the State Treasurer.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCXXXVII.—*An Act to authorize the Administrator of the Estate of Fannie E. Gillespie, deceased, to sell and convey Real Estate.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. James R. Bolton, Administrator of the estate of Fannie E. Gillespie, deceased, is hereby authorized and empowered to sell, either at public or private sale, all the real estate owned or claimed by the said Fannie E. Gillespie, deceased, at the time of her death. Power to sell

SEC. 2. Said Administrator shall make a full report of any sale or sales made by virtue of the powers herein granted, to the Probate Court of the City and County of San Francisco, and the Judge of said Court shall, either in term time or vacation, in open Court or at Chambers, examine the report of sales, and confirm or set aside the said sale or sales, as he may deem just and proper for the interest of said estate. Report of sales.

SEC. 3. After the approval of the sale or sales by the Probate Court of said City and County of San Francisco, the said Administrator shall convey to the purchaser or purchasers, by deed or deeds, the property so sold, and receive the purchase money therefor, and the title so conveyed shall be valid and absolute.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXXXVIII.—*An Act to amend an Act entitled an Act concerning Judges of the Plains (Jueces del Campo.) and defining their duties, passed April twenty-fifth, eighteen hundred and fifty-one.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of the above entitled Act is hereby amended so as to read as follows:

Section 1. The Board of Supervisors of each county in this State may, at their first regular meeting in each year, appoint such number of Judges of the Plains for their respective counties, as they may deem necessary. Said Judges of the Plains shall hold their office for the term of one year, and until their successors are appointed and qualified. Supervisors to appoint.

SEC. 2. Section two of the above entitled Act is hereby amended so as to read as follows:

Section 2. Judges of the Plains are hereby required, and it is made their duty, to attend all rodeos, or gathering of cattle, whether for the purpose of marking and branding, or for the purpose of separating cattle, when called upon by any ranchero, Duties.

farmer, or owner of stock, that may be made in their respective counties.

SEC. 3. Section nine of the above entitled Act is hereby amended so as to read as follows :

Compensation.

Section 9. The Judge of the Plains shall receive such compensation for his services as may be fixed upon by the Board of Supervisors at the time of his appointment, not to exceed the sum of five dollars for each day actually employed, and which shall be paid by the party in default, or by the party requiring his services.

SEC. 4. Section ten of the above entitled Act is hereby amended so as to read as follows :

Powers of Supervisors

Section 10. The Board of Supervisors may make such other local regulations with respect to the duties of the Judges of the Plains, that they may deem necessary.

CHAP. CCCXXXIX.—*An Act to confer further powers upon the Board of Supervisors of Lake County.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Road tax.

SECTION 1. The Board of Supervisors of Lake County shall, at the session of the Board of Supervisors for levying State county, and other taxes, levy upon each able bodied man, between the age of twenty and fifty years, a road poll tax of not less than two nor more than four dollars, which may be paid in work at the rate of one dollar per day.

SEC. 2. This Act shall take effect immediately after its passage.

CHAP. CCCXLI.—*An Act to amend Section Five Hundred and Nine of an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, as amended by Act passed March twenty-fifth, eighteen hundred and sixty-two.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section five hundred and nine of said Act is hereby amended so as to read as follows :

Judge's Fees.

Section 509. On the commencement of an action, the plaintiff, and on the filing of notice of appeal from final judgment, the appellant, shall pay to the Clerk three dollars, to be applied to the payment of the salary of the Judge of the Court in



which the payment is made. Each Clerk shall keep a true and accurate account of all moneys so received, and shall pay over the same at the end of each month to the Judge of such Court, taking duplicate receipts for each payment, one of which shall be filed by the said Clerk in his office. On the first day of each month the said Clerk shall deliver to the Auditor of the county an account of all sums received, specifying the cases in which received, and of all sums paid out. At the same time, a like account shall be made out and forwarded by such Clerk to the Controller of State of the sums paid into the District Court, and of the sums paid out, with the other receipts of said Judge therefor. It shall be the duty of the District Attorney, at the commencement of each month, to examine the books of said Clerk, and if found correct in the amount paid to the District Judge, he shall make and execute a certificate to such Controller to that effect; and if said books shall be found correct in the amount paid to the County Judge, the said District Attorney shall in like manner make and execute a certificate to the County Auditor to that effect. In paying the salary of any District Judge, the Controller shall deduct the amount paid to such Judge, as shown by his receipt; and in like manner the County Auditor, in paying the salary of any County Judge, shall deduct the amount to such Judge as shown by his receipt.

Duty of  
County  
Clerk.Duty of  
Controller.

CHAP. CCCXLI.—*An Act to authorize the San Francisco and Alameda Railroad Company to construct and maintain a Wharf at the western end of the Encinal of San Antonio, in Alameda County.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The corporation known as the San Francisco and Alameda Railroad Company is hereby authorized to build and maintain a wharf at the western end of the Encinal of San Antonio, in Alameda County, and extend the same into the Bay of San Francisco such distance as will give ten feet of water at the termination of said wharf at low tide.

Franchise.

SEC. 2. There is hereby granted to the before mentioned corporation the use and occupation of a strip of tide lands or mud flats five hundred feet in width, for the purposes before mentioned.

SEC. 3. Should the said corporation ever wish to collect toll or wharfage on said wharf, the rates thereof shall be fixed from time to time by the Board of Supervisors of Alameda County, so that the same shall not exceed one and a half per cent per month on the cost of said wharf, and rates so fixed may be collected by the said corporation.

Toll.

SEC. 4. This franchise shall continue for the term of fifty years; provided, that if said wharf be not commenced within

Term of  
franchise.

two years and finished within three years after the passage of this Act, then all the rights herein granted shall be deemed forfeited.

SEC. 5. This Act shall be in force from and after its passage.

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CHAP. CCCXLII.—*An Act fixing the Time for holding the Terms of the District Court in Lake County.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Terms of  
Court.

SECTION 1. The terms of the District Court in and for Lake County shall be held on the fourth Mondays in March and November of each year.

SEC. 2. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

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CHAP. CCCXLIII.—*An Act to authorize William Kohl and his associates to establish and maintain a Steam Ferry.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Franchise.

SECTION 1. William Kohl and his associates are hereby authorized to establish and maintain a steam ferry between San Quentin, in Marin County, and a point on the San Pablo Ranch, in Contra Costa County, or between either of the said points and the City of San Francisco, for the term of twenty years.

Boats.

SEC. 2. The ferry boats employed by said grantees for the transportation of freight and passengers, shall be well constructed and provided steam ferry boats.

Tolls.

SEC. 3. The rates of toll, freight, and ferriage, which the grantees under this Act shall be entitled to charge and collect, shall be subject to regulation once in two years, by the Board of Supervisors of the County of Contra Costa, and the Board of Supervisors of the County of Marin, alternately, the Supervisors of the County of Contra Costa fixing the rates of toll, freight, and ferriage, for the first two years; *provided*, that the rates shall not at any time be so reduced as to make the receipts less than eighteen per cent per annum on the actual value of the boats, wharves, and other property, actually used and required for the business of said ferry.

SEC. 4. All the boats, wharves, and other property pertaining to said ferry, shall be taxed in accordance with the laws of this State for the collection of revenue.

SEC. 5. The grantees under this Act may extend their wharves to such depth of water in the bay as the draft of vessels employed in the commerce of the district may require; *provided*, that the same shall not interfere or obstruct the navigation of the bay or any of its tributaries, and that not more than two hundred feet on each side of said wharves shall be occupied by said ferry; *provided*, that the right to build wharves shall extend only to one at Point San Quentin, in Marin County, and one at such point on the bay fronting the San Pablo Ranch, in the County of Contra Costa, as may be best situated for the business; and, *provided*, further, that the grantee under this Act, his associates and assigns, shall be liable for all damages to person and property which may result from the insufficiency of such wharves, or their failure to maintain them in good repair; and, *provided*, that nothing in this Act shall be construed to authorize the construction or extension of any wharf upon the water front of the City and County of San Francisco; and, *provided*, further, that said William Kohl, and his associates or assigns, shall, within one year from the passage of this Act, commence the building of the wharf on the bay fronting the San Pablo Ranch, and shall within two years finish the same.

SEC. 6. This Act shall take effect from and after its passage.

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CHAP. CCCXLIV.—*An Act concerning the City of Los Angeles, giving to the Mayor and Common Council authority to establish a Public City Pound, and to prohibit the grazing of certain Domestic Animals within certain prescribed limits of the said City.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Common Council of Los Angeles City, with the approval of the Mayor, are hereby authorized to establish by ordinance a public city pound, and by ordinance to designate certain limits within said city, upon the commons, whereupon it shall be unlawful for the following domestic animals, to wit: horses, mules, jacks, jonnies, horned cattle, sheep, goats, or hogs, to graze, or to pasture, or to run at large, except it be subject to the provisions of ordinances passed and approved by the Mayor and Common Council of said city.

CHAP. CCCXLV.—*An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and other Acts amendatory thereof.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section five hundred and eighty-two of the above entitled Act is hereby amended so as to read as follows :

Transfer of  
action.

SECTION 582. 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 may be transferred to some other Justice of the same or neighboring township; and in case a jury be demanded, and affidavit of either 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 may be transferred to some other Justice of the Peace in the county; but only one transfer shall be allowed to either party. 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 by the party applying of all the costs that have accrued, all the papers in the action, together with a certified transcript from his docket of the proceedings therein. The Justice to whom the case is transferred shall issue a notice, stating the time and place when and where the trial will take place, which notice shall be served upon the parties by any officer authorized to serve process in a Justice's Court, or by any person specially deputed by the Justice for that purpose, at least one day before the trial.

CHAP. CCCXLVI.—*An Act to amend an Act entitled an Act to authorize Joseph B. Price and his associates to construct and maintain a Turnpike Road from Cloverdale to Sanel, and to charge and collect Toll for travel thereon, approved April third, Anno Domini eighteen hundred and sixty-two.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section (3) third of said Act is hereby amended so as to read as follows :

Section 3. Said company shall, within ten months from the passage of this Act, commence the construction of said road, and within two years build and fully complete the same. otherwise the rights herein granted shall be forfeited, and this Act become null and void.

Conditions.

CHAP. CCCXLVII.—*An Act providing for the Government of the County of Sacramento.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

ARTICLE I.

SECTION 1. All that portion of this State which by law now is or hereafter may be designated as Sacramento County, shall be governed by a Board of Supervisors, which Board of Supervisors shall be a body politic and corporate, by the name and style of "The Board of Supervisors of the County of Sacramento," and by that name they and their successors shall be known in law, shall have perpetual succession, may make, have, alter, and renew a common seal, different and distinct from that of the County Clerk, may sue, complain, and defend in all Courts, and in all actions and proceedings whatever, may, under the limitations hereinafter provided, purchase and hold real estate and personal property, and receive and hold either or both by legacy or donation for the county, or in trust for the use of Common Schools, or for a Poor House, Alms House, Hospital, or indigent sick; and they may do all such other things, perform all such other acts, and exercise all such other powers, as by this Act or by any other law are or may be granted them to do, perform, or exercise; but said corporation shall not be sued in any action whatever, nor shall any of its lands, tenements, appurtenances, franchises, taxes, revenues, actions, choses in action, property, or effects, of any kind or nature whatever, be taken in attachment or on execution, or be subject to levy or sale upon any process, either original, mesne, or final; but any citizen of the county who is a tax payer, or any party interested or damaged, or likely to be damaged, by any action or proceeding had, about to be had, or refused to be taken, on the part of the Supervisors, or of any county officer, may proceed by certiorari, mandamus, or injunction, to inquire into the legality of, or to prevent or compel, as the case may require, such action or proceeding, if the same can legally be prevented or compelled.

Board of Supervisors

Powers.

SEC. 2. The lands, tenements, hereditaments, appurtenances, franchises, moneys, taxes, assessments, liens, revenues, actions, choses in action, rights, claims, property, effects, trusts, books, records, papers, maps, surveys, and documents of every kind, nature, and description, which, on the twenty-fourth day of April, eighteen hundred and fifty-eight, belonged to or were held by the County of Sacramento, or which since that day

Lands, etc., vested in Board.

have arisen or accrued, or been derived or acquired, for county purposes by "The City and County of Sacramento," are hereby transferred to, vested in, made the property of, and declared and determined to belong to "The Board of Supervisors of the County of Sacramento."

Supervisor  
Districts.

SEC. 3. The county is hereby divided into five Supervisor Districts, to wit:

The First consisting of the First and Second Wards of the City of Sacramento.

The Second consisting of the Third and Fourth Wards of said city.

The Third consisting of American, Brighton, Centre, Cosumnes, Lec. and Sutter Townships.

The Fourth consisting of Granite, Natoma, and Mississippi Townships.

The Fifth consisting of Alabama, Dry Creek, Franklin, Georgiana, and San Joaquin Townships.

Election.

The electors of each Supervisor District shall elect one person, who is a resident of the district, as a Supervisor, and the five persons so elected shall constitute the Board of Supervisors, any three of whom shall be a quorum for the transaction of business. The Board of Supervisors shall organize by electing a President, who shall hold during the term of office. The Supervisors elected at the first election held under the provisions of this Act, shall take office on the second Monday next succeeding the election, and shall hold until the first Monday of the month next succeeding the general election in eighteen hundred and sixty-five, and until their successors are elected and qualified; afterwards, (unless elected to fill a vacancy,) the Supervisors elected shall take office on the first Monday of the month next succeeding their election, and hold for two years, and until their successors are elected and qualified.

Meetings  
of Board.

SEC. 4. The Board of Supervisors shall hold a regular meeting on the first Monday in each month, and may adjourn from day to day, or from time to time, and may hold special meetings upon the call of the President, or of any two members. Each

Per diem.

Supervisor shall receive seven dollars per day for each day he actually attends the meetings of the Board, and ten cents for each mile actually travelled in going to and from the county seat; *provided*, however, that no Supervisor shall receive per diem for more than four days, nor more than five dollars mileage, in any one month; and, *provided*, further, that no Supervisor shall receive any pay or compensation whatever, other than is provided in this section, excepting when he is sitting as a member of the Board of Equalization, for which he shall receive one mileage and the per diem allowed by this section; *provided*, further, however, that if the Board of Supervisors and the Board of Equalization are both in session the same day, but one per diem or mileage shall be allowed. Every session of the Board shall be public; all elections or appointments shall be made viva voce; the ayes and noes shall be taken and recorded upon any question pending, upon the demand of one member; and all records of their proceedings, and all the books, papers, and documents belonging to their office, shall be open to public inspection during office hours.

Proviso.

SEC. 5. The Board of Supervisors shall have and they are hereby invested with power, subject to the limitations of this Act or any other law, to sell, lease, control, and take care of the property of the county; *provided*, however, that no real property shall be sold excepting at public auction, to the highest bidder; to examine all claims against the county, and allow such or part thereof as are legal; to levy taxes, and cause the same to be collected; *provided*, the Supervisors shall not have power to levy any greater taxes than one hundred cents on the one hundred dollars; to make any appropriation not contrary to the provisions of this Act; to examine, audit, reject, cause to be corrected, or pass, or allow the accounts of any officer or other person having the custody, management, collection, or disbursement of any money collected for, belonging, appropriated, or appertaining to the State or county, or to any of their or either of their uses or trusts, and to determine and allow, excepting as otherwise provided, the salary, fees, per centum, or compensation, if any, which such officer or other person is entitled to charge or receive; to lay out, control, vacate, and manage public roads, turnpikes, and bridges, in the manner provided by law; to make and establish Road Districts, and appoint Road Overseers; to license toll roads, ferries, and bridges, under the statutes regulating the granting of such licenses; to fix the amount of any ferry or bridge license, and to regulate the rate of tolls that may be collected thereon; *provided*, however, that all cost of advertising or posting notice of the application for any ferry or bridge license, or of the time when the application will be heard, or of the notice when the the application for the opening or vacating any public road will be heard, shall be paid by the applicants, and shall in no case be allowed by the Board, or be paid out of the Treasury; to provide a Court House, Jail, Hospital, and Poor House; *provided*, that the Supervisors may, in their discretion, purchase, for Hospital and Poor House purposes, a quantity of land, not exceeding one hundred acres, which land shall be south of the American River, and near the City of Sacramento, and it shall be good vegetable soil; and also all necessary public buildings; to divide the county into townships, and to change the same, and make new ones; *provided*, that the City of Sacramento shall constitute one township; and, *provided*, further, that no new township shall be created, or any township line be altered, within sixty days of any general election or of any judicial election; to establish and change election precincts, to fix the places of holding the polls, and to appoint Judges and Inspectors of elections; *provided*, that outside of the limits of the City of Sacramento no election precinct shall be established within one and a half miles of any other precinct; and, *provided*, further, that no precinct shall be established within thirty days next preceding any general or judicial election; to establish School Districts outside the limits of the City of Sacramento.

SEC. 6. The Board of Supervisors shall have power:

*First*—To provide for the feeding, clothing, etc., of the county prisoners; *provided*, that nothing in this Act shall authorize the Supervisors to allow any account for food, clothing, or for rent

**Powers.** of Jail for persons confined or under arrest for the violation of any city ordinance or regulation.

*Second*—To provide for the care, management, and control of a Hospital and Poor House, and to determine who shall be admitted thereto.

*Third*—To regulate public roads and highways, bridges, and ferries, and the powers and duties of Road Overseers, and to create Road and School Districts.

#### ARTICLE 11.

**Election of county and township officers.**

SEC. 7. There shall be elected at the general election in the year eighteen hundred and sixty-three, and at the general election every two years thereafter, by the electors throughout the county, a Sheriff, a County Clerk, who shall be ex officio County Recorder, a Treasurer, a District Attorney, an Assessor, a Clerk of the Board of Supervisors, who shall be ex officio Auditor, a Public Administrator, a Coroner, a County Surveyor, and a Superintendent of Common Schools; and the persons so elected shall take office on the first Monday in March next succeeding their election, and shall hold for two years and until their successors are elected and qualified; and at the same elections there shall be elected three Constables in Sacramento township, and two Constables in each township outside the limits of the city; and the Constables so elected shall take office on the first Monday in the month next succeeding their election, and shall hold for two years and until their successors are elected and qualified; and at the general election in eighteen hundred and sixty-five, and at the general election each two years thereafter, the electors of each Supervisor District specified in section three shall elect one Supervisor, who shall take and hold office as provided in section three. And the officers in this section mentioned, elected at the general election in the year eighteen hundred and sixty-one, shall hold office during the term for which they were elected, and until their successors are elected and take office under this Act; *provided*, however, that nothing herein shall be construed to retain in office either the County Warden, after the first Monday in October, eighteen hundred and sixty-three, or the President of the Board of Supervisors, or any Supervisor, after the taking of effect of the general provisions of this Act; and, *provided*, further, that on the tenth day after the passage of this Act, the electors of each of the Supervisor Districts created by section three shall elect one Supervisor, which election shall be held without further notice at the places in the several districts where the last general election was held, and under the supervision of the Judges and Inspectors of said election, unless, in consequence of the absence of any such Judge or Inspector, his place is supplied in the manner prescribed by law; in all other respects, said election shall be held under the provisions of the general election law.

**Proviso.**

**Duty of Treasurer.**

SEC. 8. The Treasurer shall receive, when presented to him in the manner provided in section seventeen, and place in the proper Fund or Funds, all moneys belonging to or paid into the County Treasury, and he shall keep all such moneys in a secure fire-proof vault or safe, provided for the purpose by the county;



and he shall neither use nor loan said moneys, nor any part thereof, nor deposit the same, or any part thereof, with any banker or other person, nor pay out any of said moneys, except upon warrants drawn by the Auditor, on claims authorized by law and duly allowed and audited, nor shall he pay any demand against one Fund out of the moneys belonging to another; *provided*, however, that he may pay coupons due for interest on the county bonds on presentation, (and in the order of their presentation,) if there is any money in the Treasury applicable to such payment, but such coupons shall be cancelled and returned to the Auditor on the Saturday of each week; and, *provided*, further, that in all cases where the Treasurer is authorized to redeem outstanding bonds, he shall report to the Auditor the bid or bids he has accepted for the same, whereupon the Auditor shall, upon receiving for cancellation the required amount of the bonds, draw his warrant in favor of the holder for the amount of his bid; and, *provided*, further, that in any settlement with the State, the Auditor shall draw his warrant for the amount due the State; and, *provided*, further, that he may pay out County School moneys upon the warrant of the Superintendent, after such warrant has been charged and indorsed by the Auditor.

SEC. 9. Excepting in case of sickness or necessary absence, the Treasurer shall give his personal attendance at his office during office hours; he shall keep the key of his vault or safe, and shall not suffer such vault or safe to be open except in presence of himself or of some person who has been duly authorized, in writing, and qualified, as his Clerk or Deputy. And if the Treasurer shall violate any of the provisions of this section, he shall be guilty of misdemeanor, and upon conviction thereof, shall be removed from office; and if he violate any of the provisions of section eight, he shall be guilty of felony, and upon conviction thereof, shall be imprisoned in the State Prison for not less than three nor more than ten years.

SEC. 10. The Clerk of the Board of Supervisors shall be present at each meeting of the Board, and keep a record of their proceedings, and shall have the care of all books, papers, and archives belonging to the Board; shall do and perform such other services as the Board may direct. He may administer oaths and affirmations in any investigation or other proceeding before the Board, or touching any claim presented or account rendered; and he shall number, date, and file, in the order which they are presented, all claims presented for the action of the Board.

SEC. 11. No demand whatever, excepting only as provided in section eight, shall be audited or paid until it has been presented to and allowed by the Board of Supervisors; and the Supervisors shall act on, allow in whole or in part, or reject, in the order in which they were presented, all claims against the county; *provided*, however, that no claim shall be allowed or acted on, unless it is filed within a year from the time it accrues; *provided*, that no claim shall be filed, considered or allowed, unless such account shall be made out in items, with date, together with the amount charged for each item affixed thereto, and accompanied with an affidavit, and to be filed with such

account, made by the person presenting or claiming the same, that the items of such are correct, and stating that no part thereof has been paid or satisfied; *provided*, that nothing in this section shall prevent the Supervisors from disallowing any account, in whole or in part, when so rendered and verified, nor from requiring any other or further evidence of the truth and propriety thereof, as said Board may think proper.

Proviso.

Auditor.

Duties.

SEC. 12. The Auditor shall number, in the order of their allowance by the Board of Supervisors, all claims allowed by them, and shall enter them of record on his books in that order; and said books shall also show the number, date of allowance, the amount allowed, and the party in whose favor it was allowed. And after he has acted on such claims, he shall add to the record the date of his action, the approval, or rejection, and if approved, the Fund or Funds out of which it is payable.

Claims.

Duty of Auditor.

SEC. 13. Every claim allowed by the Supervisors shall, after such allowance, be carefully examined by the Auditor, to ascertain whether or no it is correct, whether the money is due, and its payment authorized by law, and if so, out of what Fund it is payable. After such examination, he shall either approve or reject the claim, in whole or in part, and indorse, over his signature, his action thereon, and shall also make the record thereof required by section twelve. If he approves the claim, he shall also indorse the Fund or Funds out of which it is payable. If he rejects it, or any part of it, (unless the party presenting it is willing to take the sum approved in full for the entire demand,) he shall return it, with his reasons, in writing, for rejecting it, to the Supervisors, when if it is allowed by the vote of all the members, it shall be paid in the same manner and in the same order as if it had not been rejected. And no claim which has been rejected by the Auditor, and which then, on its final passage, fails to receive the vote of all the members of the Board of Supervisors, shall ever again be considered by either the Supervisors or Auditor; *provided*, that the officers who are entitled to salaries under the provision of this Act, may have their claims for such salaries allowed, and orders drawn on the Treasurer, at least once in each month; *provided*, further, that all the other provisions of this Act are complied with.

SEC. 14. The Auditor shall keep a complete set of books for the county, with proper indexes, in which shall be set forth, in a plain and businesslike manner, every monetary transaction of the county, so that he can tell the exact condition of the Treasury, and of each particular Fund, and of the amount allowed and approved against it, and also, so that he can tell where the money came from, what Funds it belonged to, for what purposes it was expended, and what are the deficiencies or the balances on hand, and also, what officers or other persons have paid, and how much was received from each. The Auditor shall also perform such other duties as may be required of or be imposed on him by law or the order of the Board of Supervisors.

Claims.

SEC. 15. No claim on the Treasury shall be allowed by the Board of Supervisors, or be approved by the Auditor, in favor of any person, or his assigns, in any manner indebted to the county; nor in favor of any one, or his assigns, having the care, collection, custody, or disbursement of any public moneys, who

withholds any part thereof; nor in favor of any officer who neglects to make his written official returns or reports, as required by law, or any order or regulation of the Supervisors; nor to any officer who, after notice from the Board of Supervisors, fails, neglects, or refuses to comply with the provisions of any law or legal order or ordinance made by the Supervisors.

SEC. 16. The President shall preside at the meetings of the Board of Supervisors, but in his absence a President pro tempore may preside. The records of each day's session shall be read, corrected, and approved, in open Board, and shall then be signed by the Clerk and presiding officer, and records of such corrections shall be made in the proceedings of the session making the same.

Duties of  
President of  
Board.

SEC. 17. Every officer or other person having any money payable into the Treasury of this county shall inform the Auditor thereof, and procure from him unsigned receipts in duplicate, which receipts shall state the amount of money to be received by the Treasurer, the source from whence it came, the Fund or Funds, if more than one, to which it belongs, and the amount belonging to each. The Treasurer, upon receiving the amount named, shall place it in the Funds specified, and indorse upon one of the receipts an acknowledgment of the money, and a request to the Auditor to receipt for the same. The indorsed receipt shall be filed by the Auditor, and the amount charged to the Treasurer, and upon the other receipt, the Auditor shall certify the fact that the money has been paid into the Treasury; but nothing but the gold or silver coin of the United States shall be received in payment of any taxes, licenses, fines, forfeitures, or other revenues of any kind or nature, to be paid into the County Treasury, or to be received by the County Treasurer.

Payments  
into  
Treasury.

SEC. 18. No receipt for any money paid or purporting to be paid into the County Treasury, or to the Treasurer, excepting the certificate of the Auditor, as provided in the last preceding section, shall be valid for any purpose whatever except as between the county and the Treasurer, nor shall any other receipt be used in evidence in any case or for any purpose excepting in an action by the county against the Treasurer or his bondsmen. This section shall be printed on the receipts furnished by the Auditor.

Receipts for  
payments.

SEC. 19. On the first Monday in each month, the Auditor shall prepare a statement, under oath, giving the total receipts during the month, particularizing each source of revenue, and stating the amount of each, giving the Funds into which the gross amount was separated, and the amount to each, and the aggregate amount then in each Fund, stating the amount paid out of each Fund, and the amount of warrants outstanding against it, and generally to make a complete exhibit of all financial transactions of the month, and of the condition of the Treasury.

Auditor to  
make  
monthly  
reports.

#### ARTICLE III.

#### *Salaries and Fees.*

SEC. 20. The compensation of county officers shall be as follows: The County Judge shall receive three thousand five hun-

Salaries  
and fees.

Salaries  
and fees.

dred dollars, annually, after the expiration of the present term of office; the District Attorney shall receive two thousand five hundred dollars per annum, and the fees allowed to him by law for the collection of delinquent taxes, but no other fees or perquisites; the Treasurer shall receive two thousand five hundred dollars per annum, but no fees or perquisites; the Clerk of the Board of Supervisors, and ex officio Auditor, shall receive two thousand five hundred dollars per annum, and the fees allowed by law for the extension of the figures on the general tax roll; *provided*, however, that he shall not be paid for any figure that is not by him absolutely and necessarily placed upon the roll itself; and, *provided*, further, that the whole cost shall not exceed five hundred dollars in any year; and, *provided*, further, that he shall not receive any other fees or perquisites; the Assessor shall receive two thousand dollars, and the fees allowed by law for the collection of poll taxes, but no other fees or perquisites; The Superintendent of Public Schools shall receive one thousand dollars per annum; the Public Administrator, Coroner, and Surveyor shall each receive for his own use such fees as are allowed by law for his services; the Sheriff shall receive such fees for his services, other than is herein provided, as are provided in an Act entitled an Act to regulate fees in office in certain counties of this State, approved April twenty-eighth, eighteen hundred and fifty-seven; *provided*, he shall receive no mileage or other compensation for the transportation of prisoners from the County Jail to Court, or for returning prisoners to the County Jail, and he shall also receive two thousand four hundred dollars, annually, for guarding the prisoners in the County Jail; *provided*, however, the Sheriff shall not have charge of said prisoners until the first Monday in October, eighteen hundred and sixty-three; the County Clerk and ex officio Recorder shall receive such fees as are allowed by law for his services, excepting that he shall not receive any fee or compensation for any criminal business, writ, or paper, which the law requires him to transact or issue, either as County Clerk, Clerk of the County Court, Clerk of the Court of Sessions, or Clerk of the District Court, other than that the county shall pay him two dollars for each case of misdemeanor, and three dollars for each case of felony, heard in any Court of which he is Clerk. The Board of Supervisors shall designate what number of Deputy Assessors may be appointed, and they shall each receive a sum not exceeding five dollars per day for each day he actually and necessarily attended to the duties of the office; *provided*, however, that no Deputy Assessor shall be paid by the county for any services rendered between the first Monday in August and the first Monday in the following March. The road Overseers appointed by the Supervisors shall each receive a per diem not exceeding three dollars for each day he actually and necessarily attended to the duties of his office, but such per diem shall be paid out of the Road Fund of the district, and in no case shall it be paid out of the general Treasury. Until the first Monday in October, eighteen hundred and sixty-three, the County Warden shall receive at the rate of two thousand four hundred dollars per annum in full for all services of himself and all necessary Deputies and Guards for guarding the county prisoners, after which

Sheriff.

County  
Clerk.

Assessors.

Road  
Overseers.

County  
Warden.

period the office of Warden shall cease, and the prisoners be transferred to the Sheriff. Nothing in this or any other Act shall be construed to give any officer the whole of the fees of his office, but only so much thereof as are not required by the provisions of this Act to be paid into the Treasury.

SEC. 21. The Sheriff, County Clerk and Recorder, Assessor, Treasurer, Auditor, and Clerk of the Board of Supervisors, and District Attorney, shall each, on the Saturday of each week, file with the Auditor a statement, under oath, (the Auditor making his affidavit before some other person authorized to administer oaths,) that he has entered or caused to be entered all legal fees and perquisites of office which he was entitled to charge or receive for any services rendered by him, or by any Clerk or Deputy of his, or by any one in his service or under his control, in any official capacity, or for any official service rendered for the State or county, or for any individual, or under any law; and also, that he has kept in proper books a strict and correct account of all moneys by him or by any Clerk or Deputy of his, or by any one in his employ or under his control, received for any State or county purposes, uses or trusts; and that the account or statement of said fees, perquisites, and moneys is true and correct in every point and particular.

Officers to report fees weekly.

SEC. 22. Every officer collecting or receiving any money for the State or county, or for any or either of their purposes, uses, or trusts, or under or by virtue of the provisions of any law whatever, or for any purpose whatever, shall, at the time of filing the affidavit required by section twenty-one, also file with the Auditor the Treasurer's receipt for the whole of said money required by law to be paid to said Treasurer; and the Auditor and Clerk of the Board, and Treasurer, shall also, at that time, file the Treasurer's receipt for the whole of the fees received by him; and the Sheriff, County Clerk, and Recorder, and District Attorney, shall, at the same time, each file the Treasurer's receipt for ten per centum of the amount of fees which he was entitled to charge or receive for services rendered by himself, Clerk, or Deputy, or person in his employ or under his control, since his last report; and the said ten per cent of such fees shall be placed by the Treasurer in the County School Fund. And if any officer having the care, custody, or control of any money collected for or belonging to the State or county, or either of their uses or trusts, or having performed any official service without entering the same on his fee book, shall fail to make a statement thereof, or shall fail to make payment to the Treasurer on the Saturday of each week, or shall fail, neglect, or refuse to comply with the provisions of this or the next preceding section, or shall in any manner evade or attempt to evade them or either of them, he shall be guilty of a misdemeanor, and be punished by a fine of not more than one thousand dollars, or by imprisonment for not longer than one year, or by both fine and imprisonment, and shall be removed from office by the Supervisors.

Payment of moneys into Treasury.

SEC. 23. No officer shall receive any salary, fee, or compensation whatever, other than is provided in this Act, for services of any kind or nature whatever, rendered to or for the county by him, or by any Clerk or Deputy of his, or by any other per-

son for him; nor shall any Clerk, Deputy, or Assistant, be allowed to any officer at the expense of the county. And every officer who receives a specific salary, shall, unless otherwise herein especially provided, pay into the Treasury all moneys allowed by the State for any service rendered by him.

## ARTICLE IV.

*Miscellaneous.*official  
bonds.

SEC. 24. The Board of Supervisors shall fix the amount of the official bonds of the several county officers, and also of Road Overseer, Justices of the Peace, Constables, and other district or township officers. All official bonds shall be to "The People of the State of California," but any such bond may be sued on, without assignment, by any party damaged by the official act of the principal in such bond. The bonds shall be joint and several in form, but each surety may fix the amount for which he is held, and no judgment shall be rendered against him for a greater sum than the amount so fixed. Every official bond shall be approved by the Board of Supervisors in open session, which fact shall be entered in their minutes, and be indorsed on the bond by the Clerk, and it shall then be approved by the County Judge; *provided*, however, that when any other law fixes a minimum for the penalty of an officer's bond, the Supervisors shall not have power to fix a less amount.

Custody of.

SEC. 25. The County Clerk shall be the custodian of all official bonds, excepting his own, which shall be in the custody of the Clerk of the Board of Supervisors. All fee books kept by any officer shall be the property of the county, and shall be deposited with the Auditor at the expiration of every term of office.

New bonds.

SEC. 26. Whenever from death, insolvency, absence, application of a bondsman to be released, or other cause, the Supervisors become dissatisfied with the sureties on any official bond, or when, in their opinion, the penalty in any such bond is too small, they may cite the officer to file a new bond within ten days, or otherwise to appear before them and show cause, if any he has, why he should not do so; and if at the hearing it be determined that he shall file such new bond, and he does not then file it within ten days, his office shall be declared vacant and be filled as in case of a vacancy from any other cause.

Vacancies.

SEC. 27. Whenever any vacancy occurs in any county, or district, or township office, excepting the office of County Judge, or Supervisor, the Supervisors shall fill the vacancy; and the person so appointed shall hold until the next general election, and until his successor is elected and qualified, unless the appointee is a Justice of the Peace, in which case he shall hold until the next judicial election, and until his successor is elected and qualified; and in case the vacancy is in the office of Supervisor, a special election shall be called in the proper district to elect for the unexpired term.

Printing.

SEC. 28. The Board of Supervisors shall, annually, advertise for bids for the printing of such blanks, the furnishing of such stationery, and the publishing of such advertisements, as belong to the county to pay for. And the several contracts shall be

awarded, for not exceeding one year, to the lowest bidders giving satisfactory security; *provided*, that the advertising shall be given to one of the two newspapers having the largest circulation in the county.

SEC. 29. The Supervisors shall furnish an office for the County Judge, the Superintendent of Common Schools; offices, furniture, fuel, lights, stationery, and blanks, for the Auditor, Treasurer, and Assessor; offices, furniture, fuel, lights, and record books, for the County Clerk, and Recorder, and Sheriff; and an office, furniture, fuel, lights, and criminal blanks, for the District Attorney; and stationery for the District and County Courts, on the order of the Judge, stating what is required; but in no case shall any stationery or printing be paid for by the county when the service in which such stationery or blanks is used is paid for in whole or in part by fees.

Offices, stationery, etc.

SEC. 30. The President of the Board of Supervisors, and Auditor, shall at least once in each month examine the books and vouchers of the Treasurer and other officers having the collection, care, custody, control, or disbursement of any public money, and they shall also at the same time ascertain by actual count that the Treasurer has on hand the amount of money which the Auditor's books and his vouchers require to be on hand, and they shall file with the Supervisors a statement of the amount and kind of money they find, and to which Fund it belongs. And if they ascertain or believe that any officer has violated or is violating this Act, they shall, by written notice, suspend him from office, and appoint a temporary officer in his place, who shall qualify and take possession; and the President and Auditor shall make complaint forthwith against the suspended officer, so that the matter may be tried and determined.

Examination of books, etc. of Treasurer.

Suspension from office.

SEC. 31. The Clerk of the County Court shall, upon demand, issue subpoenas under the seal of the Court, requiring the parties to appear before the Supervisors and testify in any matter pending before them. Such subpoenas may be served in the same manner as other subpoenas, and any disobedience thereto, or any refusal to testify before the Board, shall be punished for contempt by the County Judge in the same manner as though the contempt had been committed in his Court; *provided*, that said Clerk shall not receive any fees for issuing such subpoenas.

County Clerk, and duties.

SEC. 32. Supplies for the Hospital and Poor House shall be purchased by contract, after advertising at least five days. No contract shall be for a longer period than three months. And whenever the Board of Supervisors shall contract for or order any labor, material, or supplies of any kind, for the use of the county, such contract or order shall specify the Fund or Funds out of which payment is to be made. And no contract shall be entered into until it has received the approval of the Auditor.

Supplies.

SEC. 33. No jury or witness fees shall be allowed in any criminal case, but every juror in any criminal case, residing more than three miles from the Court House, shall be allowed mileage, at the rate of twenty cents per mile, one way only, from his place of residence to the Court House, for each day's actual attendance; *provided*, however, that in no case shall any

Fees not allowed in criminal cases.

such mileage exceed two dollars for any one day. Whenever the civil calendar is called in the District or County Court, the Attorney for plaintiff shall state whether it is an equity or jury case, or case to be tried, by consent, by the Court. If it is a jury case, the plaintiff shall be responsible for twenty-four dollars jury fee, and no continuance on his motion shall be granted until such fee is paid, and no continuance shall be granted on defendant's motion until he pay such fee; and if the case is dismissed by consent, or on motion of either party, plaintiff shall pay such fee; in case of trial, a jury fee of two dollars per juror, per day, shall be paid, as now provided by law. The jury fees paid under the provisions of this section to be recovered as other costs. All jury fees shall be paid to the Clerk of the Court, who shall retain them until the close of the term, when he shall distribute the whole, pro rata, among the jurors, in accordance with the number of days they have severally been in attendance on the Court.

Fees in civil cases.

SEC. 34. The office hours of the Auditor and Treasurer shall be from nine A. M. to four o'clock P. M.

Lease of county property.

SEC. 35. No property belonging to the county shall be leased for a longer period than two years, and no property belonging to other parties shall be leased for the use of the county for a longer period than two years.

#### ARTICLE V.

##### *Finances.*

Funds.

SEC. 36. All county moneys, excepting the moneys levied for county roads, such moneys as are levied by special Act for a special purpose, and such moneys as are herein otherwise provided for, shall be distributed into Funds as follows: Thirty per cent into a Sinking and Interest Fund, to be used as provided in the Act of April twenty-fourth, eighteen hundred and fifty-eight, commonly called the Sacramento Consolidation Bill; ten per cent into a School Fund, to be used for school purposes, as provided by law; ten per cent into a Hospital Fund, to be used in maintaining a Hospital and Poor House, and supporting the indigent sick of the county; twenty per cent into a Redemption Fund, to be used as provided in section forty; and the remaining thirty per cent into a General Fund, for general county purposes.

Warrants.

SEC. 37. Whenever any account has been allowed by the Supervisors, and approved by the Auditor, the Auditor shall draw his warrant therefor on the General, or Road, or Redemption, or Hospital Fund, as the case may be, preserving on the tag in the margin of the book from which the warrant is taken a memorandum of its number, the date of its issuance, the date of the allowance of the account, its amount, to whom allowed, and the Fund out of which it is payable, and he shall also enter in his record, opposite the registry of the claim, the number of the warrant drawn; and he shall, on the Saturday of each week, furnish the Treasurer with a record, (in the order in which the accounts were allowed and the warrants drawn,) of all warrants drawn during the week, their respective numbers,



amounts, in whose favor, and on what Fund, and the Treasurer shall pay them in such order whenever there is any money in the Fund applicable thereto.

SEC. 38. The fiscal year shall commence on the first Monday in the month of March. If, at the close of any fiscal year, or on the first Monday of any June, September, or December, there shall be any moneys remaining in any special Fund, excepting the School Fund and the several Road Funds, after all claims against such Fund have been paid, or sufficient money for such payment is set apart, such moneys shall be transferred to the Redemption Fund. At the time of making the assessment rolls, the Assessor shall mark, in a distinct column on said roll, the number of the Road District in which the property is situated; and the Collector shall, in his payments to the Treasurer, designate the amount of road tax collected in each district, and the Auditor and Treasurer shall keep the moneys of each Road District separate and distinct; and the moneys collected from the road tax shall be expended in the district where the same are raised.

SEC. 39. As soon as possible after the passage of this Act, the Auditor shall draw his warrants on the General Fund for all legal claims that have been allowed, without reference to the Fund out of which they were made payable by the so-called Consolidation Bill, accrued against the county prior to the passage of this Act; such warrants shall be drawn, and be numbered, and have precedence in the order the claims stand registered in the register of accounts allowed, and the Auditor shall furnish the Treasurer a list of such warrants in the manner provided in section thirty-seven, and no warrant shall be drawn under the provisions of section thirty-seven until the provisions of this section have been complied with; it being, and it is hereby declared to be, the intention of this Act to have all claims for ordinary expenditures, past or future, paid out of the General Fund, except as otherwise herein provided, and paid in the order in which such claims have been or may be allowed, without reference to the Fund they were originally charged against; *provided*, however, that all warrants for claims against the Road Funds, School Fund, and Lovee Fund, shall be drawn against those Funds; *provided*, further, that all claims against the Pauper and Indigent Sick Fund shall be drawn against the Hospital Fund, and be paid out of said Fund.

SEC. 40. Whenever the Redemption Fund contains the sum of one thousand dollars or over, the Treasurer shall give five days notice in one newspaper of general circulation, published in the City of Sacramento, that he will, until twelve o'clock, *p.*, on a day named, receive sealed proposals for the whole or any part of said sum (naming it) to be exchanged for claims on the General Fund, and that such money will be awarded to the party or parties who will give the greatest amount of warrants per dollar of the money. At the time named he shall open the bids in public, and register and examine them, and make the award to the best bidders, which award he shall certify to the Auditor, who shall thereupon, upon the delivery for cancellation of the warrants on the General Fund, draw his warrant or warrants for the proper amounts payable out of the Redemption Fund. Every warrant

drawn on the Redemption Fund shall give the number of the warrant or warrants on the General Fund, in lieu of which it was drawn; and the Treasurer, upon the redemption of any warrants under the provisions of this Act, shall cancel the registry of them furnished him by the Auditor. At the close of office hours on the Saturday of each week, the Treasurer shall attend at the office of the Auditor, and in his presence cancel, by cutting, all warrants, bonds, and coupons paid or redeemed during the week, and the Auditor shall give him credit for the amount paid.

Monthly statement.

SEC. 41. On the first Monday in each month, the Auditor shall prepare a statement, under oath, giving the total receipts during the month, particularizing each source of revenue, and stating the amount of each, giving the Funds into which the gross amount was separated, and the amount to each, and the aggregate amount then in each Fund; stating the amount paid out of each Fund, and the amount of warrants outstanding against; and generally to make a complete exhibit of all financial transactions of the month, and of the condition of the Treasury.

Estimates of revenue.

SEC. 42. As soon as possible after the first meeting of the Board of Supervisors under this Act, and at the commencement of the fiscal year each year thereafter, the Auditor, Assessor, President of the Board of Supervisors, and Treasurer, shall each make and file with the Clerk of the Board, an estimate, under oath, of the probable revenue of the county applicable to distribution under the provisions of section thirty-four, that will accrue during the fiscal year, giving in the estimate the various sources of revenue and the amount anticipated from each; and at the next regular meeting of the Board of Supervisors, shall examine such estimates and make an estimate themselves, which latter estimate shall be entered upon their records, and shall be the official estimate for the year; *provided*, however, that the estimate of the Supervisors shall not exceed the average of the estimates made by the officers; and *provided*, further, that the first estimate shall be from the organization of the Board until the commencement of the fiscal year in eighteen hundred and sixty-four.

Proviso.

Restrictions upon Supervisors and Auditor.

SEC. 43. It shall be unlawful for the Supervisors to make or allow, or for the Auditor to approve, any contract, claim, or account accrued during any period for which the estimate mentioned in the next preceding section has been made, when such contract, claim, or account, added to all the contracts, claims, and accounts previously made, accrued, allowed, or approved, and such as are fixed by law, payable out of the General Fund, will amount to sixty per centum of the official estimate. And

Violations of Section.

every pretended contract, claim, or account, attempted to be made, allowed, or approved, contrary to the provisions of this section, shall be and it is hereby declared and determined to be a fraud, and wholly void against the county, either as an agreement or contract, or as the foundation of a *quantum meruit* or *quantum valebat*. And each Supervisor who votes to make or allow, and the Auditor who approves any such contract, claim, or account, shall be guilty of a misdemeanor, and on conviction his office shall become vacant, and he shall be punished by a fine

not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both fine and imprisonment; and each Supervisor who votes to make or allow, and the Auditor who approves such contract, claim, or account, shall be personally liable to the party of the other part for the payment thereof; *provided*, however, that the prohibition of this section shall not apply to the allowing and approving of claims fixed by law, or of payments required by law to be made, nor shall it apply, so far as such additional moneys are concerned, when there are moneys received beyond the estimate. If any officer required by section forty-two to make an estimate, fails, neglects, or refuses to do so at the proper time, his office shall be declared vacant, and he shall be proceeded against for misdemeanor, and be punished by fine or imprisonment, or both, not exceeding the extent to which Justices' Courts have jurisdiction. Penalties.

SEC. 44. The Act of April twenty-fourth, eighteen hundred and fifty-eight, entitled an Act to repeal the Act. passed March twenty-sixth, eighteen hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento, the Act of May second, eighteen hundred and sixty-one, entitled an Act conferring further powers on the Board of Supervisors of the City and County of Sacramento, and the Act of May eighteenth, eighteen hundred and sixty-one, supplemental thereto, the Act of May second, eighteen hundred and sixty-one, entitled an Act prescribing a certain duty of the Auditor of the City and County of Sacramento, an Act concerning the offices of Coroner and Harbor Master in the City and County of Sacramento, approved May twentieth, eighteen hundred and sixty-one, the Act of May sixth, eighteen hundred and sixty-two, entitled an Act to regulate fees in office in the County of Sacramento, the Act of May ninth, eighteen hundred and sixty-two, entitled an Act concerning the fees of certain officers of the City and County of Sacramento, and all other Acts and parts of Acts conflicting or inconsistent with the provisions of this Act, are hereby repealed, so far as the same do conflict with the provisions of this Act. Acts repealed.

SEC. 45. Sections three and seven of this Act shall take effect immediately, and the remainder of this Act shall take effect on the second Monday after the special election for Supervisors, as provided in section seven. Totake effect

SEC. 46. All the provisions of the Act of April twenty-eighth, eighteen hundred and fifty-seven, entitled an Act to regulate fees in office in certain counties of this State, also sections numbers fifty-two, fifty-eight, fifty-nine, sixty, sixty-two, sixty-four, and sixty-seven, of an Act entitled an Act to regulate fees of office in certain counties of this State, approved April tenth, eighteen hundred and fifty-five, are hereby made applicable to the County of Sacramento, except as is in this Act otherwise provided. Acts made applicable.

CHAP. CCCXLVIII.—*An Act making appropriations for the Support of the Civil Government of this State for the Fifteenth Fiscal Year, commencing on the first day of July, A. D. eighteen hundred and sixty-three, and ending on the thirtieth day of June, A. D. eighteen hundred and sixty-four.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The following sums of money are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, for the support of the civil government of this State for the fifteenth fiscal year, commencing on the first day of July, A. D. eighteen hundred and sixty-three, and ending on the thirtieth day of June, eighteen hundred and sixty-four, inclusive :

For salary of Governor, seven thousand dollars.

Governor's  
office.

For rent of Governor's office, nine hundred dollars.

For pay of Porter in the office of the Governor, six hundred dollars.

For salary of Private Secretary of Governor, twenty-four hundred dollars.

For salary of Clerk in the Executive Department, eighteen hundred dollars.

For Special Contingent Fund of the Governor's office, to be drawn at his discretion, five thousand dollars; *provided*, that this amount shall be used for a Secret Service Fund, at the discretion of the Governor, and for no other purpose whatever; *provided*, further, that the Governor shall account for the disbursement of the same to the Senate at the next session of the Legislature.

For pay of rewards which may be offered by the Governor, under the Act of April twenty-ninth, eighteen hundred and fifty-one, a sum not exceeding three thousand dollars.

Secretary  
of State.

For salary of Secretary of State, four thousand dollars.

For salary of Clerks in the office of Secretary of State, four thousand and fifty dollars.

For postage in office of Secretary of State, six hundred dollars.

For transportation of documents and books ordered to be distributed, one thousand six hundred dollars.

For pay of Porter in office of Secretary of State, one hundred dollars.

For stationery, blank books, lights, fuel, etc., for the Legislature and State officers, fifteen thousand dollars; said amount to be used for no other purpose by the Secretary of State; and no Clerk shall receive his salary out of said Fund.

For contingent expenses in office of Secretary of State, one hundred dollars.

Controller.

For salary of Controller of State, four thousand dollars.

For salary of Deputy Controller, eighteen hundred dollars.

For salaries of Clerks in the office of Controller of State, five thousand four hundred dollars.

For expressage and postage in the office of Controller of State, fifteen hundred dollars.

For pay of Porter in the office of Controller of State, one hundred dollars.

For carrying out the provisions of the Stamp Act, new dies, Stamp Act. salaries of Clerks, etc., five thousand dollars.

For salary of State Treasurer, four thousand dollars. Treasurer.

For salary of Clerks in the office of Treasurer of State, three thousand six hundred dollars.

For salary of Watchman in the office of Treasurer of State, twelve hundred dollars.

For pay of Porter in the office of Treasurer of State, one hundred dollars.

For posting and cancelling coupons, three hundred dollars.

For postage and contingent expenses in Treasurer's office, two hundred dollars.

For salary of Attorney-General, four thousand dollars. Attorney  
General.

For rent of office for Attorney-General, four hundred and eighty dollars.

For costs and expenses of suits where the State is a party in interest, to be expended under the direction of the Attorney-General, two thousand dollars.

For salary of Superintendent of Public Instruction, three thousand dollars. Superin-  
tendent of  
Public  
Instruction.

For salary of Clerk in the office of Superintendent of Public Instruction, eighteen hundred dollars.

For rent of office for Superintendent of Public Instruction, four hundred and fifty dollars.

For postage and expressage for Superintendent of Public Instruction, eight hundred dollars.

For stationery, lights, and fuel, for office of Superintendent of Public Instruction, one hundred and fifty dollars.

For Contingent Fund for Superintendent of Public Instruction, fifty dollars.

For travelling expenses of Superintendent of Public Instruction, one thousand dollars.

For salary of Surveyor-General, two thousand dollars. Surveyor-  
General.

For salary of Clerk in the office of Surveyor-General, eighteen hundred dollars.

For postage and expressage for Surveyor-General's office, two hundred and fifty dollars.

For salary of Register of State Land Office, two thousand dollars. Land Office.

For the purchase of maps and plats of townships from United States Surveyor-General, three hundred dollars; and for copying the same for use of County Surveyors and State Locating Agents, two hundred and fifty dollars.

For salary of Clerk and Draughtsman in State Land Office, forty-two hundred dollars.

For rent of office for Surveyor-General and Land Office, six hundred and sixty dollars.

For postage and expressage in the State Land Office, two hundred and fifty dollars.

For salaries of Porters in State Land Office, and in Surveyor-General's office, each, one hundred and fifty dollars.

For binding books, and contingent expenses in State Land Office, one hundred dollars.

For survey of State Prison Grounds, and making map of same, one hundred and fifty dollars.

State  
Library.

For salary of State Librarian, two thousand five hundred dollars.

For pay of Porter for State Library rooms, nine hundred dollars.

For postage and expressage for State Library, two hundred dollars.

Board of  
Examiners.

For pay of Clerk of Board of Examiners, six hundred dollars.

For pay of Expert to Board of Examiners, six hundred dollars.

Supreme  
Court.

For salaries of Justices of Supreme Court, twenty-six thousand five hundred dollars.

For pay of Bailiff of the Supreme Court, nine hundred dollars.

For rent of Supreme Court rooms, two thousand dollars.

For salary of Secretary of the Supreme Court, eighteen hundred dollars.

For salary of Reporter of Supreme Court, four thousand dollars.

For each three hundred copies of the Supreme Court Reports, as provided by law, two thousand dollars.

District  
Judges.

For salaries of District Judges, eighty thousand dollars.

Transport-  
ing prisoners

For transportation of prisoners to the State Prison, twenty-five thousand dollars.

For per diem and mileage of Lieutenant-Governor and Senators, forty-five thousand dollars.

Legislature.

For per diem and mileage of Members of the Assembly, ninety thousand dollars.

For pay of officers and Clerks of the Senate, fifteen thousand dollars.

For pay of officers and Clerks of the Assembly, seventeen thousand dollars.

For contingent expenses of the Senate, four thousand dollars.

For contingent expenses of the Assembly, six thousand dollars.

Printing.

For printing, paper, and official advertisements, forty thousand dollars.

Asylums.

For support of the State Asylum for the Insane, eighty-four thousand dollars.

For salary of Resident Physician of the Insane Asylum, five thousand dollars.

For salary of Assistant Physician of the Insane Asylum, three thousand dollars.

Rent.

For rent of State House, five thousand dollars.

For rent of State Library rooms, one thousand dollars.

Adjutant-  
General.

For salary of Adjutant-General, four thousand dollars.

For rent of office of Adjutant-General, four hundred and twenty dollars.

For rent of State Arsenal, three hundred dollars.

For pay of Clerk in office of Adjutant-General, eighteen hundred dollars.

For pay of additional Clerk hire in the office of Adjutant-General, twenty-two hundred dollars.

For cleaning and repairing arms, cartage, and transportation of arms, eighteen hundred dollars.

For postage and expressage for Adjutant-General's office, three hundred dollars.

For pay of Porter in the Adjutant-General's office, two hundred dollars.

For contingent expenses of Adjutant-General's office, one hundred dollars.

For salaries of Stamp Inspectors, three thousand dollars.

Stamp Inspectors.

For the education and care of the indigent Deaf, Dumb, and Blind, in accordance with the provisions of an Act, approved March twenty-ninth, eighteen hundred and sixty-one, fifteen thousand dollars.

Deaf, Dumb, and Blind.

For the support of State Prison, to be expended under the direction of the State Prison Directors, fifty thousand dollars.

State Prison.

For the support of the State Reform School, fifteen thousand dollars.

For the support of Common Schools in this State, the sum of thirty-three thousand two hundred and eighty-six dollars and fifty cents; one half thereof to be distributed semi-annually, as provided by law for the distribution of school moneys; being the same amount due from the State to the School Fund for interest on the receipts from the sale of School Lands.

Common Schools.

For postage, expressage, and telegraphing, for Governor's office, two hundred dollars.

Governor's office.

For support of the State Normal School, six thousand dollars.

Normal School.

For the Magdalen Asylum, three thousand dollars.

For the San Francisco Ladies' Protection and Relief Society, three thousand dollars.

Asylums, etc.

For the Home for the Care of the Inebriate, three thousand dollars.

For the San Francisco Protestant Orphan Asylum, six thousand dollars.

For the San Francisco Female Catholic Orphan Asylum, six thousand dollars.

For the Male Orphan Asylum in Marin County, two thousand dollars.

For the Roman Catholic Orphan Asylum of Los Angeles, two thousand dollars.

For the support of the Roman Catholic Female Orphan Society in Santa Barbara, one thousand dollars.

For the Ladies' Patriotic Fund of the Pacific, two thousand dollars.

For the Sacramento Howard Benevolent Association, two thousand dollars.

The Trustees of said Asylums are hereby required to report to the Legislature, on or before the twentieth day of December next, a detailed statement of the expenditure of these respective appropriations, with the number of orphans, and others, who

Trustees to report.

have been inmates of said Asylums, severally, during the year ending at the date of their reports.

**Agricultural Societies.** The following sums are hereby appropriated for the benefit of Agricultural Societies, only in payment of premiums :

For the use of the California State Agricultural Society, four thousand dollars.

For the use of the Northern District Agricultural and Mechanical Society, two thousand dollars.

For the use of the San Joaquin Valley District Agricultural and Mechanical Society, two thousand dollars.

For the use of the San Francisco Bay District Agricultural and Mechanical Society, two thousand dollars.

For the use of the San Pablo Bay District Agricultural and Mechanical Society, two thousand dollars.

For the San Francisco Mechanics' Institute, two thousand dollars.

For the use of each County Agricultural and Mechanical Society, five hundred dollars.

**Warrants.  
Duty of  
Controller.**

The Controller of State is hereby directed and required to draw his warrant upon the State Treasurer in favor of the Treasurer of each Society herein mentioned, for the amount herein respectively appropriated to such Society, upon the requisition of such Treasurer, accompanied by a certificate, duly signed and authenticated by the President and Secretary of such Society, to the effect that a Fair has been held, that the amount of the appropriation to such Society has been offered in premiums, and that awards have been made, and that the same have become due and payable; *provided*, said warrants shall not be drawn for the money appropriated by this section to the Agricultural and Mechanical Societies therein mentioned, or any part thereof, unless the Society applying for the same shall have raised an equal amount, and appropriated the same to like purposes; and the Controller of State may require proof, by affidavit of the President of such Society, to the effect that such amount has been raised by the Society, and appropriated as aforesaid, before issuing his warrant.

**Stationery,  
etc.**

SEC. 2. All stationery, blank books, lights, and fuel, required by the Supreme Court and State officers, shall be furnished by the Secretary of State, upon the order of the Judges or officers requiring the same. The Secretary of State shall furnish, under oath, to the Legislature a statement, at the time he makes his annual reports, showing the cost of the articles furnished the Judges of the Supreme Court and State officers. The stationery, lights, and fuel, furnished by the Secretary of State, shall be procured by him as now required by law for stationery, lights, fuel, etc., for the Legislature.

**Contingent  
Funds.**

SEC. 3. The sums herein appropriated as Contingent Funds of the Senate and Assembly, shall be disbursed under the direction of the bodies to which they may respectively belong, and shall not, nor shall the sum appropriated to the State Insane Asylum, be subject to any of the provisions of an Act entitled an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight. The Controller shall draw his warrants upon

**Exemption  
of appro-  
priation.**



the Treasurer for the monthly expenses of the State Insane Asylum, upon the order of the Trustees of said Asylum; *provided*, the same shall not exceed the sum appropriated by this Act.

SEC. 4. No officer drawing money under the provisions of this Act shall be permitted to contract any debts or liabilities beyond the amount herein appropriated. Restrictions.

SEC. 5. The various State officers, except the Governor, to whom appropriations, other than salaries, are made under the provisions of this Act, shall, with their annual report, submit a detailed statement, under oath, of the manner in which all appropriations to their respective offices, for rent of office, contingent expenses, or other purposes, other than salaries, have been expended; *provided*, that no officer shall use or appropriate any money for any purpose whatever, unless authorized so to do specifically by law. Reports of State officers.

CHAP. CCCXLIX.—*An Act to amend an Act entitled an Act to provide for the Reclamation and Segregation of Swamp and Overflowed, and Salt Marsh, and Tide Lands, donated to the State of California by Act of Congress, approved May thirteenth, eighteen hundred and sixty-one.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. E. H. Allen, of San Joaquin, B. B. Redding, of Sacramento, Phillip E. Drescher, of Sutter County, M. M. Richardson, of Solano County, and John Hoagland, are hereby appointed a Board of Commissioners for the reclamation of Swamp and Overflowed Lands belonging to this State. Said Commissioners shall hold their office for the term of one year, and until their successors shall be elected by the Senate and Assembly in Convention. The Commissioners to be elected by the Senate and Assembly in Convention shall hold their office for two years, and until their successors are elected and qualified. In case any of the Commissioners named in this Act fail to qualify, or if a vacancy occur from death, resignation, or otherwise, the Governor shall appoint some one to fill the vacancy. Board of Commissioners.  
Term of office.  
Election.

SEC. 2. Section seven of said Act is hereby amended so as to read as follows:

Section 7. Upon the adoption of a plan and specifications for the construction of the work, the Board of Commissioners shall cause a duplicate to be placed on file in the County Clerk's office of one of the counties in which the said district is situate, and give notice by publication in a newspaper published in the county, for a period of thirty days, if a newspaper be published in the county, and if none be published therein, then in a news- Proposals.

paper published in an adjoining county, that the plans and specifications can be seen at the County Clerk's office, and that the Board of Commissioners are prepared to receive sealed proposals for the construction of such work in accordance with the plans and specifications, and that the same will be let to the lowest responsible bidder, stating the time and place said proposals will be received and opened; the time shall be at least thirty days from the first publication of said notice.

SEC. 3. Section eight of said Act is hereby amended so as to read as follows:

Contracts.

Section 8. All contracts let under the provisions of this Act shall be let in sections corresponding in length with the frontage of each owner's land, and the Commissioners shall award said contracts to the lowest responsible bidder, but shall have power to reject any and all bids, if deemed too high, and advertise again for proposals; *provided*, that should there be two or more bids of equal amount, the contract shall be let to the owner of the land on which said levee is to be built; and, *provided*, that said owner is one of the bidders. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the Board of Commissioners, payable to The State of California, for the use of said Swamp Land District, for double the amount of the contract price, conditioned for the faithful performance of said contract.

Bond.

SEC. 4. Section ten of said Act is hereby amended so as to read as follows:

Payments.

Section 10. When any given portion of the work under contract has been completed, and such portion has been approved by the Engineer and by the Board as being in accordance with the terms of the contract, the Board may, by a vote, approve the account for said completed portion of the work, and certify said account for fifty per cent of the amount to the State Board of Examiners, and on the approval of the Board of Examiners, the Controller shall draw his warrant on the Treasurer, payable out of the Fund of the district, for the said fifty per cent of the amount of the account so approved. When the whole work has been completed in accordance with the terms of the contract, the Board shall certify that the whole work has been performed in accordance with the terms of the contract, whereupon the Controller shall draw his warrant on the District Fund in favor of the contractor for the remaining balance on the account then due. The warrants drawn by the Controller on the Fund of a District shall be payable out of any money in the State Treasury belonging to the Fund of said district, or it shall be received by the Tax Collector in payment of the tax authorized to be levied for the construction of levees and other work of reclamation in said district, or it shall be received by County Treasurers in payment for the interest due on Swamp Lands within the district, or in payment of the purchase of Swamp Lands within the district; *provided*, always, that a warrant drawn on the Fund of the district shall not be received in payment for the tax, interest, or purchase money due on lands in any other district.

SEC. 5. Section eleven of said Act is hereby amended so as to read as follows:

Section 11. No contract shall be considered as complete until after it has been approved by the Engineer, and the work shall not be accepted by the Board, if objections be made thereto, until after an examination and report of a committee of not less than two members. Completion of contracts.

SEC. 6. Section twelve of said Act is hereby amended so as to read as follows:

Section 12. The Commissioners mentioned in this Act shall each receive a compensation of seventy-five dollars per month, and the Commissioner who shall be elected Secretary shall receive an additional compensation of twenty-five dollars per month for his services as such Secretary, payable from the Swamp Land Fund. The Civil Engineers, to be selected by the Board, shall receive as compensation for their services in surveying, measuring, levelling, and making estimates, a reasonable sum, to be allowed by the Board of Commissioners, which in no case shall exceed six dollars per day for the time actually employed; and the Board may also allow a reasonable compensation to such assistants as they may require; *provided*, that in no case shall it exceed four dollars per day, and the sum so paid the Engineers and their assistants shall be a part of the charges in the estimates of total cost of the reclamation of the particular district of land surveyed. Pay of Commissioners, Engineers, and Assistants.

SEC. 7. Nothing in this Act, or the one to which this Act is amendatory of, shall be construed so as to authorize the Commissioners created by this Act to permit a re-survey of any Swamp Land District heretofore surveyed by authority of the Board of State Swamp Land Commissioners, unless a re-survey is demanded on petition of the owners of at least one half of the Swamp and Overflowed Land in a district where a re survey is desired. Re-surveys.

SEC. 8. Swamp Land District Number Two is hereby exempted from the provisions of this Act, also the Act to which this Act is amendatory and supplementary. Exemption.

CHAP. CCCL.—*An Act to amend an Act entitled an Act amendatory of Article Fourth of an Act entitled an Act to repeal the several Charters of the City and County of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing Sections Thirty-Six to Sixty-Four inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said Article Four, approved April twenty-fifth, eighteen hundred and sixty-two.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section four is amended to read as follows:

Section 4. The Board of Supervisors may order any work authorized by section three of this Act to be done, after notice Powers of Supervisors

of their intention so to do, in the form of a resolution, describing the work, and signed by the Clerk of said Board, has been published for a period of ten days; and it shall not be lawful for any property owner to become exempt from assessment by the performance after the first publication of the said notice of intention of any work included in such notice. At the expiration of any notice of intention, as herein before provided, the Board of Supervisors shall be deemed to have acquired jurisdiction to order any of the work to be done, or to be afterward improved, which is authorized by section three of this Act; and all owners of lands or lots, or portions of lots, who may feel aggrieved, or who may have objections to any of the subsequent proceedings of the said Board in relation to the work mentioned in such notices of intentions, shall file with the said Clerk a petition or remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object. Said petition or remonstrance shall be passed upon by the said Board of Supervisors, and their decisions thereon shall be final and conclusive. The owners of more than one half in frontage of the lots and lands fronting on the work proposed to be done and designated in said resolutions, may make written objections to grading and to piling, capping and planking, within ten days after the first publication of said resolution of intention; said objections shall be delivered to the Clerk of said Board of Supervisors, who shall indorse thereon the date of the reception by him, and such objections, so indorsed, shall be a bar to any further proceedings in relation to said grading for a period of six months, unless the owners aforesaid shall sooner petition for said grading to be done; *provided*, that when one half or more of the grading of any street lying between two main street crossings has been already performed, the Board of Supervisors may order the remainder of such grading to be done, notwithstanding the objections of any property owners. Before passing any order for the construction of sewers, plans, specifications, and careful estimates shall be furnished to the said Board of Supervisors by the Superintendent of the Public Streets and Highways of the City and County of San Francisco, if required by them.

SEC. 2. Section seven is amended to read as follows:

Section 7. The Superintendent of Public Streets and Highways is hereby authorized, in his official capacity, to enter into all written contracts, and to receipt all bonds authorized by this Act, and to do any other acts, either expressed or implied, that pertain to the Street Department under this Act; and said Superintendent shall fix the time for the commencement and completion of the work under all contracts entered into by him, and may extend the time so fixed from time to time under the direction of the Board of Supervisors. And in all cases where the Superintendent, under the direction of said Board, has extended the time for the performance of contracts, the same shall be held to have been legally extended. And whenever, in any contract heretofore made, the said Superintendent has fixed the time for doing the work, or has extended the same, such acts shall be deemed and held to have been legally done, and it shall so be held in all the Courts of this State; but this pro-

Aggrieved parties.

Proviso.

Powers and duties of Superintendent of Streets.

vision shall not apply to any contracts the work under which has not been commenced. The work provided for in section three of this Act must, in all cases, be done under the direction and to the satisfaction of the Superintendent, and the materials used shall be such as are required by the said Superintendent; and all contracts made therefor must contain this condition, and also express notice that in no case, (except where it is otherwise provided in this Act,) will the city and county be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The assessment and apportionment of the expenses of all such work, in the mode herein provided, shall be made by the said Superintendent of Public Streets and Highways.

SEC. 3. Section eight is hereby amended to read as follows:

Section 8. *One*—The expense incurred for any work authorized by section three of this Act, shall be assessed upon the lots and lands fronting thereon, except as hereinafter specially provided, each lot or portion of lot being separately assessed, in proportion to its frontage, at a rate per front foot sufficient to cover the total expense of the work.

*Two*—The expense of all improvements (except such as done by contractors under the provisions of section fourteen of this Act) until the streets, street crossings, lanes, alleys, places, or courts, are finally accepted, as provided in section twenty-one of this Act, shall be assessed upon the lots and lands as provided in this section, according to the nature and character of the work, and after such acceptance, the expense of all work thereafter done thereon shall be paid by said city and county out of the Street Department Fund, and if said Fund shall not be sufficient to defray such expenses, the Board of Supervisors may transfer from the General Fund to the Street Department Fund sufficient money to meet any deficiency.

*Three*—The expense of work done on main street crossings, excepting such as are provided for in subdivision eight of this section, shall be assessed upon the four quarter blocks adjoining and cornering on the crossing; and each lot or part of a lot, in such quarter blocks, fronting on such main streets, shall be separately assessed, according to its proportion of frontage on the said main streets.

*Four*—Where a main street terminates at right angles in another main street, the expense of the work done on one half the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets, and the expense of the other half of the width of said street upon the lots fronting on the latter half of the street opposite such termination.

*Five*—Where any small or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all the lots or portions of lots half way on said small streets to the next crossing, or intersection, or to the end of said small or subdivision street, if it does not meet another.

*Six*—The expense of work done on the small or subdivision street crossings, shall be assessed upon the lots fronting upon such small streets on each side thereof, in all directions, half

way to the next street, place, or court, on either side, respectively, or to the end of such street, if it does not meet another.

**Small streets.** *Seven*—Where a small street, lane, alley, place, or court, terminates in another street, lane, alley, place, or court, the expense of the work done on one half of the width of the street, lane, alley, place, or court, opposite the termination, shall be assessed upon the lots fronting on such small street, lane, alley, place, or court so terminating, according to its frontage thereon, half way on each side, respectively, to the next street, lane, alley, place, or court, or to the end of such street, lane, alley, place, or court, if it does not meet another, and the other one half of the width upon the lots fronting such termination.

**Official map.** *Eight*—The map now in the office of the said Superintendent of Public Streets and Highways, showing the street crossings or spaces formed or made by the junction or intersection of other streets with Market street, also showing other street crossings adjoining fractional or irregular blocks, (all which said crossings or spaces are colored on said map, and numbered from one to seventy, inclusive,) and heretofore certified by said Superintendent, and adopted by a resolution of the Board of Supervisors, Number Fifteen Hundred and Seventy-Eight, approved on the sixteenth day of December, eighteen hundred and sixty-one, which resolution is copied on the face of said map, shall be deemed and held to be an official map for the purposes of this Act, and the same is hereby approved; and the expenses incurred for work done on the said crossings or spaces formed by the junction and intersection of East street with Market street, and of other streets with Market street, on the northerly side of the same, and not squarely in front of and not properly assessable to lots fronting on such streets, and for work done on said other street crossings and spaces, all of which are colored on said map, shall be assessed on the contiguous, adjacent, and neighboring irregular or quarter blocks or lots of land which are of the same color as the crossings or spaces, and which have a number thereon corresponding with the number of the crossing or space on which the work has been done.

**Expenses.**

**Assessments.**

**Water front.** *Nine*—In all the streets constituting the water front of the City and County of San Francisco, or bounded on one side by the property of said city and county, or crossings cornering thereon, or on the water front, the expense of work done on that portion of said streets, from the centre line thereof to the said water front, or to such property of the city and county bounded thereon, and of one fourth of their crossings shall be provided for by the said city and county; but no contract for any such work shall be given out except to the lowest responsible bidder, after an observance of all the formalities required by this Act.

**Work on streets.** *Ten*—Where any work mentioned in section three of this Act (sewers, manholes, cesspools, culverts, crosswalks, crossings, curbing, grading, piling, and capping excepted) is done on one side of the centre line of said streets, lanes, alleys, places, or courts, the lots or portions of lots fronting on that side only in front of which said work is done shall be assessed to cover the expenses of said work according to the provisions of this section.

*Eleven*—The assessment made to cover the expenses of the grading mentioned in the proviso in section four of this Act, shall be assessed upon all the lands, lots, and portions of lots, fronting on either side of said street, lying and being between the said main street crossings, in the manner provided in subdivision one of this section. Before any work is done under a contract to complete the grading of a partially graded street, lane, alley, place, or court, under the provisions of section four of this Act, the City and County Surveyor shall ascertain as near as possible the number of cubic yards of grading done previous to the letting of the contract in front of each lot or parcel of land fronting upon the work under contract, and also, ascertain the number of cubic yards of grading necessary to complete the grading included in the contract, and certify such estimates to the Superintendent of Public Streets and Highways before the completion of the work included in the said contract. And when any owner of a lot or lots fronting on said partially graded street, lane, alley, place, or court, has graded a part of the same, and such grading in cubic yards or measurement equals the proportional amount of grading which such owner would be obliged to do if no grading had been done on such street, lane, alley, place, or court, then such owner and his lot or lots shall be exempted from assessment for the remaining work. And if the grading done by such owner is less than his proportional share, then the work required to be done in front of his lot or lots, according to the original profile of the land previous to any grading thereon shall be included in the assessment, and the work he shall be determined to have done at his own expense shall be credited to him at the contract rate; *provided*, that in making the assessment to cover the expense of any work mentioned in this section, the said Superintendent may deviate from its provisions, and assess such lots and lands fronting on any street, lane, alley, place, or court, as he may decide liable to assessment for said work, which decision may be appealed from as hereinafter provided.

Assessments

Owners may grade, etc.

Proviso.

*Twelve*—Section one of an Act entitled an Act amendatory of and supplementary to an Act to provide revenue for the support of the government of this State, approved April twenty-ninth, eighteen hundred fifty-seven, approved April nineteenth, eighteen hundred and fifty-nine, shall not be applicable to the provisions of this section, but the property therein mentioned shall be subject to the provisions of this Act, and to be assessed for work done under the provisions of this section.

Section of an Act not applicable.

SEC. 4. Section eleven is hereby amended to read as follows:

Section 11. The contractor, or his Agent, or assigns, shall call upon the persons so assessed, or their Agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor or his Agent shall receipt the same upon the assessment, in presence of the person making such payment, and shall also give a separate receipt, if demanded. Whenever the persons so assessed, or their Agents, cannot conveniently be found, or whenever the name of the owner of the lot is stated as "unknown" on the

Payments to contractors.

assessment, then the said contractor, or his Agent, or assigns, shall publicly demand payment on the premises assessed; the warrant shall be returned to the Superintendent within ten days after its date, with a return indorsed thereon, signed by the contractor, or his Agent, or assigns, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof; thereupon the Superintendent shall record the return so made, in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded at full length in a book to be kept for that purpose in his office, and shall sign the record. All warrants, assessment lists, and diagrams, heretofore issued or delivered by said Superintendent to any person or persons, shall be returned to said Superintendent within sixty days from and after the approval of this Act, and in all cases where warrants shall not be returned within the sixty days limited as aforesaid, any liens created thereby shall be and are hereby released and discharged, as if the same had been paid; *provided*, however, that in case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which a return may be made. The Superintendent is authorized at any time to receive the amounts due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; and he may release any assessment upon the books of his office on the production to him of the receipt of the party, or his assigns, to whom the assessment and warrant was issued; and if any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed.

Provided.

SEC. 5. Section twelve is amended so as to read as follows:

Aggrieved parties.

Section 12. The owner, contractor, or his assigns, and all persons directly interested in any work provided for in this Act, or in the said assessment, feeling aggrieved by any of the acts or determinations aforesaid of the said Superintendent in relation thereto, or having or making any objection to the correctness or legality of the assessment, shall, within fifteen days after the date of the warrant, appeal to the Board of Supervisors, as provided in this section, by briefly stating their objections in writing, and filing the same with the Clerk of said Board. Notice of the time and place of the hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts or determinations objected to or complained of, shall be published for five days. The said Board may correct, alter, or modify said assessment in such manner as to them shall seem just, and may instruct and direct the Superintendent to correct said warrant, assessment, or diagram in any particular, and to make and issue a new warrant, assessment, and diagram, to conform to the decisions of said Board in relation thereto, at their option. All the decisions and determinations of said Board upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to an appeal under the provisions of this section as to all errors and irregularities which said Board could have remedied and avoided. The said warrant,

Hearing.



assessment, and diagram, shall be held prima facie evidence of the regularity and correctness of the assessment, and of the prior proceedings and acts of the said Superintendent, and of the regularity of all the acts and proceedings of the Board of Supervisors upon which said warrant, assessment, and diagram are based.

SEC. 6. Section thirteen is amended so as to read as follows, to wit:

Section 13. At any time after the period of fifteen days from Appeal. the day of the date of the warrant as hereinbefore provided, or if an appeal is taken to the Board of Supervisors, as is provided in section twelve of this Act, any time after five days from the decision of said Board, or after the return of the warrant or assessment, after the same may have been corrected, altered, or modified, as provided in section twelve of this Act, (but not less than fifteen days from the date of the warrant,) the contractor or his assignee may sue, in his own name, the owner of the lands, lots, or portions of lots assessed, on the day of the date of the recording of the warrant, assessment, and diagram, or on Action against owners. any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining due and unpaid. Suit may be brought in any Court in said city and county having jurisdiction of the amount to recover which suit is brought; said Courts are hereby clothed with jurisdiction to hear and determine such actions. The said warrant, assessment, and diagram, with the affidavit of demand and non-payment, shall be prima facie evidence of such indebtedness, and of the right of the plaintiff to recover in the action. The Court in which suit shall be commenced shall have power to adjudge and decree a lien against the premises assessed, and to order such premises to be sold on execution, as in other cases of sale of real estate by process of said Courts; and on appeal, the Appellate Court shall be vested with the same power to adjudge and decree a lien, and to order to be sold such premises on execution or decree, as is conferred on the Court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits now pending, or hereafter to be brought, to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this Act, and also, when not in conflict herewith, by the Civil Practice Act of this State. This Act shall be liberally construed to effect the ends of justice.

SEC. 7. Section twenty-one is amended to read as follows:

Section 21. When any street or portion of a street has been Acceptance of work. or shall hereafter be constructed to the satisfaction of the Committee on Streets, Wharves, and Public Buildings, of the Board of Supervisors, and the Superintendent of Public Streets and Highways, under such regulations as said Board shall adopt, the same shall be accepted by the Board of Supervisors, and thereafter shall be kept open and improved by the said city and county, the expense thereof to be paid out of the Street Department Fund; Proviso. provided, that the Board of Supervisors shall not accept of any portion of the street less than the entire width of the roadway (including the curbing, and one block in length, or one entire crossing.) The Superintendent of Public

Streets and Highways shall keep in his office a register of all accepted streets, the same to be indexed so that reference may be easily had thereto.

Sec. 8. Section twenty-two is amended so as to read as follows:

Superintendent.

Section 22. The said Superintendent shall keep a public office in some convenient place, to be designated by the Board of Supervisors, and his office shall be kept open as in this Act required. He shall not, during his continuance in office, follow any other profession or calling, but shall be required to devote himself exclusively to the duties of his office. He shall be allowed, at the discretion of the Board of Supervisors, not less than three nor more than six Deputies, to be by him appointed from time to time; three of said Deputies shall receive a salary not exceeding one hundred and fifty dollars each, and three a salary not exceeding one hundred and twenty-five dollars, per month. It shall be lawful for the said Deputies to perform all or any of the duties conferred by this Act upon the Superintendent of Public Streets and Highways, under the direction of the said Superintendent, except the acceptance or approval of work done. The Superintendent of Public Streets and Highways, or his Deputies, shall superintend and direct the clearing of all sewers in the public streets, and the expense of the same shall be paid out of the Street Department Fund, in the same manner as provided for the improvements of streets that have been finally accepted as in this Act provided.

Deputies.

Duties.

Sec. 9. Section twenty-four of said Act is hereby amended to read as follows:

Damages to persons, etc.

Section 24. No recourse shall be had against said city and county for damage to person or property suffered or sustained by or by reason of the defective condition of any street or public highway of said city and county, whether originally existing, or occasioned by construction, excavation, embankment, or want of repair of such street or public highway, and whether such damage be occasioned by accident on said street or public highway, or by falling from or upon the same. But if any person, while carefully using any street or public highway of said city and county, graded, or in course of being graded, or carefully using any other street or public highway leading into or crossing the same, be injured, killed, lost, or destroyed, or any horses, animals, or other property, be lost, injured, or destroyed, through any defect in said street or public highway, graded, or in course of being graded as aforesaid, or by reason of any excavation or embankment in or of the same, or by falling from or upon such embankment or excavation, then the person or persons upon whom the law may impose the duty either to repair such defect or to guard the public from the excavation, embankment, or grading aforesaid, and also the officer or officers through whose official neglect such defect remained unrepaired, or said excavation or embankment remained ungraded, as aforesaid, shall be jointly and severally liable to the person or persons injured for the damages sustained.

Liabilities of officers.

Supervisors may order improvements.

Sec. 10. The Board of Supervisors, upon receiving a petition for that purpose from the owners of a majority of the property on any one or more blocks, estimating the property by the

front foot, in that portion of the City and County of San Francisco lying west of Larkin street and southwest of Ninth street, may order the grading or other improvement of such street or streets in accordance with the prayer of the petitioners, and without reference to the official width or grade of such street or streets, and in the same manner as other street improvements provided for in this Act; *provided*, that no street shall be raised above or cut below the official grade.

SEC. 11. This Act shall take effect from and after its passage.

CHAP. CCCLI.—*An Act concerning Roads and Highways in the County of Plumas.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All roads in the County of Plumas shall be considered as public highways which are now used as such and have been declared such by order of the Court of Sessions or Board of Supervisors, or which may be declared such hereafter by the Board of Supervisors of said county. Public highways declared.

SEC. 2. Applications to lay out, alter, or discontinue public or private roads within the county shall be made by petition, addressed to the Board of Supervisors, in writing, and shall state, with particularity, the starting point, the course, and terminus thereof, if a new road; and if an alteration, change, or discontinuance of an established road, such proposed change shall be set forth in like manner. Due notice of the presentation of a petition for a new road shall be given by posting a notice at the Court House door of the county, and at a public place nearest the starting point of the proposed road, not less than ten days before the hearing of said petition by the Board of Supervisors. If the petition is for a change or a discontinuance of any road, then by notifying, in writing, all parties who own or occupy the land over which the proposed road will be located, and the parties being on the line of said road proposed to be changed or discontinued. If the owner of the land is a non-resident of the county, and his residence and name known, then by placing a notice in the Post Office, directed to such owner, twenty days before the application shall be acted upon by the Board of Supervisors. The notice herein prescribed shall be in writing, signed by some one of the petitioners, and a verified copy of the notice shall be evidence thereof. If no objections are made to the granting of the prayer of the petitioners on its presentation and action had thereon by the Board of Supervisors, they shall appoint three Viewers, to view out and locate the proposed road on the most practicable route, having a due regard to the quality of the ground, and the intermediate points proposed to be changed by the petitioners, also the rights of all parties interested therein. Said Viewers shall, as soon as Applications to lay out, alter, etc. Viewers.

- Duties.** practicable, or at such time as the Board may direct, report to the Board of Supervisors, in writing, under oath, setting forth, specifically, the objections made by any parties affected by said alterations, and the amount of damage that will be sustained by any person by reason of laying out or changing said road. Upon such a report being made, the Board of Supervisors shall hear and determine all questions touching its location, and if decided against the party objecting to the location or change, he or they shall pay all costs; if against the petitioner or petitioners, he or they shall pay all costs. Parties aggrieved by the decision of the Board of Supervisors in the location, change, or alteration of the same, shall have the right of appeal to the County Court, (within the time and manner provided for appeals from judgments rendered in the Court of a Justice of the Peace,) where the matter shall be heard anew and determined; *provided*, that in all cases where a viewing and survey, or either, of a new or old road shall be required, the Board of Supervisors may require the party or parties asking the same to pay or secure the payment of the costs thereof, and in like manner may require the payment or security for payment of all costs for opposing the establishing, alteration, or closing up of any road; and on a final determination of the matter, may order the defeated party or parties, if an appeal be not taken to the County Court, to pay to the other party or parties all costs by him or them paid; and if such costs be not paid on the order of said Board, the party or parties to whom the same are due may sue for and recover the same in any Court of competent jurisdiction. If an appeal be taken to the County Court, such costs shall be recovered by the prevailing party or parties, in the like manner as costs on appeal are recovered.
- Aggrieved parties.**
- Appeal.**
- Hearing.**
- Costs.**
- Bond of petitioners.** SEC. 3. The Board of Supervisors may, in their discretion, refuse to locate or change any road petitioned for, in pursuance of section two of this Act, wherein damages may be claimed, or there is a probability that such may be awarded by the Supervisors of the county, or County Court, in the event that the prayer of the petitioners is granted, unless the petitioners shall execute a bond to The County of Plumas, signed by two or more sureties, conditioned for the payment of damages and costs awarded by the Board of Supervisors, or the County Court, in said cases, which bond shall be approved by the Board of Supervisors. The foregoing bond need not be executed unless the Board of Supervisors shall cause to be entered on their journals of proceedings an order requiring the petitioners to execute the same. In case said bond is not required, and the Board of Supervisors shall become satisfied that the public good requires that the prayer of said petitioners should be granted, and that such damages are just and reasonable, and the party or parties claiming damages are willing to accept the same in full satisfaction of such damages, the Board may order such damages to be paid out of the County Road Fund, or Contingent Fund, or Township Road Fund, in which the improvement is sought to be made. The Board shall require the party or parties to give a receipt for the same, and to execute a deed, or an easement, for the land used for road purposes, to the Board of Supervisors, for the benefit of the county, on or before the payment of the
- Damages.**

damages awarded to them. In all cases arising under this Act in which damages are claimed, the Board of Supervisors shall pay no regard to any evidence elicited in such cases relative to damages, unless the same is given under oath. The Board of Supervisors shall always take into consideration the advantage the proposed road will be to the party or parties claiming damages.

SEC. 4. Private roads may be laid out in the same manner as public roads, except the expense of laying out the same, and the damages to be paid in consequence thereof, if any, shall be borne and paid by the parties petitioning for the same. The width of private roads shall not exceed forty feet; all private roads shall be opened and kept in repair by the parties for whose benefit the same was laid out, and said parties shall cause good and substantial gates to be erected, and kept in repair, across said road, where it shall pass through any fence that may surround the inclosure through which such road may pass. Width of private roads

SEC. 5. All public highways hereafter laid out shall not be less than the width of sixty feet, nor more than eighty feet. Width of public roads

SEC. 6. Any person willfully obstructing any public or private road, by fencing across the same, or changing the same in any manner, without first having proceeded to change the road in the manner hereinbefore set forth, or shall obstruct any public road, by felling any tree across the same, or by placing any other obstruction therein, or shall injure any bridge, or cause-way, or remove any portion thereof, or by damming, digging, or deepening, a creek, or river, or its banks, so as to destroy a ford or crossing, or dig a ditch, and not bridge the same the full width of the road, within twenty-four hours thereafter, by placing good and substantial timbers across the same, not exceeding six feet apart, and planking the same with planks not less than three inches in thickness and twelve feet in length, unless permission shall have been granted by the Road Overseer of the district to build the bridge of a less size, but in no case to be less than fourteen feet in width, or shall ride or drive faster than a walk over any bridge on any public road, the length of which is over twenty-five feet, shall be guilty of a misdemeanor, and be liable to a prosecution before any Justice of the Peace, by any Supervisor of the County, or Overseer of the Road District, on behalf of The People of the State of California, and on conviction thereof, shall be fined in any sum not exceeding two hundred dollars, and the judgment of the Justice may require that the person be imprisoned in the County Jail until the fine be paid, at the rate of one day for every two dollars fine; after deducting the cost of prosecution, the balance of the fine shall be paid into the County Treasury, to the credit of the County Road Fund. Obstructions Penalties.

SEC. 7. The Board of Supervisors shall have the power to order any testimony introduced before them, on the hearing of any petition for the granting of a franchise for ferries, bridges, toll roads, or any public highway, to be taken in writing, and the petitioner or petitioners shall pay the cost of the same, at the rate of not less than ten cents nor more than twenty-five cents per folio; and on a final determination of the matter, the Board may order the petitioner or petitioners to pay the party Hearing of petition.

taking down the testimony said costs, and if not paid on the order of the Board, the party to whom the same is due may sue for and recover the same in any Court of competent jurisdiction.

Supervisors  
may admin-  
ister oaths.

SEC. 8. Any member of the Board of Supervisors shall have power to administer an oath to any witness testifying in cases pending before said Board; they shall have power to make, from time to time, such rules regulating the procedure of parties in cases contested before them that are not inconsistent with the Constitution and laws of this State.

Road  
Districts.

SEC. 9. It shall be the duty of the Board of Supervisors to divide the several townships in said county into one or more Road Districts.

Road tax.

SEC. 10. The Board of Supervisors of Plumas County shall have power to levy a road tax on all able bodied men between the ages of twenty-one and fifty years, which tax shall not exceed the sum of four dollars per annum, payable in cash; said tax shall be levied by the Board of Supervisors annually, in the month of May, for the succeeding year, which tax, so levied, shall be due and payable on and after the first Monday of May thereafter.

Collector.

SEC. 11. The Board of Supervisors shall, annually, in the month of June, appoint one responsible person in each township as Road Tax Collector, who shall be a resident thereof, and shall give bonds in such sum as the Board may require for the faithful performance of his duties. Said Collector shall collect the road tax levied in accordance with section ten of this Act. He shall enter upon the duties of his office on the first Monday of June of each year, and continue in office until the first day of May following, unless sooner removed by the Board of Supervisors for good cause shown. Said Board shall have power to remove and fill vacancies at any regular session. The Collector of each township shall, immediately after entering upon the duties of his office, proceed and collect said road tax from each and every person liable to pay such tax living within such township and failing to perform in a proper manner the duties required by this Act, he shall be deemed guilty of a misdemeanor, and be liable to a prosecution therefor, before any Justice of the Peace in said county, on complaint of any Supervisor of said county, and shall be subject to the fines and penalties as hereinafter provided for in this Act relating to Road Overseers for non-performance of their respective duties, and the same disposition shall be made of the fines collected.

Receipts.

SEC. 12. The Board of Supervisors shall cause proper blank road tax receipts to be printed, of a uniform appearance, which shall be numbered consecutively, and signed in writing by the Chairman thereof. No other receipts for road tax than the above mentioned shall be used for the payment of said tax by the Road Tax Collector.

SEC. 13. The Chairman of the Board of Supervisors, after having numbered and signed such receipts as shall be required by the Collectors for each township, shall deliver the same to the County Auditor, taking his receipt therefor.

SEC. 14. The Auditor shall sign said road tax receipts, and issue to each of the Road Tax Collectors such number of said

receipts as may be needed by him. The Auditor shall be furnished with a well bound book by the Supervisors of the county, in which he shall keep a just and true account of debit and credit with the Collector of each township. He shall draw all warrants on said Funds ordered by the Board of Supervisors. Warrants.

SEC. 15. It shall be the duty of the Collector of each township to keep a book, in which he shall enter or cause to be entered the name of each person from whom he shall collect a road tax, the year and date of the month so collected, and, as minutely as possible, in what portion of the township each tax payer resides. He shall present a written statement, under oath, to the County Treasurer, on or before the second Monday of August and November of each year, and pay over to the Treasurer all moneys collected, after deducting his per centage for the collection of the same, for which payment he shall take a receipt and a duplicate of the same from the Treasurer, and file the original with the County Auditor within five days thereafter. The Collector of each township shall, at his annual settlement in the month of December, deliver to the County Auditor all books, papers, and road tax receipts in his possession belonging to said office, or at such other times as the Board may direct, taking the Auditor's receipt therefor. All such tax receipts shall be placed to his credit in the said Auditor's account. Duties of Collector.

SEC. 16. The Board of Supervisors shall, at the May term of each year, fix, by an order to be entered on their journals of proceedings, the amount of per centage that each Collector shall receive for the collection of the District Road Tax for the succeeding year, which per centage shall not be less than ten per cent, nor more than twenty per cent, upon each dollar collected. Fees.

SEC. 17. Any person liable to pay a road tax, levied in pursuance of section ten of this Act, refusing to pay the same on demand being made by the Road Tax Collector of his district, shall be considered a delinquent, and the Collector is hereby empowered to seize upon any property belonging to said delinquent, and shall sell the same at public auction to the highest bidder, for cash, or so much thereof as shall be necessary to satisfy said delinquent road tax, and three dollars additional, as costs to the Collector for services of making such sale, after having given one hour's notice to sell the same, by a public proclamation; and in case no bidders are present, nor any bid offered for the property at the hour of sale, he shall postpone the sale from day to day, by proclamation, not to exceed five days; *provided*, that any party liable to pay a road tax, as provided in section ten of this Act, shall be allowed to pay the road tax assessed against him in labor, (at the rate of two dollars per day,) on any road in his district, at such time and place as shall be designated by the Overseer of Roads for the district in which he resides; *provided*, said labor is performed immediately upon being notified, otherwise he shall be compelled to pay his road tax in cash, and be proceeded against as provided in this Act for the collection of road taxes. The Collector shall, immediately after the sale, execute to the purchaser or purchasers of the property a certificate of sale, as is required to be given by Collection of taxes.

Proviso.

Sheriffs for sales of property under execution; and if the property so sold shall sell for more than is required to satisfy the road tax and costs, the Collector shall pay the balance to the delinquent tax payer.

Duties of  
Road  
Overseers.

SEC. 18. The Board of Supervisors shall, at the regular session of said Board, commencing the first Monday of May, in each year, appoint one or more Road Overseers in each township in said county, each of whom so appointed shall hold said office for one year, unless sooner removed by the Board of Supervisors for cause, or by resignation, or death, who shall cause all the public highways within their respective districts to be kept clear from obstructions and in good repair, causing banks to be graded, bridges and causeways to be made where the same may be necessary, to keep the same in good repair, and to renew them when destroyed; they shall have power to make use of any gravel or dirt for improving the roads, which may be necessary, from any adjacent unimproved lands; and if damage be claimed by any person or persons, the claimant or claimants shall present said claim to the Board of Supervisors, who shall ascertain, by evidence under oath, from competent witnesses, the amount of damages, and if any be allowed by the Board, they shall order a warrant to be drawn for the amount in favor of said claimant or claimants on the Township Road Tax Fund of the township from which it was taken.

Bonds.

SEC. 19. Any person appointed Road Overseer, before entering upon the duties of his office, shall execute a penal bond, in such amount as the Supervisors of the county shall direct, to The People of the State of California, conditioned for the faithful discharge of his duties, as prescribed in this Act; and failing to perform any of said duties in a proper manner, shall be deemed guilty of a misdemeanor, and be liable to a prosecution before any Justice of the Peace of said county, by any Supervisor of said county, on behalf of The People of the State of California, and on conviction thereof, shall be fined in any sum not exceeding two hundred dollars, and in default of the payment thereof, he shall be imprisoned in the County Jail until the fine be paid, at the rate of one day for every two dollars of the fine. After deducting costs of prosecution the balance of the fine shall go to the County Road Fund.

Duties.

Compensation.

SEC. 20. The Road Overseer shall receive, as compensation for his services while actually engaged in the performances of his duties as Overseer, such an amount per day as the Board of Supervisors shall fix, by order, at the May session of said Board in each year, not exceeding four dollars per day. He shall not retain or appropriate to his own use, as payment for his services as Overseer, any moneys appropriated and placed in his hands by the Board of Supervisors to be expended for road purposes, but shall present his account in writing to the Board for adjustment, which account shall specifically set forth, under oath, the number of days employed, the date of the month of each day so engaged. He shall, annually, on or before the second Monday in November, make final settlement for the term of his office, and pay over to the Treasurer of the county all moneys remaining in his hands, and at such other times as the Board may direct.

Annual  
settlement.



SEC. 21. The Road Overseers shall not create any debt or liability against their Road District or township, for any purpose, unless directed by the Board of Supervisors of the county. They shall make quarterly reports to the Board of Supervisors, as follows: On the first Monday of August and November; in which report they shall specifically set forth the amount of money expended during said quarter, for what purpose, and to whom paid, and the probable amount of money that will be required for repairs, etc., for the succeeding quarter, and the nature of the improvements; said reports shall each be signed, under oath, by the respective Overseers. Each and every Overseer shall take a receipt from all persons to whom they shall pay any portion of said Township or Road District Fund, and file the same with the Board of Supervisors.

Overseers  
to report  
quarterly.

SEC. 22. The Board of Supervisors of the county shall, at each regular session, order warrants drawn on the Township Road Tax Fund, to meet the current expenses of each Road District, for disbursement by the Overseer during the next succeeding three months; *provided*, there be money in the hands of the County Treasurer belonging to said Road Fund.

Payment of  
expenses.

SEC. 23. The Board of Supervisors shall have power to levy a property tax, not exceeding ten cents on each one hundred dollars worth of taxable property in said county, for road purposes, at the same time that the State and county taxes are levied by them, which tax, so levied, shall be assessed and collected by the Assessor and Collector or Collectors of Taxes of the county in the same manner as in the assessment and collection of State and county taxes; and all moneys so collected shall be paid by the Collector or Collectors to the County Treasurer, who shall keep the same in a Fund by itself, which shall be known as the County Road Fund. The Board of Supervisors shall have power to appropriate said Fund for the building of bridges, roads, or other incidental road expenses in the county.

Property tax  
Collection.

SEC. 24. The County Treasurer shall keep all moneys collected for road purposes in each township in separate Township Funds, and shall pay the same out upon warrants drawn by the County Auditor, by order of the Board of Supervisors.

County  
Treasurer.

SEC. 25. The Board of Supervisors shall have power to require of any District or Township Road Tax Collector and Road Overseer, whose bond shall have become insufficient, from any cause, to execute a new bond within such time as they may prescribe.

New bonds  
of officers.

SEC. 26. This Act shall take effect and be in force from and after the first day of May, eighteen hundred and sixty-three.

SEC. 27. All Acts and parts of Acts in conflict with this Act are hereby repealed, so far as the same relates to the County of Plumas.

CHAP. CCCLII.—*An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco, shall have power, by regulation or order:

**Police force.** *First*—To regulate the Police and police force of said city and county, and to prescribe their powers and duties.

**Nuisances.** *Second*—To authorize and direct the summary abatement of nuisances; to make all regulations which may be necessary or expedient for the preservation of the public health and the prevention of contagious diseases; to provide, by regulation, for the prevention and summary removal of all nuisances and obstructions in the streets, alleys, highways, and public grounds of said city and county; and to prevent or regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to ordinance.

**Houses of ill fame, etc.** *Third*—To prohibit, and suppress, or exclude from certain limits, all houses of ill fame, prostitution, and gaming; to prohibit, and suppress, or exclude from certain limits, or to regulate, all occupations, houses, places, pastimes, amusements, exhibitions, and practices, which are against good morals, contrary to public order and decency, or dangerous to the public safety.

**Licenses.** *Fourth*—To license and regulate hackney coaches, and other public passenger vehicles, and to fix the rates to be charged for the transportation of persons, baggage, and property, or either, therein; and to license and regulate all vehicles used for the conveyance of merchandise, earth, and ballast, or either; and also, to license and regulate persons and parties employed in conveying baggage, property, and merchandise, or either, to or from any of the wharves, slips, bulkheads, or railroad stations within the limits of the City and County of San Francisco; to

**Collector.** appoint and license one Collector, in addition to the two now authorized by law, at a salary not to exceed one hundred and twenty-five dollars per month, which License Collector, and also those now authorized by law to be appointed, shall each have and exercise the same powers as Police Officers in serving process of summons, and making arrests; to fix and establish the amount of every license paid into the City and County Treasury for city and county purposes, at such rate as said Board shall determine, not exceeding the amount fixed by law; and,

**Proviso.** *provided*, said Board shall have no power to entirely abolish any license fixed by law, or to reduce the proportion of each license collected, which by law is paid into the City and County Treasury for State purposes.

**Removal of vehicles, etc.** *Fifth*—To provide for the summary removal and disposition of any or all vehicles found during certain hours of the day and night, to be designated by said Board, in the streets, highways, and public squares of said city and county, or such of them as said Board may designate; and, in addition to all other remedies, to provide, by regulation, for the sale or other disposition

of said vehicles so found in said streets, highways, or public squares, as aforesaid.

*Sixth*—To require, by ordinance, all contractors for street work, or other persons lawfully undertaking to improve, grade, or alter streets or public highways in the City and County of San Francisco, to erect fences or other suitable barriers to protect the public from damage, loss, or accident, by reason of such grading, alteration, or improvement, and to determine and prescribe the fines and penalties that shall be incurred for breach of such regulations and ordinances as may be passed by virtue hereof. Protection of the public.

*Seventh*—To designate one of their number, who shall, in the absence of the Mayor, or during his inability from any cause, perform the duties required by law of the Mayor of said city and county. Mayor pro tem.

*Eighth*—The Board of Supervisors are hereby authorized and empowered to pay the claim of Joseph Norton, not exceeding two hundred dollars. To pay claim of J. Norton.

*Ninth*—The Board of Supervisors are hereby authorized to allow and order paid, out of the General Fund, such sum as they may find due to Gregory Yale, not exceeding the sum of five thousand dollars, and the Auditor is hereby directed to audit, and the Treasurer to pay, such sums as may be ordered paid by said Board of Supervisors in pursuance of this section. G. Yale.

*Tenth*—To provide for the safe keeping and disposition of all lost, stolen, or unclaimed property of every kind which may be in the possession or under the control of the Chief of Police of said city and county, or which may hereafter come into the possession of the Police of said city and county. Property lost or stolen

SEC. 2. Subdivisions first, third, and fifteenth, of section seventy-four of an Act entitled an Act amendatory of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and of an Act amendatory and supplementary thereof, approved the eighteenth day of April, eighteen hundred and fifty-seven, and of an Act amendatory thereof, approved the twenty-eighth day of March, eighteen hundred and fifty-nine, and supplementary to said Acts, are hereby repealed. Acts repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLIII.—*An Act concerning Roads and Highways in the County of Fresno.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Public  
highways.

SECTION 1. All roads in the County of Fresno are hereby declared to be public highways which are now used as such and have been declared such by order of the Board of Supervisors, or which may hereafter be declared such by said Board in accordance with the provisions of this Act.

Act made  
applicable.

SEC. 2. The sections, from one to twelve, inclusive, of an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, are hereby made applicable to the County of Fresno; and the said county is hereby exempted from the operation of remaining sections of said Act.

Road  
Districts.

SEC. 3. For all the purposes of this Act, the Road Districts, as now established, shall be the Road Districts within the meaning of this law, and they may be changed, or new ones created, by the Board of Supervisors, at any time when considered necessary.

Road poll tax

SEC. 4. The said Board shall have power to levy a road poll tax on all able bodied men, except Indians, between the ages of twenty-one and fifty years, which tax shall not exceed three dollars per annum, payable in cash; *provided*, that any person liable to pay said tax, may pay the same, when called on by the Road Master, in labor on the road, under the direction of said Master, at the rate of one dollar and fifty cents per day; and said Road Master shall be required to give such person notice three days previous to the day such person shall be required to work, and said Road Master may require such person to bring such tools as he may have at command, and having fully worked out his road poll tax, the Board Master shall deliver to him a receipt therefor. Said road poll tax shall be levied by the said Board at their last regular meeting in each year, for the year succeeding; which tax, so levied, shall be due and payable on or after the first Monday of January thereafter; and said Board may, in their discretion, levy a property tax, for road purposes, upon all taxable property in said county, of not more than twenty cents upon the one hundred dollars, which property tax shall be levied and collected at the same time, and in the same manner, and by the same officers, as other property tax.

Road  
property tax

Road  
Masters.

SEC. 5. At the next general election, the qualified electors in each Road District shall elect some citizen of said district as Road Master of said district for the term of two years; and it shall be the duty of the County Clerk, to notify the person so elected of his election, and he shall, within ten days thereafter, qualify, and give a bond in the sum of six hundred dollars, conditioned for the faithful performance of the duties of his office, with two or more sureties, which bond shall be approved by the County Judge, and filed with the County Clerk; *provided*, the Board of Supervisors shall have the power to fill vacancies

Bond.

Proviso.

occasioned by removal, death, resignation, or otherwise; and any Road Master appointed by said Board shall qualify and give bonds in accordance with the provisions of this section.

SEC. 6. It shall be the duty of the Road Master, upon entering into office, to proceed to collect the road poll tax then due from any person liable to said tax he may find in his district; and no person shall be deemed or held to have paid said tax, unless he shall be able to exhibit a receipt therefor, or testify upon oath or affirmation that he has paid the same; and for all the purposes of this Act, the Road Master is hereby authorized to administer oaths or affirmations. Upon any person who may be liable, refusing, upon demand upon himself or his Agent, to pay his road poll tax, it shall be the duty of the Road Master to enforce the collection of the same by seizing so much of any species of personal property or debts of the delinquent, and if none such can be found, then by levying upon and seizing so much of the real property of the delinquent as will be sufficient to pay such tax, and cost of seizure and sale, and shall and may sell the personal property, at any time and place, by giving verbal notice of one day previous to such sale, and shall and may sell the realty in the manner prescribed for Sheriff's sale under execution; and any person indebted to another liable to pay said tax, shall be liable to pay the same for such other person, after service upon him by the Road Master of written notice, stating the name of the person liable and owing said tax, and the party paying is hereby authorized to deduct the amount thereof from such indebtedness. The Road Master, after deducting the tax for which property was sold, and such fees and costs as would accrue to Sheriffs for like services, shall return the surplus to the owner of the property. A delivery of the possession of personal property by the Road Master to any purchaser, shall be a sufficient title to any purchaser, or if required by the purchaser, the Road Master shall execute a bill of sale.

SEC. 7. It shall be the duty of the Road Master to have the care and general supervision of the public roads within his district, to maintain them in good repair, and to erect such necessary bridges and causeways as the means at his command will permit; *provided*, that no Road Master shall erect any bridge or causeway at a greater expense than fifty dollars, unless authorized by the Board of Supervisors.

SEC. 8. The Board of Supervisors shall cause proper blank road poll tax receipts to be printed, of a uniform appearance, which shall be numbered consecutively, and signed in writing by the Chairman thereof, and also by the Clerk of said Board, and no other receipts for road poll tax than the above shall be used for the payment of said tax by the Road Master. The Chairman, after having signed a sufficient number of said receipts, shall deliver the same to the Clerk of said Board, who shall, from time to time, deliver them in such number as may be needed to the Road Masters of the different districts, taking their receipt therefor; and said Clerk shall keep an account, always open to the inspection of the Supervisors, of debit and credit with the Road Master of each district.

Reports of  
Road  
Masters.

SEC. 9. Each Road Master shall report to the Board of Supervisors, quarterly, the amount of money collected and paid out by him, and to whom, and for what paid, the number of days he has been in actual service; and the said Road Master shall make an affidavit before a Justice of the Peace, or some other officer qualified to administer oaths, that the said report is correct to the best of his knowledge and belief; and said Road Masters shall each receive for their services, while in actual employment, such compensation as shall be allowed by the Board of Supervisors, not to exceed four dollars per day.

Liabilities.

SEC. 10. Any Road Master failing or refusing to perform any of the duties prescribed by this Act, besides being liable to be removed, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding two hundred dollars, and for which fine his official bond shall be liable, and when collected, said fine shall be paid into the "Road Fund" of said county.

Term of  
office.

SEC. 11. The Road Master appointed in said county by the Board of Supervisors, shall continue in office until the next general election; *provided*, that the Board of Supervisors may levy the road poll tax for the present year, if not already levied, at any general or special meeting this year, which tax shall be payable immediately thereafter.

SEC. 12. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as relates to the County of Fresno.

SEC. 13. This Act to take effect from and after its passage.

CHAP. CCCLIV.—*An Act to regulate the Fees of Officers in the County of Alameda.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. In the County of Alameda such fees are allowed to the officers hereinafter mentioned, for their services rendered in discharging the duties imposed upon them by law, as herein provided, and such officers may lawfully charge, demand, and receive the same:

FEES OF NOTARY PUBLIC.

Notaries.

SEC. 2. For drawing and copying every protest for the non-payment of a promissory note, or for the non-payment or non-acceptance of a bill of exchange, draft, or check, one dollar.

For drawing and serving every notice of non-payment of a promissory note, or the non-acceptance or non-payment of a bill of exchange, order, draft, or check, seventy-five cents.

For recording every protest, seventy-five cents.

For drawing an affidavit, deposition, or other paper, for which provision is not herein made, for each folio, fifteen cents.

For taking an acknowledgment or proof of a deed or other instrument, to include the seal and the writing of the certificate, for the first signature, one dollar, and for each additional signature, fifteen cents.

For administering an oath or affirmation, twenty cents.

For every certificate, to include writing the same, and the seal, seventy-five cents.

#### FEES OF THE CLERK OF THE DISTRICT COURT.

SEC. 3. For entering each suit on the Clerk's register of actions, and making the necessary entries therein during the progress of the trial, for each folio, fifteen cents. Clerk of District Court.

For issuing every writ or process, under seal, forty cents.

For issuing subpoena for one or more witnesses, twenty cents.

For filing each paper, fifteen cents.

For entering every motion, rule, order, or default, twenty cents.

For entering every discontinuance, dismissal, or nonsuit, twenty cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, twenty cents.

For calling and swearing every jury, forty cents.

For receiving and entering each verdict of a jury, forty cents.

For entering every final judgment, for the first folio, seventy-five cents; for each subsequent folio, fifteen cents.

For filing judgment roll, twenty cents.

For entering judgment on judgment docket, twenty cents.

For entering satisfaction of judgment, forty cents.

For administering every oath or affirmation, fifteen cents.

For certifying every oath or affirmation, fifteen cents.

For copy of any proceeding, or record of paper, for each folio, fifteen cents.

For every certificate under seal, forty cents.

For searching the files of each year in his office, (but not to charge suitors and Attorneys,) twenty-five cents.

For issuing every commission to take testimony, forty cents.

For taking down testimony of witnesses during the trial, for each folio, fifteen cents, to be paid by the party requiring the same.

For issuing every execution or other final process, forty cents.

For issuing every decree or order of sale of mortgaged property, forty cents.

For issuing writ of injunction or attachment, forty cents.

For entering judgment by confession, the same fees as in other cases of entering judgment.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, forty cents.

For taking each bond required by law, forty cents; for taking justification thereto, thirty cents.

For acknowledgment of deed or other instrument, including all writing, and the seal, for the first name thereto, seventy-five cents, and each additional name, fifteen cents.

When the Court is sitting as a Court of criminal jurisdiction,

he shall receive for the trial of each issue, when the charge is misdemeanor, three dollars.

He shall receive no other fee for any service whatever in a criminal action or proceeding, except for copies of papers, for each folio, fifteen cents.

For the trial of each issue, when the charge is felony, four dollars.

#### FEES OF THE CLERK OF THE COUNTY COURT.

Clerk of  
County  
Court.

SEC. 4. For filing all the papers sent on appeal from Justice's Court, in each cause, and making the necessary entries concerning the same, one dollar and fifty cents.

For all other services, the same fees as are allowed in the District Court for similar services.

#### FEES OF THE CLERK OF PROBATE COURT.

Clerk of  
Probate  
Court.

SEC. 5. For issuing letters testamentary, or of administration, forty cents.

For certificate of appointing Appraisers or Guardians, forty cents.

For writing and posting notices, when required, for each copy, forty cents.

For recording wills, per folio, fifteen cents.

For all other services, the same as are allowed the Clerk of the District Court for similar services.

For notice given by publication, in addition to the cost of publication, forty cents.

#### FEES OF COUNTY RECORDER.

County  
Recorder.

SEC. 6. For recording any instrument, paper, or notice, when required, for each folio, fifteen cents.

For copies of any record, or paper, per folio, fifteen cents.

For filing or receiving every instrument for record, and making the necessary entries thereon, fifteen cents.

For making, in the several indexes required, all the entries required, of the filing and recording any instrument, paper, or notice, for every such instrument, paper, or notice, twenty cents.

For every certificate, under seal, to copies of papers or records in his office, when required, forty cents.

For every entry of discharge of mortgage on margin of record, forty cents.

For searching records and files of each year in his office, when required, twenty-five cents.

For abstract or certificate of title, when required, for each conveyance or incumbrance, certified, fifteen cents.

For recording every town plat, for every course, ten cents.

For figures, and lettering plats and maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed the sum of one hundred dollars.

For taking and writing acknowledgments, including seal, for the first signature, seventy-five cents; for each additional one, twenty cents.

For filing and entering a minute of certificate of Sheriff's sale, forty cents



For filing and entering a minute of certificate of tax sale, forty cents.

For recording marriage certificate, two dollars.

For filing and keeping eath paper, not required to be recorded, and indorsing same, if required, twenty cents.

#### FEES OF COUNTY AUDITOR.

SEC. 7. For filing each Treasurer's receipt, and issuing licenses, to be paid by the party, twenty cents. County Auditor.

#### FEES OF JUSTICE OF THE PEACE.

SEC. 8. For filing each paper, twenty cents.

Issuing any writ, or process, by which suit is commenced, forty cents. Justice of the Peace.

For entering such cause upon his docket, forty cents.

For subpoena for each witness, fifteen cents.

For administering an oath or affirmation, fifteen cents.

For certifying the same, twenty cents.

For each certificate, twenty cents.

For issuing writ of attachment, or of arrest, or for the delivery of property, seventy-five cents.

For entering any final judgment, per folio, for the first folio, seventy-five cents; for each additional folio, fifteen cents.

For taking and approving any bond or undertaking directed by law to be taken or approved by him, twenty cents.

For taking justification to a bond, forty cents.

For swearing a jury, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For entering satisfaction of a judgment, twenty cents.

For copy of judgment, order, docket, proceedings, or papers, in his office, for each folio, fifteen cents.

For transcript of judgment, per folio, fifteen cents.

For issuing commission to take testimony, seventy-five cents.

For issuing supersedeas to an execution, twenty cents.

For making up and transmitting transcript and papers on an appeal, one dollar and fifty cents.

For issuing search warrant, seventy-five cents.

For issuing an execution, twenty-five cents.

For celebrating marriage, and returning a certificate thereof to the Recorder, five dollars.

For all services and proceedings before a Justice of the Peace, in a criminal action or proceeding, whether on examination or trial, three dollars.

For taking bail after commitment in criminal cases, seventy-five cents.

For entering cause without process, seventy-five cents.

For entering judgment by confession, and only on affidavit, as required in the District Court, two dollars and fifty cents.

For entering every motion, rule, order, verdict, or default, twenty cents.

For services as Associate Justice of the Court of Sessions, four dollars per day.

## FEES OF CONSTABLES.

Constables. SEC. 9. For serving summons in a civil suit, for each defendant, seventy-five cents.

For summoning a jury before a Justice of the Peace, one dollar and twenty-five cents.

For taking a bond required to be taken, forty cents.

For summoning each witness, twenty cents.

For serving an attachment against the property of a defendant, seventy-five cents.

For summoning and swearing a jury to try the rights of property, and taking the verdict, one dollar and fifty cents.

For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct, and the expenses necessarily incurred.

For collecting all sums on execution, one and one half per cent, to be charged against the defendant in the execution. Constables shall receive in serving summons, attachment, order, execution, venire, notice, and subpoena, in civil cases, for each mile necessarily travelled, in going only, but when two or more persons are served in the same suit, mileage shall only be charged for the most distant, if they live in the same direction, twenty-five cents.

For serving a warrant, or order, for the delivery of personal property, or making an arrest in civil cases, seventy-five cents.

For services and trial in criminal cases, the same fees as Sheriffs for similar service.

For all other services, except attending Court, the same fees as are allowed to Sheriffs for similar services.

## FEES OF COUNTY SURVEYOR.

County Surveyor. SEC. 10. For the first mile actually run with compass and chain, two dollars and fifty-cents.

For each succeeding mile, one dollar and seventy-five cents.

For each mile run with compass alone, one dollar and twenty-five cents.

For each lot laid out and platted, in any city or town, one dollar and twenty-five cents.

For recording a survey, seventy-five cents.

For calculating the quantity of each division made in a tract of land, town lots excepted, seventy-five cents.

For travelling to the place of survey, for each mile, in going only, twenty-five cents; the distance shall be computed from his place of residence, or from where his office is kept, to the place of survey; and if the County Surveyor shall be required and duly notified, verbally or otherwise, to make other surveys while in the discharge of his official duty in the field, he shall only be entitled to mileage from the place last surveyed by him; but if the distance shall be greater from the place last surveyed, where his services are required, he shall only be entitled to mileage from the county seat of the county in which he lives; and in no case shall constructive mileage be allowed.

For ascertaining the location of every town lot in an old survey, and measuring and marking the same, one dollar and fifty-cents.

For copies and certificates, per folio, fifteen cents.

For erecting a monument at the corner of any survey, when required, one dollar.

For erecting a monument when running a line at a variation or offset, when required, fifty cents.

For copy of plat of any survey, and certificate required by law to be transmitted to the Surveyor-General, one dollar, to be paid by the party requiring the survey; expenses of assistants shall be an additional charge, to be agreed upon between the parties.

SEC. 11. This Act shall be in force from and after the first Monday in March, one thousand eight hundred and sixty-four.

SEC. 12. All Acts and parts of Acts in conflict or inconsistent with the provisions of this Act, so far as the same relates to the fees of the officers hereinbefore named in the County of Alameda, are hereby repealed. Acts repealed.

CHAP. CCCLV.—*An Act in addition to an Act entitled an Act to regulate Elections, approved March twenty-third, eighteen hundred and fifty, and all Acts amendatory thereof and supplemental thereto.*

[Approved April 25, 1868.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be the duty of the Adjutant-General of the State, on or before the fifteenth day of July, A. D. eighteen hundred and sixty-three, to make a list, as nearly perfect as practicable, of the names of all the electors resident of the State of California, who shall then be in the military service of the United States; which names shall be arranged in alphabetical order, and said list shall give the rank of each of said electors in said service, if a regimental or staff officer, the number of the regiment to which he is attached, and if a line, or non-commissioned officer, musician, or private, the number of the regiment, battalion, squadron of cavalry, or battery of artillery, and the letter of the company in such regiment, squadron, or battalion, to which he belongs, and also, the county of his residence in this State; said list shall be delivered by the Adjutant-General to the Secretary of State on or before the said fifteenth day of July, A. D. eighteen hundred and sixty-three. Adjutant-General to make list of electors in military service of the United States, and deliver to the Secretary of State.

SEC. 2. The Secretary of State shall classify and arrange the list returned to him as aforesaid, and shall make therefrom separate lists of the electors belonging to each regiment, battalion, squadron, and battery, from this State, which shall then be in the service of the United States, and shall, on or before the twentieth day of July, A. D. one thousand eight hundred and sixty-three, transmit, by mail or otherwise, to the commanding officer of each regiment, battalion, squadron, and battery, as Duties of Secretary of State.

aforesaid, a list of electors belonging thereto, which said list shall specify the name, residence, and rank of each elector, and the company to which he belongs, if any, and also the county, Congressional, Judicial, Senatorial, and Assembly District, for officers of which each of said electors is entitled to vote.

Duties of  
commanding  
officer of  
regiment.

SEC. 3. In case any regiment in the field shall be divided, and stationed in different places or localities, the commanding officer of such regiment shall, upon receiving from the Secretary of State the list of the electors in the regiment under his command, forthwith transmit to the officer having for the time being a portion or detachment of such regiment under his command, a list of the electors belonging to said detachment or portion of said regiment, which said list shall be a transcript of said list furnished by the Secretary, so far as relates to the electors to be embraced therein, and shall be certified by the commanding officer of said regiment.

Election.

SEC. 4. On the day fixed by law for holding the State election for the year A. D. eighteen hundred and sixty-three, a ballot box, or other suitable receptacle for votes, shall be opened, and votes received from the electors whose names are upon said list at each place where a regiment, detachment of a regiment, a battalion, squadron, or battery of California soldiers in the service of the United States may be on that day, at which time and place the electors whose names are upon said list belonging to such regiment, detachment, squadron, or battery shall be entitled to vote for all officers for which, by reason of their residence in the several counties of this State, they are authorized to vote, as fully as they would be entitled to vote at elections in the several counties and districts in which they reside, and the votes so given by such electors at such time and place, shall be considered, taken, and held to have been given by them in the respective counties of which they are residents. Such ballot box, or other receptacle for votes, shall be opened and such votes received under the supervision and charge of the three highest or senior officers in command of such regiment, detachment, squadron, or battery, in which shall be deposited by said electors ballots for all officers for whom, under the provisions of this Act, they are entitled to vote, which ballots shall have the name and office of the persons voted for fairly written or printed on one piece of paper. The name of each elector voting as aforesaid shall be checked at the time of voting by one of the officers having charge of the ballot box as aforesaid, upon the list furnished, and the officers receiving said votes shall exercise due care and diligence to prevent any soldier voting by mistake for any officer except such as he is entitled to vote for; but no officer shall open or examine any ballot before the same shall be deposited in the ballot box. Said box shall be opened, if practicable, at nine o'clock in the morning of said day, or, if not then, at such hour in said day as may be agreed upon by the officers whose duty it is to open the same, and shall remain open a sufficient length of time to enable the electors belonging to said regiment, detachment, battalion, squadron, or battery, to vote, and one hour's notice shall be publicly given by the commanding officers before closing said box; and when said box shall have been

closed, the votes shall be, as soon as possible thereafter, counted by the officers having charge of said ballot box, or persons by them appointed. Counting of votes.

SEC. 5. When such shall have been counted, all the ballots cast, together with the voting list, checked as aforesaid, shall be sealed up by the commanding officer, and be by him forthwith transmitted, by mail or otherwise, to the Secretary of State at Sacramento, and said commanding officer shall also make out and certify duplicate returns of votes given, according to the forms hereinafter prescribed, seal up, and forthwith transmit the same by separate conveyances to the Secretary of State at Sacramento. Returns to be made to Secretary of State.

SEC. 6. The form of returns of votes to be made by the commanding officers to the Secretary of State shall be as follows, viz :

*“ Return of Soldiers' Votes in the (here insert the Regiment, Detachment, Battalion, Squadron, or Battery.)*

“ I hereby certify that on the first Wednesday of September, A. D. eighteen hundred and sixty-three, the electors belonging to the (here insert the regiment, detachment, battalion, squadron, or battery,) cast the following number of votes, respectively, for the several persons hereinafter stated, for the officers designated, viz :

“ For Governor, ————. (Names:) (Number of votes for each person voted for written in full, and also in figures, against the names of each person.) For Lieutenant-Governor, ————. (Names:) (Number of votes, as above. Pursuing substantially the above form, specifying particularly each county or district for which votes are cast, and the names of the persons voted for, to which he shall append the following certificate, viz :)

“ Attest: A. B., Commanding Officer of (regiment, detachment, battalion, squadron, or battery, as the case may be.)”

Said returns shall be made upon one piece of paper, or upon different pieces of paper connected or fastened together, and it is hereby made the duty of the Secretary of State to prepare and furnish to the commanding officer aforesaid proper and sufficient printed blanks for said return.

SEC. 7. Any commanding officer who shall neglect or refuse to make such return of votes as is provided in the fifth and sixth sections of this Act, or who shall make a false or fraudulent return of such votes, and any officer who shall, by command, threats, or promises of any advantage or preferment, or in any other improper manner, endeavor to control or influence the vote of any soldier under his command or control, or in like manner endeavor to prevent or induce any soldier to refrain from voting for any particular candidate or candidates for whom such soldier has a right to vote, as provided by this Act, such officer shall forfeit, for every such offence, the sum of two hundred dollars, one half to him who shall prosecute to effect, and the other half to the Treasury of the county in which prosecution for said offence shall be commenced, and any act so committed shall be considered, taken, and held to have been com- Violations of Act. Penalties.

mitted by such officer within the jurisdiction of this State, and such officer shall be liable to be prosecuted for such offence before any Justice of the Peace in any county of this State, at any time within one year after such officer shall return to reside in this State; and if satisfactory evidence shall be presented to the Governor of this State that any officer has been guilty of any of the offences specified in this Act, it shall be the duty of the Governor immediately to cause such evidence to be transmitted to the President of the United States, with the most urgent solicitations that the commission of such officer be revoked, and his name stricken from the army roll.

Notes for  
Governor  
and Lieut.  
Governor.

SEC. 8. The Secretary of State shall compare each return of votes with the check list, and the ballots which shall be returned to him as hereinbefore provided, to ascertain that no mistake has been made in the return of votes, and if any mistake shall clearly appear, he shall rectify the same, and shall, on the first day of the session, return to the Speaker of the Assembly the votes given by the electors aforesaid for Governor and Lieutenant-Governor, which shall be opened and published, at the same time, in the same manner, and with like effect as the votes returned by the Clerks of the several counties of this State.

Secretary  
of State to  
transmit to  
Speaker of  
Assembly.

Also to  
County  
Clerks, as to  
county  
officers.

SEC. 9. It shall be the duty of the Secretary of State, upon the receipt of votes given by the electors belonging to the regiments, detachments, battalions, squadrons, and batteries, aforesaid, to transmit to the Clerks of the several counties of this State such portions of the returns of soldiers' votes as he shall have received affecting the election of officers in their county or district; and the several persons whose duty it is to canvass the votes given for county or district officers, are hereby directed to wait, before completing said canvass, until the last day of October, A. D. eighteen hundred and sixty-three, and it is hereby made their duty and they are directed to count the votes aforesaid, which shall have been returned in the manner herein prescribed.

Further  
duties of  
Secretary  
of State.

SEC. 10. The Secretary of State shall, in all cases where it is made his duty by law to canvass the votes and certify the election of any officer in this State, count and include the votes given by the electors belonging to the regiments, detachments, battalions, squadrons, and batteries aforesaid, and returned in the manner herein prescribed.

Secretary  
of State to  
cause pub-  
lication, etc.

SEC. 11. The Secretary of State shall, within ten days after the passage of this Act, cause the same to be printed in some daily paper published in the State of California, and transmit a copy thereof, by mail, to the County Clerk of the several counties in this State, and also a copy, by mail, to each Colonel, Lieutenant-Colonel, and Major, or commanding officer of a California regiment then in the service of the United States.

Laws made  
applicable.

SEC. 12. The general provisions of the laws of the State of California relating to electors and elections, so far as the same are applicable, shall be pursued and complied with in the voting under this Act, and so far as the same are inconsistent herewith, they are for the purposes of this Act repealed.

SEC. 13. All Acts or parts of Acts contravening the provi-

sions of this Act are, for all the purposes of this Act, hereby repealed. Acts repealed.

SEC. 14. This Act shall take effect and be in force from and after the date of its passage.

CHAP. CCCLVI.—*An Act to authorize the Issuance of a Duplicate School Land Warrant to Henry W. Peck.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Treasurer of State is hereby authorized and directed to issue to Henry W. Peck, or to his heirs or assigns, a duplicate of School Land Warrant Number Ninety (90), in lieu of the original, accidentally lost; *provided*, however, that the State Treasurer and Controller shall issue no duplicate School Land Warrant under the provisions of this Act until the parties applying therefor shall present to said Controller and Treasurer the certificate of the Register of the State Land Office that the lands upon which the original land warrant have been located have not and will not be charged by the Federal Government to this State, as a portion of the five hundred thousand acres of land granted to this State for internal improvements. Issuance. Proviso.

SEC. 2. The said warrant shall be signed by the Treasurer and Controller of State, and indorsed by the Governor, and the word "duplicate" written across the face thereof. Warrant.

SEC. 3. Before said School Land Warrant shall be delivered to the person above named, or his legal representatives, the Treasurer shall demand and receive from him or his heirs or assigns, a bond of indemnity, in the penal sum of three hundred and fifty dollars, said bond being payable to The People of the State of California, conditioned against the appearance of the original School Land Warrant herein before described. Bond.

SEC. 4. Said bond of indemnity shall be in form joint and several, executed by at least two good and sufficient securities, to be approved by the Treasurer of State. Form of.

SEC. 5. The duplicate herein provided to be issued shall be, to all intents and purposes, as good, and all and every incident thereto shall be as effectual, to all intents and purposes, as though it was the original warrant, having the proper assignment thereon, and in all legal proceedings it shall have the same force and effect that the original would have were it existing; *provided*, that the original warrant is hereafter found, the duplicate thereof herein directed to be issued, shall be null and void, to all intents and purposes whatsoever. Validity of duplicate.

CHAP. CCCLVII.—*An Act to authorize the Issuance of School Land Warrants to Mary Ann Lee.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Issuance.

SECTION 1. The Treasurer of State is hereby authorized and required to issue to Mary Ann Lee, two School Land Warrants, each for three hundred and twenty acres of land, to be issued under the provisions of an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted this State by Act of Congress, passed May third, eighteen hundred and fifty-two, which School Land Warrants shall be drawn in the form of the School Land Warrants issued under said Act, and to and in the name of the said Mary Ann Lee, and shall be signed and countersigned, and delivered to the Treasurer of State, as prescribed in said Act.

Duty of Treasurer of State.

Conditions of delivery.

SEC. 2. The Treasurer of State is hereby authorized and required to deliver to the said Mary Ann Lee, or her order, the said School Land Warrants, upon her delivering to the said Treasurer of State, School Land Warrants Number Two-Hundred and Twenty-Two (222) and Two-Hundred and Twenty-Three (223), bearing date the fourteenth day of July, eighteen hundred and fifty-three, and issued to Edward McGery, and upon her filing with the Treasurer of State a bond, in the penal sum of fifteen hundred dollars, payable to The State of California, and conditioned for the indemnifying of the said State against the claims or demands of all persons upon, or arising from, or on account of, the said School Land Warrants Number Two Hundred and Twenty-Two and Number Two Hundred and Twenty-Three, or either of them; said bond to be executed by the said Mary Ann Lee, and George C. Lee, and two or more sureties, to be approved by the County Judge or County Clerk of the County of Santa Clara.

Bond.

Duty of Treasurer.

Surrender of warrants.

SEC. 3. The said School Land Warrants Number Two Hundred and Twenty-Two and Two Hundred and Twenty-Three, shall, upon the delivery thereof to the said Treasurer of State, be indorsed "surrendered by" the said "Mary Ann Lee, and George C. Lee," and the surrender of the same shall be noted in the registers and books of the issuance of School Land Warrants.

SEC. 4. This Act shall take effect and be in force from and after its passage.



CHAP. CCCLVIII.—*An Act amendatory of an Act concerning Roads and Highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, approved April nineteenth, eighteen hundred and fifty-nine.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section nine of said Act is hereby amended so as to read as follows :

Section 9. In case the Board of Supervisors, on the part of the county, or the person or persons claiming damages, shall be dissatisfied with the amount of damages allowed by the Viewers, the Board shall appoint a commission, consisting of three persons, tax payers of the county, and disinterested in the proposed road, who shall, on a day to be named by the Board, go upon the ground, and personally examine the line of the proposed road, and hear any witnesses that may be offered regarding the value of the land through which the road will pass, and the damages that will be sustained by any party or parties in consequence of laying out the same; and shall, within a reasonable time, report to the Board, in writing, the amount of damage that will be sustained from any party or parties, severally, which report shall be in writing, and signed by at least two of the said Commissioners, and the damage so allowed may, if they deem it advisable, be ordered paid by the Board of Supervisors, and the Board of Supervisors shall have no power to allow more damages than those allowed by the Commissioners; and, *provided*, further, that the Board of Supervisors may empower any person they may select to draw from the Treasury of the county any amount of damages awarded by the Commissioners, and pay the same to the parties to whom it may be awarded.

SEC. 2. Section twenty-two is amended so as to read as follows :

Section 22. The Board of Supervisors shall have power to levy an annual road tax on all able bodied men, between the ages of twenty-one and fifty years, not to exceed four dollars to each man; *provided*, that the Board of Supervisors may require the said tax to be paid exclusively in money; and, *provided*, further, that in any year that the Supervisors do not require the tax aforesaid to be paid exclusively in money, it shall be, in the option of any person liable to pay the same, to pay it in labor on the road, under the direction of the Overseer, at the rate of two dollars a day. The provisions of this Act shall not apply to any incorporated city.

SEC. 3. Section twenty-six is hereby amended so as to read as follows :

SEC. 26. Each Road Overseer shall report to the Board of Supervisors, quarterly, the number of days he has been in actual service, the condition of the roads in his district, the property and tools he has on hand belonging to the county, and may suggest any improvements to be made in the roads in his district, and shall report any information which the Board of Supervisors

may require of him on the roads and management thereof in his district.

To apply  
only to San  
Joaquin  
County.

SEC. 4. The provisions of this Act shall only apply to the County of San Joaquin, and all Acts and parts of Acts in conflict with the same, so far as they apply to said county, are hereby repealed.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCCLIX.—*An Act to authorize John F. Hill, William Bryan, and James C. Treadwell, their associates, and assignees, to construct and maintain a certain Macadamized Road in the City and County of San Francisco, and to levy and collect Tolls thereon.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Franchise.

SECTION 1. John F. Hill, William Bryan, and J. C. Treadwell, their associates, and assigns, shall have the right and are hereby authorized to open, use, continue, construct, and maintain a macadamized toll road in the City and County of San Francisco, commencing at the intersection of Fulton street with the western boundary line of the City of San Francisco, established by the Act of eighteen hundred and fifty-one; thence westerly along Fulton street, extended past the land known as San Souci Ranch, and thence westerly and southwesterly south of the hill called "Ione Mountain," and by the place called "Fleischacker Valley," to the beach, and for ten years next after the completion thereof to levy and collect thereon such rates of toll as the Board of Supervisors may from time to time prescribe, but the tolls charged thereon shall never be higher than the following rates, viz:

Tolls.

Rates of.

For horse or mule and rider, ten cents.

For each led or drove horse or mule, five cents.

For vehicle drawn by horse, mule, or other animal, ten cents.

For vehicle drawn by two horses, mules, or other animals, twenty cents.

For vehicles drawn by four or more horses, mules, or other animals, fifty cents.

For drove of cattle, each, five cents.

For sheep, hogs, and animals not above named, each two cents.

Proviso.

*Provided*, that no toll gate shall ever be erected within the corporate limits of the City of San Francisco, as established by said Act of eighteen hundred and fifty-one, nor shall toll ever be collected upon or for the use of any part of said road that may be extended within said corporate limits, or over any part of any county road now established by law.

City and  
county may  
purchase  
road.

SEC. 2. The Board of Supervisors of the said city and county shall have the right, whenever they may deem it necessary for the public good to make said road free, to purchase the same from the owners thereof, at a value, exclusive of this franchise,

to be ascertained by two persons, one to be chosen by the said Board, and the other by the owners of said road, and in case they cannot agree, they shall have power to appoint a third party, and the appraisement of any two of said parties shall be considered the value of said road; and should the Board of Supervisors thereupon pay the owners of said road the value so ascertained, said owners shall assign and transfer said road to said city and county, and the franchise to collect toll thereon shall cease when such assignment is made.

SEC. 3. Said road shall be completed and opened at the expense of the persons hereby authorized to build the same, within one year and a half after the passage of this Act; and to insure the completion within that time, no toll gates shall be erected or tolls collected until the said road shall have been graded at least twenty-two feet in width throughout the whole distance, for the use of which tolls are authorized to be collected; *provided*, that if at any time during the continuance of this franchise, any portion of the lands through which the road herein provided for may be constructed, shall, by regular survey, be laid off into blocks and streets, the owners of this franchise shall, at their own expense, make the road herein provided for conform to and run upon said streets at their own expense, whenever required to do so by a majority in interest of the owners of property upon such portion of said road, the basis of estimate of such valuation being the assessment roll of the City and County of San Francisco next preceding the date of such requirement.

SEC. 4. Any Toll Gatherer on said road may detain and prevent from passing through his gate, the persons leading or driving any animal or vehicle subject to toll, until they shall have paid the tolls respectively hereby authorized; and every person refusing to pay any of the toll before specified, or in any manner evading or attempting to evade the payment thereof, shall be liable to pay the owners of said road twenty dollars for each offence, to be recovered in any Court of competent jurisdiction.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCCIX.—*An Act to authorize the Board of Supervisors of El Dorado County to lease the Branch Wagon Road in said County for a term of years.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of El Dorado County are hereby authorized and empowered to lease for any term of time not less than two nor more than five years, a certain road known as the Branch Wagon Road, the construction whereof was authorized by an Act entitled an Act to authorize the con-

Conditions.

Rights of company.

Powers of Supervisors

struction of a branch wagon road in the County of El Dorado, and to authorize the Board of Supervisors of said county to levy a special tax for that purpose, passed March eighth, eighteen hundred and fifty-eight.

Award of  
lease.

SEC. 2. After advertisement for three successive weeks in some newspaper published in said county, for sealed proposals to lease said road, specifying the time and place at which said proposals will be received and opened, said Supervisors may award said lease to any person or persons having no stock or interest in any parallel or competing road, upon such terms and conditions as they shall deem expedient.

Contract.

SEC. 3. Upon making their award as aforesaid said Supervisors shall enter into a written contract with the lessee or lessees of said road, which contract shall specify and authorize the collection of such tolls as shall have been fixed and proscribed by said Supervisors, and shall require quarterly statements from said lessee or lessees of the income from any and all charges and tolls collected on said road; and any moneys received from said collections, over and above what shall be allowed to said lessee or lessees, according to the terms and stipulations of said contract, shall be paid into the County Treasury, and shall be drawn therefrom only on the warrant of said Supervisors, signed by the Clerk of said Board, to be applied in payment of such repairs and improvements on said road as shall, from time to time, be ordered and directed by them.

Lessees to  
make quar-  
terly state-  
ments and  
payments.

Bond of  
lessees.

SEC. 4. Said contract shall be accompanied with a bond, with at least two sufficient sureties, in such sum, not exceeding five nor less than two thousand dollars, as said Supervisors shall require and approve; said bond shall be in form payable to the County of El Dorado, and conditioned for the faithful performance of said contract, and said sureties shall justify as in case of official bonds.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. CCC LXI.—*An Act to grant to the Bidwell Bridge Company the right to keep and maintain their present Bridge across the Feather River, at the Town of Bidwell, Butte County, in this State, as a Toll Bridge, and to reconstruct the same.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Franchise.

SECTION 1. The Bidwell Bridge Company, a company incorporated A. D. one thousand eight hundred and fifty-four, under the general incorporation laws of this State providing for the incorporation of bridge companies, shall have and they are hereby granted, for the period of fifty years from and after the fourth day of November, A. D. eighteen hundred and fifty-four, the right to keep and maintain their present bridge, and any other that they may construct and establish, across Feather

River, at the Town of Bidwell, or at any other point between the points hereinafter designated in Butte County, as a toll bridge, with all the rights, privileges, franchises, and immunities hereinafter mentioned.

SEC. 2. The said company are hereby authorized and empowered to build, erect, construct, or reconstruct, and maintain a public toll bridge or bridges across said Feather River, in the County of Butte, at a point or points anywhere between the junction of said river with the North Fork of Feather River, and one mile above the site of its present bridge, and to have and enjoy all the rights, privileges, franchises, and immunities thereto appertaining, and shall have the right of way across said river, and the privileges of using the same for the purposes aforesaid between the points designated on said river, which is hereby granted and ceded to said company for the term of fifty years from and after the fourth of November, A. D. eighteen hundred and fifty-four.

Powers and rights of company.

SEC. 3. Any bridge owned and kept as a toll bridge by said company under the provisions of this Act, shall be kept by said company in good repair and condition; and said company shall be responsible for all damages arising to persons or property crossing the same, caused by any neglect to keep the same in repair.

Conditions.

SEC. 4. The said bridge company are hereby authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of the County of Butte may fix, which rates of toll may be regulated annually; and nothing in this Act shall impair any rights heretofore granted to said company by the Board of Supervisors of said county.

Tolls.

SEC. 5. The said company may regulate and determine the number of animals in the team, number of wagons, and number of stock cattle, that may pass on said bridge or bridges at any one time, which regulations, together with the rates of toll, shall be in some conspicuous place, and the company shall not be responsible for any injury or damage to person or property resulting from a violation of this regulation.

Regulations of company.

SEC. 6. No person or persons shall ride or drive upon or across any bridge owned and maintained by said company under this Act at a faster gait than a walk; and each violation of this section shall be a misdemeanor; and such person or persons so offending, on conviction before any Court of competent jurisdiction, shall be fined in any sum not exceeding fifty dollars, on which judgment execution may issue, as in civil cases, besides, he or they shall be liable to the owners of said bridge for such damages as said owners may sustain by reason thereof.

Violations of.

SEC. 7. No ferry, ford, or bridge shall be established across said river within the limits of the aforesaid points, unless it be required by the public service; in that event, the owners of the aforesaid franchise shall be preferred to all others.

SEC. 8. The said company, in consideration of the franchise, privileges, and immunities herein granted, shall pay, after the first of June, eighteen hundred and sixty-three, an annual tax of seventy-five dollars, as a license tax, into the County Treasury of Butte County, which Fund, together with any and all fines collected under this Act, shall be a special Road Fund to estab-

License tax.

lish, construct, keep, and repair a road from the said town of Bidwell to the confines of the Counties of Butte and Plumas, as a public road, to the American Valley, but no other license tax shall be paid by said company other than is fixed by this section; *provided*, said bridge shall be liable for State and county taxes, as other real property.

Proviso.

Sale of rights, etc.

SEC. 9. The rights, privileges, franchises, and immunities herein granted to said company may be sold and conveyed by deed whenever said company may be so authorized by the stockholders of three fourths of the stock of said company, and such grantee shall have, hold, and enjoy the same, with all the rights, privileges, franchises, and immunities granted by this Act to said company.

SEC. 10. This Act shall be in force from and after its passage.

CHAP. CCCLXII.—*An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Powers of, as to streets, etc.

SECTION 1. That the Board of Supervisors of the City and County of San Francisco shall have full power and authority to provide, by order, for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, or alley, within the bounds of said city, which, in their opinion, the public welfare or convenience may require; to provide for ascertaining whether any and what amount in value of damage will be caused thereby, and what amount of benefit will thereby accrue to the owner or possessor of any ground or improvements within said city and county for which such owner or possessor ought to be compensated, or ought to pay a compensation, and to provide for assessing and levying, either generally on the whole assessable property within said city, or specially on the property of persons benefited, the whole or any part of the damages and expenses which they shall ascertain will be incurred in locating, opening, extending, widening, straightening, or closing up the whole or any part of any street, square, lane, or alley, in said city and county; to provide for granting appeals to the County Court of the City and County of San Francisco, from the decisions of any Commissioners or other persons, appointed in virtue of any ordinance, to ascertain the damage which will be caused or the benefit which will accrue to the owners or possessors of ground or improvements by locating, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, or alley, within said city and county, and for securing to every such owner and possessor the right, on application within a reasonable time, to have decided, by a jury trial, whether any damage has been caused or any benefit has accrued to them, and

Damages.

Appeals.

to what amount; to provide for collecting and paying over the amount of compensation adjudged to each person entitled, and to enact and pass all orders from time to time which shall be deemed necessary and proper to exercise the powers and effect the objects above specified; *provided*, nevertheless, that before the Board of Supervisors of the City and County of San Francisco proceed to execute any of the powers vested in them by this Act, at least thirty days notice shall be given of any application which may be made for the passage of any order, by advertisement in at least two of the daily newspapers of the City and County of San Francisco, having the largest circulation; *provided*, further, that whenever any street or part of any street in the said city and county, occupied or used by the track of any railroad company, shall require to be altered or widened for the convenience of public travel, and proceedings for the altering or widening the same shall have been taken under the provisions of this Act, it shall be lawful for the Commissioners appointed as in this Act provided, and whose duty it may be, to make a just and equitable assessment of the whole amount of costs, damages, and expenses, of such altering or widening, among the owners of all the lands and real estate intended to be benefitted thereby, to assess such portion of said costs, damages, and expenses, upon the corporation or company owning or using said railroad track as shall to them seem equitable and just, and such assessment shall be a lien upon any property of said corporation or company in the said city and county, and may also be enforced in the same manner as the assessment upon such owners of lands and real estate intended to be benefitted thereby.

Proviso.

Proviso.

SEC. 2. That before any Commissioners appointed by any order to be passed in virtue of this Act shall proceed to the performance of their duty, they shall give notice in at least two of the daily newspapers published in the City of San Francisco having the largest circulation, of the object of the order under which they propose to act, at least ten days before the time of their first meeting to execute the same.

Notice of appointment of Commissioners.

SEC. 3. That upon the return of any assessment to be made under any ordinance to be passed in virtue of this Act, the Clerk of the Board of Supervisors of the City and County of San Francisco shall cause a copy of said assessment to be published for ten days, in at least two daily newspapers of said city and county having the largest circulation.

Copy of assessment to be published.

SEC. 4. That the time within which any appeal is to be made from any assessment shall be computed from and after the expiration of the ten days mentioned in the preceding section.

Time for appeal.

SEC. 5. All the expenses resulting from locating, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, or alley, within said City and County of San Francisco, shall be paid out of the moneys derived from the assessments upon the property benefitted by such locating, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, or alley, within said

Payment of expenses, etc.

city and county; and the City and County of San Francisco shall not be liable for any expense caused by the same.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXLIII.—*An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, passed May fifteenth, eighteen hundred and fifty-four.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section seven of an Act entitled an Act to provide revenue for the support of the government of this State, passed May fifteenth, eighteen hundred and fifty-four, is hereby amended so as to read as follows:

Bankers.  
Classes.

Section 7. Bankers, or dealers in exchange, shall be divided into five classes, as follows: Those drawing bills of exchange or drafts to the amount of five hundred thousand dollars, or over, per month, shall constitute the first class; those drawing bills of exchange or drafts to the amount of three hundred thousand dollars, and less than five hundred thousand dollars, per month, shall constitute the second class; those drawing bills of exchange or drafts to the amount of two hundred thousand dollars, and less than three hundred thousand dollars, per month, shall constitute the third class; those drawing bills of exchange or drafts to the amount of one hundred thousand dollars, and less than two hundred thousand dollars, per month, shall constitute the fourth class; those drawing bills of exchange or drafts in any amount less than one hundred thousand dollars per month, shall constitute the fifth class. The license for the first class shall be given upon the payment of one hundred dollars per month; for the second class, upon the payment of sixty dollars per month; for the third class, upon the payment of forty dollars per month; for the fourth class, upon the payment of twenty-five dollars per month; for the fifth class, upon the payment of fifteen dollars per month.

Licenses.

SEC. 2. Section eight of article three of said Act is amended so as to read as follows:

Receipt of  
County  
Treasurer.

Section 8. On the party paying the County Treasurer or the Collector of Taxes an amount of money in gold coin of the United States for license, in proportion to the estimated amount of business specified in this Act, and designating the town, city, or particular locality of the business establishment, or branch thereof, for which the license is desired, 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:

Licenses.

*First*—Upon presentation of said receipt, the County Auditor shall sign, issue, and deliver a license to the party, 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. The Auditor shall be entitled to demand and receive one dollar, to be paid into the Special Fee Fund, for each license issued by him under this Act, to be collected from the person receiving such license, and in no case shall any fee be allowed to Auditors for any service connected with the issuance of licenses.

Duty of Auditor.

Fees.

*Second*—The license thus obtained shall authorize the party to transact any or all 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 renewal, if no new estimate be made by the Auditor.

Form of license.

*Third*—Persons engaged in carrying letters, papers, or documents, from one part of this State to another shall not be liable to obtain licenses for that purpose.

*Fourth*—Licenses may be procured by the party in person, by Agent or Attorney, or by any one partner in the name of all the co-partners; 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 before the County Treasurer, (when required to do so by him,) who is hereby empowered to administer the same, 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 estimate shall be required to pay the amount necessary to make up the deficit before a new license shall issue. Licenses shall be procured immediately before the commencement of any business or occupation liable to license under this Act, and shall be renewed quarterly thereafter.

Licenses.

Affidavit of applicant.

*Fifth*—Every person, corporation, or company, and the Agent or Agents of such person, corporation, or company, who shall transact, carry on, or commence any of the occupations by this Act required to be licensed, without first taking out a license in the manner provided by this article, shall be liable to an action in the name of The State of California, in any Court of competent jurisdiction, for double the amount of the required license, for at least one quarter year, with costs of prosecution, and in case judgment shall be obtained against the party prosecuted, the Court shall tax as costs, and include in the judgment against the defendant, twenty-five per cent on the amount adjudged to be due, and fifteen dollars for fees of the District Attorney, to be paid to the County Treasurer for State or county purposes, as the case may be; and the judgment shall be a lien on all billiard tables, bowling alleys, and property of every kind belonging to or used in any such billiard room, bowling alley,

Violations.

Penalties.

Licenses.

theatro, circus, concert, and serenaders, or other places of performance.

SEC. 3. All laws or parts of laws conflicting herewith are hereby repealed.

SEC. 4. This Act shall take effect and be in force on and after its passage.

CHAP. CCCLXIV.—*An Act to grant the right to construct a Turnpike between Chinese Camp, in the County of Tuolumne, and the Town of Aurora, in the County of Mono.*

[Approved April 20, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Grantees and franchise.

SECTION 1. Jno. T. Haines, Jno. L. Murphy, Otis Perrin, Geo. W. Watson, J. F. Baker, A. Gardner, C. H. St. John, Geo. Reed, James Tannahill, Alex. Kirkwood, W. C. Priest, Jno. Hardin, S. M. Miller, C. C. Buckman, D. Vedder, A. Halsey, E. Brown, W. Walkerly, C. J. Deering, Isaac Dessler, S. Kingsley, Daniel Munn, Jno. H. Watts, A. S. Crocker, Alex. Stone, E. N. Longfellow, and Jno. S. Watts, of the County of Tuolumne, H. H. Hewlett, Geo. S. Ladd, S. P. Fogg, Morris Dooley, of the County of San Joaquin, Albert Mack, Alex. Gamble, S. W. Craigue, and W. Wetherell, of the County of Mono, J. N. Montgomery, Dr. Barfield, and — Scott, of the County of Merced, — Lock, H. Palmer, and Geo. Buck, of the County of Stanislaus, E. C. Bell, J. W. Smith, and Geo. Coulter, of the County of Mariposa, or their assigns, shall have, take, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon condition that they or their assigns shall incorporate themselves under the general law of the State regulating corporations and providing for the incorporation of turnpike roads, and shall adopt the name of the "Yo Semito Turnpike Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

Powers of company.

SEC. 2. The said company shall have full power to construct and maintain a public turnpike road from Chinese Camp, by the way of the Town of Big Oak Flat, in the County of Tuolumne, to the Town of Aurora, in the County of Mono, and shall have and enjoy the rights, privileges, and immunities, thereunto appertaining, and shall have, possess, and enjoy, the right of way, which is hereby ceded to said company for the term of forty years. The State enters into these covenants, and grants these rights and privileges, upon express condition, that within six months from the passage of this Act the said company shall commence and within two years complete said turnpike road; *provided*, that the said company shall in no manner interfere with any of the public roads in the County of Tuolumne, so as to hinder, delay, or obstruct, travel upon the same.

SEC. 3. The same rights as are now extended by law to plank and turnpike road companies in relation to the taking of property for the use of plank and turnpike roads, are hereby extended to the said "Yo Semite Turnpike Company," the damages to be ascertained and paid in the same manner as they are by plank and turnpike road companies. Damages.

SEC. 4. The grades on said road shall be constructed with convenient places for the turning out and passing of the heaviest teams, and shall be kept open and in good repair at least six months in the year. Grades, etc.

SEC. 5. Upon the completion of the road from Chinese Camp to the Town of Big Oak Flat, the said company shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of Tuolumne County shall fix; and upon the further completion of every twenty-five miles of said road from said Town of Big Oak Flat, the said company shall be authorized and empowered to collect such rates of toll as said Board of Supervisors of Tuolumne County shall fix; and upon the final completion of said road, the said company shall be authorized and empowered to collect such rates of toll as the said Board of Supervisors shall fix annually; *provided*, that said rates of toll shall not be fixed or reduced so as to produce an income of less than twenty-four per cent per annum upon the cost of constructing said road, over and above the expenses of collection and keeping said road in repair; and, further, *provided*, that in the event said road shall be constructed along or upon any public highway in Tuolumne County, said "Yo Semite Turnpike Company" shall not be allowed to levy or collect any tolls from any person or parties using or travelling upon said public highway, who may use or travel upon that portion of their road so located upon or along said public highway, and the said Board of Supervisors shall have power to examine the books and papers of said company, and take testimony as in civil actions for the purpose of ascertaining the cost of construction and keeping said road in repair. Tolls. Proviso.

SEC. 6. Said company shall have the right in connection with their said road to establish and maintain a ferry across Mono Lake, in the County of Mono, and shall have the right to charge and collect such rates of toll on said ferry as the Board of Supervisors of Mono County may from time to time determine, which said rates shall be kept posted in a conspicuous place at the ferry house or landing at each end of said ferry. Ferry authorized.

SEC. 7. Said company shall have the exclusive right of way over and along the route of said road, except where the same shall be located along or upon some public highway in Tuolumne County, for the distance of forty feet from the centre of said road, and after the survey and location thereof, no other toll road shall be constructed within three miles on either side thereof, unless required by the public convenience; and said company shall have all the right to enter upon and occupy private lands necessary to the location of said road, and to take and use any timber, rock, earth, or other material necessary to the construction thereof, which are conferred upon railroad companies by an Act for the incorporation of railroad com- Right of way

panies, approved May twentieth, eighteen hundred and sixty-one.

Opening  
road.

SEC. 8. It shall be lawful for said company to throw open their road for such period as they may deem proper, by giving one week's notice, by publication in a newspaper published in the County of Tuolumne of the date of such opening, and during the time that said road remains so opened, said company shall not be required to keep said road in repair, and shall not be liable for damages accruing in consequence of defects therein, and shall collect no tolls thereon.

Construction  
of Act.

SEC. 9. Nothing in this Act shall be so construed so as to interfere with or contravene any of the provisions of an Act entitled an Act to grant to James H. and Charles J. Deering the right to construct and maintain a bridge or bridges across the Tuolumne River, approved April eighth, eighteen hundred and sixty-two.

SEC. 10. This Act to take effect from and after its passage.

CHAP. CCCLXV.—*An Act to exclude Traitors and Alien Enemies from the Courts of Justice in Civil Cases.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Plaintiff  
to make  
affidavit.

SECTION 1. Whenever any civil suit shall be pending in any Court of Record in this State, the defendant, or one of several defendants, or his Attorney, may, at any time after the commencement of the action or the filing of the complaint therein, serve upon the plaintiff, if a natural person, or his Attorney, a written notice, objecting to the further prosecution of said suit, on the ground of the disloyalty of the plaintiff; and thereupon all proceedings in said suit shall be stayed until said plaintiff shall take and subscribe, before some officer authorized to administer oaths, and shall file in said cause, an affidavit in the following form, to-wit:

Form of.

"I, (here insert the name of the plaintiff,) do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California; that I will bear true faith and allegiance to the Government of the United States, any ordinance, resolution, or law of any State or Territory, or of any Convention or Legislature thereof, to the contrary notwithstanding; that I have not, since the (here insert the date of the passage of this Act) knowingly aided, encouraged, countenanced, or assisted, nor will I hereafter, in any manner, aid, encourage, countenance, or assist, the so-called Confederate States, or any of them, in their rebellion against the lawful Government of the United States; and this I do without any qualification or mental reservation whatsoever. So help me God."

And if the said plaintiff shall fail to take and file said oath

within ten days after the giving of such notice, if a resident of the county, or within forty days, if a resident of the State and not of the county, or if not a resident of the State, then within such further reasonable time as the Court or a Judge thereof may determine, said case shall thereupon be absolutely dismissed, and no other suit shall ever be maintained by the said plaintiff, his grantees or assigns, for the same cause of action; *provided*, that the time may, for cause shown, be enlarged by the Court or a Judge thereof, and that the Court may relieve against any forfeiture or default arising from accident, surprise, or excusable neglect; and, *provided*, that where the plaintiff sues as a Trustee, or to the use of another, the oath may be taken by the person for whose benefit the action is prosecuted; and, further, *provided*, that when the plaintiff is a foreigner by birth, who has never been naturalized, nor declared his intention to become a citizen of the United States, he may take and file the following oath:

"I, (inserting his name,) do solemnly swear that I will not, at any time, or in any manner, aid, encourage, countenance, or assist the so-called Confederate States, or any of them, in their rebellion against the Government of the United States, and that I will not, while a resident of the United States, knowingly commit or encourage any act tending to subvert the Constitution or Government thereof. So help me God."

Sec. 2. If a counter claim shall be set up, or new matter be affirmatively pleaded by the defendant in any suit, the plaintiff may, at any time after the filing of the answer, give or cause to be given to the defendant, if a natural person, or his Attorney, a similar notice to the one provided for in the preceding section, objecting, on like ground, to the introduction of such counter-claim or affirmative matter, and thereupon, if the defendant shall fail to make and file a like oath, within the respective times in the said section above limited, such counter claim or new matter shall be disregarded by the Court, and the cause shall proceed as if the same had not been pleaded, and no suit shall ever be maintained by the said defendant, his grantees or assigns, for the same cause or matter.

Sec. 3. No Attorney at Law shall be permitted to practice in any Court in this State until he shall have taken and filed in the office of the County Clerk of the county in which the Attorney shall reside, the oath prescribed in this Act; and for every violation of the provisions of this section, the Attorney so offending shall be considered guilty of a misdemeanor, and on conviction, shall be fined in the sum of one thousand dollars.

Sec. 4. This Act, so far as the same relates to parties to an action, shall take effect immediately.

CHAP. CCCLXVI.—*An Act supplementary to an Act entitled an Act to incorporate the Town of Petaluma, approved April twelfth, eighteen hundred and fifty-eight, and the amendments to the same, approved April eleventh, eighteen hundred and fifty-nine.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Road  
District.

SECTION 1. The territory embraced within the corporate limits of the City of Petaluma shall constitute one Road District, and the Street Commissioner of said city shall exercise all the powers and perform all the duties conferred upon the Road Master by law in said district, subject to the control and direction of the Trustees of said City of Petaluma; and the

Supervisors

Supervisors of Sonoma County shall not lay out, establish, or alter any streets or roads, or change the grade thereof, or build any bridges, within the limits of said city, except with the consent of the Trustees, to be expressed by an order entered on their journal, and with such consent they may exercise said powers within the limits of the City of Petaluma, as in other portions of Sonoma County.

Trustees.

Street tax.

SEC. 2. All male persons over twenty-one years of age and under sixty years of age, residing within the limits of said city, shall pay, each year, a street tax of three dollars. It shall be the duty of the Trustees of the City of Petaluma to pass ordinances providing for the payment and collection of said tax, and imposing fines and penalties, not exceeding twenty dollars in each case, for the non-payment thereof. All taxes, fines, and penalties so collected, shall be paid over to the Treasurer of said city, to constitute a separate Fund, which shall be exclusively applied to repairing, paving, and grading streets, and to building and repairing bridges, within said city; *provided*, that all persons subject to the payment of the above street tax shall be exempt from the payment of the county road tax of Sonoma county.

Street Fund.

Proviso.

SEC. 3. This Act shall take effect from and after its passage, and all Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CCCIXVII.—*An Act to consolidate certain School Districts of the Counties of El Dorado and of Sacramento.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Districts  
consolidated

SECTION 1. All that part of Negro Hill District lying on the southeast side of the South Fork of the American River, in Salmon Falls Township, and El Dorado County, and adjoining

Mormon Island School District, in Natoma Township, and Sacramento County, and said Mormon Island District, are by this Act united and consolidated into one School District, under the name of Natoma School District. The same shall be governed by one Board of Trustees, who shall receive and hold their office in the manner and for the time fixed by the present law. All reports are required to be made, and the census to be taken, and all school elections held, and returns thereof made to the Superintendent of the Public Schools of Sacramento County, and to have and to hold the school property, and have and enjoy all other rights and privileges in common, as one body. The School Marshal shall each year make returns, on or before the first day of August, of the number of children (between the ages of four and eighteen years) entitled to draw public money, to the County Superintendent of Public Schools of El Dorado County; and it shall be the duty of the said Superintendent to make a just apportionment of the public funds of the State and county to said children, in common with the other children of said county; and shall draw a warrant for the same on the County Treasurer of said county, on the order of the Superintendent of Sacramento County, payable to the Treasurer of Sacramento County, which order shall be made semi-annually, on the first of January and July of each year.

Trustees.

Duties of Marshal and other officers.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXVIII.—*An Act amendatory of and supplemental to an Act entitled an Act to provide for Funding the Indebtedness of the County of Mendocino, approved April nineteenth, eighteen hundred and sixty-two.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Funding Commission created by the Act to which this Act is supplemental and amendatory, shall meet on the first Monday in May, A. D. eighteen hundred and sixty-three, at the County Treasurer's office in said county, at nine o'clock, A. M., of that day, and continue in session two days, and fund any and all warrants properly drawn before the first of November, A. D. eighteen hundred and sixty-two, presented to the Treasurer of said county, in accordance with the provisions of said Act; *provided*, that all bonds issued or to be issued by a majority of said Board of Funding Commission, signed by the Chairman of the Board of Supervisors, countersigned by the Auditor, and indorsed by the Treasurer, and impressed with the seal of the county, shall be deemed and held valid and binding to all intents and purposes, both in law and equity.

Meeting of Commission-ers.

Duties.

Proviso.

SEC. 2. The Treasurer of said county shall cause to be pub-

Duty of  
Treasurer.

lished a notice in the Mendocino Herald, until the first Monday in May, A. D. eighteen hundred and sixty-three, to the effect that all county warrants not presented to the County Treasurer of said county on or before the first Monday in May, A. D. eighteen hundred and sixty-three, shall be barred. The Board may allow said Commissioners and the Chairman of the Board of Supervisors for their services the same mileage and per diem as is allowed the members of the Board of Supervisors of said county.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXIX.—*An Act to amend an Act supplementary to an Act to amend an Act to prevent the Trespassing of Animals upon Private Property, approved the seventeenth day of May, one thousand eight hundred and sixty-one.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The first section of said Act is hereby amended so as to read as follows :

Trespass.

Section 1. It shall not be lawful for any person or persons who are the owner or owners or managers of any horses, mules, jacks, jennies, or cattle, to turn loose or drive such animals upon the land of any owner or legal occupant, without consent, to pasture and maintain the same; and the owner or owners or managers of such animals shall, upon written notice being given by the owner or occupants of the lands so trespassed upon, remove such animals within five days after such notice, and if not so removed, then the owners or occupants of the land so trespassed upon may make complaint before any Justice of the Peace of the county, who shall, upon proof being given, order such animals to be removed forthwith, and if not so removed, then such owner or owners or managers shall, in the discretion of the Justice, be fined in a sum not less than ten nor more than one hundred dollars, and all costs; and if the trespass be repeated by the neglect of the owners or managers of such animals, he or they shall, for the second and every subsequent offence or trespass, be subject to double such fines, all of which fines to be paid to the County Treasurer, one half of which to be applied to the Common School Fund of the county.

Penalties.

SEC. 2. Section three of said Act is hereby amended to read as follows :

Section 3. This Act shall apply to the County of Los Angeles.



CHAP. CCCLXX.—*An Act appropriating money to pay the Claim of H. C. Stockton.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The sum of one thousand nine hundred and eight dollars and fifty cents is hereby appropriated, out of any money in the General Fund in the State Treasury not otherwise appropriated, to pay the claim of H. C. Stockton, for expenses incurred in quelling riot in Shasta County, in the months of February and March, eighteen hundred and fifty-nine, and the Controller of State is hereby authorized and directed to draw his warrant in favor of the said H. C. Stockton, in the sum aforesaid, and the Treasurer of State to pay the same. Appropriation.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCLXXI.—*An Act concerning the Official Bond of Public Administrator in the County of San Bernardino.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. From and after the passage of this Act the amount of the official bond of the Public Administrator of the County of San Bernardino shall be fixed by the Probate Judge or Court of said county, and the Judge or Court may require additional bonds from said officer from time to time. Bonds.

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they relate to the office of Public Administrator in the County of San Bernardino.

CHAP. CCCLXXII.—*An Act to provide for the better collection of Delinquent Taxes in the County of Yuba.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. In the service of all process and the sale of all property for taxes in the County of Yuba, any Constable of said county shall have the same authority to serve such process and to make such sale as is given to the Sheriff in the Revenue Act of May seventeenth, eighteen hundred and sixty-one. Authority of Constables.

Sales of  
real estate.

SEC. 2. In all sales of real estate for taxes in said County of Yuba, where the property has once been offered for sale, and has not been sold for want of bidders, the same may thereafter be sold as in other cases for whatever the said property will bring at public auction.

SEC. 3. This Act shall take effect and be in force from and after its passage.

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CHAP. CCCLXXIII.—*An Act to appropriate money to pay the claim of Benjamin P. Avery.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation.

SECTION 1. The sum of one thousand two hundred and fifty-eight dollars and forty-two cents is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to pay the claim of Benjamin P. Avery, for printing the Muster Rolls of the First, Second, and Sixth Brigades California Militia, and the Controller of State is hereby authorized and directed to draw his warrant on the Treasurer in favor of Benjamin P. Avery for the sum above appropriated, and the Treasurer of State is authorized to pay the same.

SEC. 2. This Act shall take effect and be in force from and after its passage.

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CHAP. CCCLXXIV.—*An Act to amend an Act entitled an Act relating to the Thirteenth Judicial District, and to determine the Time for holding the Courts in said District, approved May second, eighteen hundred and sixty-two.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Terms.

SECTION 1. Section one of said Act is hereby amended so as to read as follows: The terms of the District Court of the Thirteenth Judicial District shall be held as follows: In the County of Merced, on the third Monday of January, May, and September, in each year; in the County of Stanislaus, on the first Monday of February, June, and October, of each year; in the County of Fresno, on the third Monday of February, June, and October, of each year; in the County of Tulare, on the first Monday of March, July, and November, in each year; in the County of Mariposa, on the third Monday of March, July, and November, of each year.

SEC. 2. This Act shall take effect from and after its passage, and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CCCLXXV.—*An Act to enable the Supervisors of the County of San Joaquin to assess Taxes for certain purposes.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. In all cases where the Board of Supervisors of San Joaquin County have been authorized under any special law or laws of this State, passed at this session of the Legislature, to levy any tax or taxes during the year eighteen hundred and sixty-three, for the purpose of paying interest on the county bonds of said county authorized to be issued under any such special law or laws, the said Board of Supervisors are hereby authorized and empowered to assess any such tax or taxes, and cause the same to be levied and collected in the same way and manner, and to the same effect, as State and county taxes are assessed, levied, and collected under the general revenue laws of the State, notwithstanding the time within which all assessments are required to be made under said general laws may have expired ; *provided*, however, such assessment shall be made within ninety days from the passago of this Act.

SEC. 2. This Act shall take effect from and after its passago.

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CHAP. CCCLXXVI.—*An Act to authorize the Attorney-General to prosecute certain suits.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Attorney-General is hereby authorized to bring suit to set aside any patent issued by the authorities of this State to Swamp and Overflowed or Tide Lands within one and a half miles of the State Prison, at Point San Quentin, in Marin County.

SEC. 2. This Act shall take effect from and after its passago.

CHAP. CCCLXXVII.—*An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Powers.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to allow and order paid to the President and Treasurer of the Home for the Care of the Inebriate, for the support of said institution, out of the Police Fund of the said city and county, the sum of two hundred and fifty dollars per month, each and every month, from and after the passage of this Act.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCLXXVIII.—*An Act appropriating money to pay the claim of Augustus D. Splivalo, for Translating State Documents.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Appropriation

SECTION 1. The sum of ten hundred and fifty-seven fifty-eight hundredths dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, to pay the claim of Augustus D. Splivalo, for translating into Spanish the State documents; and the Controller of State is hereby authorized and required, upon presentation to him of said claim, to draw his warrant in favor of the said Augustus D. Splivalo, for said sum of ten hundred and fifty-seven dollars fifty-eight cents, and the Treasurer of State to pay the same.

CHAP. CCCLXXIX.—*An Act to provide for the collection of Delinquent Taxes in the City of Stockton.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Levy, etc., legalized.

SECTION 1. The levy and assessment of taxes upon all taxable property in the City of Stockton, for the purpose authorized in the charter of said city, for the fiscal year ending May first, one thousand eight hundred and sixty-two, are hereby legalized and confirmed and rendered valid and binding, both in law and equity, upon the persons and property assessed.

SEC. 2. The Common Council of said city may, from time to time, by ordinance, provide for the collection, by civil action or otherwise, of all taxes levied or assessed by them or under their authority, for the purposes authorized in the charter of said city, that have or may hereafter become delinquent; and in case such taxes be collected by civil action, the Courts of Justice shall have the same jurisdiction, and the summons and other process of said Courts shall be issued, served, and returned in the same manner as is or may be provided by law in case of the collection of delinquent taxes levied for State purposes; and all sales and conveyances of property, made and executed for the non-payment of such delinquent taxes, shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for State purposes.

Collection.  
Powers of  
Council.

Sales.

Laws made  
applicable.  
Proviso.

SEC. 3. The laws of the State of California for the enforcement of the collection of revenue, so far as practicable and applicable, are hereby made applicable to the levy, assessment, and collection of taxes in said city; *provided*, however, that this section shall not abridge, and is not intended to abridge, any of the powers relative to the collection of taxes which said city may now have under its charter or may derive under the other sections of this Act.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXXX.—*An Act to amend an Act entitled an Act fixing the Salaries of State Officers and Clerks, passed May sixth, eighteen hundred and sixty-one.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section four of the above entitled Act is hereby amended so as to read as follows:

Section 4. Every officer herein enumerated shall annually make out and transmit to the Governor a statement, under oath, giving the items of all necessary expenses of their respective offices, for furniture, books, stationery, fuel, and lights. The Secretary of State, Controller, and Superintendent of Public Instruction, shall also include in their respective statements the amounts actually expended by them for payment of postage and express charges connected with their respective offices. All of the statements required by this section shall be accompanied by the necessary vouchers, otherwise they shall not be allowed.

Duties of  
State  
Officers.

Vouchers.

CHAP. CCCLXXXI.—*An Act supplemental to and amendatory of an Act entitled an Act to grant to certain persons the Right of Way for a Railroad Track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon, approved April seventeenth, A. D. eighteen hundred and sixty-one.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two of the above recited Act is hereby amended so as to read as follows:

Conditions.

Section 2. Through each street, one track shall be laid on each side of the centre of said street, and as near the centre as will permit the cars to pass and repass with safety; on Kearney, the other street named, a single track only; *provided*, that on said Kearney street the said parties, their associates and assigns, shall, with the written consent of a majority of the owners (estimating per front foot) of the property on the line of said street along that portion of which the same shall be laid, have the right to lay a double track on said street, if said street shall be widened, and to lay the said track as fast as said Kearney street shall be widened. The rails shall be of the most approved pattern used in eastern cities, with the proper and necessary switches and turnouts along the entire route; and to run cars thereon, not exceeding twenty-four feet in length, at convenient hours of every day and night, for the transportation of passengers and freight.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCLXXXII.—*An Act to repeal Section Six of an Act entitled an Act concerning Roads and Highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Section  
repealed.

SECTION 1. Section six of an Act entitled an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, one thousand eight hundred and sixty-two, is hereby repealed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCLXXXIII.—*An Act to amend an Act to authorize and require the Board of Supervisors of the Counties of Napa and Lake, respectively, to levy a Special Tax for the purpose of improving and repairing the Public Highway connecting Napa City and Lakeport.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section two of said Act is hereby amended so as to read as follows :

SECTION 2. The money raised by virtue of this Act shall be appropriated in pursuance of contracts made in conformity to an Act to provide for the establishment, maintenance, and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, and the proper officers of Napa County and Lake County shall, within six months from the passage of this Act, make contracts for the improvement and repair of that portion of said public road within the limits of their respective counties lying between Pope Valley, in Napa County, and Coyote Valley, in Lake County, on the route that passes through Butte Cañon.

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CHAP. CCCLXXXIV.—*An Act to provide for the Election of a Board of Supervisors in the County of San Mateo.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Board of Supervisors chosen on the next general election shall consist of five members, one to be elected in each township.

SEC. 2. The present Board of Supervisors shall, on or before the first Monday in August next, re-divide the said county into five townships, and one of said Supervisors shall be elected from and reside in each township.

SEC. 3. Each Supervisor shall be paid from the County Treasury two hundred dollars per annum, as Supervisor.

SEC. 4. All laws in conflict with this law are hereby repealed.

CHAP. CCCLXXXV.—*An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section thirty-eight of said Act is hereby amended so as to read as follows:

Pleadings. Section 38. The only pleadings on the part of the plaintiff shall be the complaint or demurrer to defendant's answer, and the only pleadings on the part of the defendant shall be the demurrer or the answer. The demurrer or answer of the defendant and the demurrer of the plaintiff shall be filed with the Clerk, and a copy thereof served on the adverse party or his Attorney; *provided*, the adverse party or his Attorney live within the county where the action is pending.

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CHAP. CCCLXXXVI.—*An Act supplementary to an Act entitled an Act to authorize Hiram Thorne and others to reconstruct and make a Wagon Road in the Counties of Contra Costa and Alameda, approved April fourteenth, eighteen hundred and sixty-two.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Tolls. SECTION 1. Said Hiram Thorne, and others who now are or hereafter may be associated with him, and his or their assigns, are hereby authorized and have the right to erect upon said road a toll gate, either within the limits of Alameda or Contra Costa County, and shall be allowed to charge and collect such rate of toll as the Board of Supervisors of Contra Costa County shall authorize from time to time. A failure to keep the road in good repair shall work a forfeiture of the franchise herein granted. Nothing in this Act contained shall be deemed or taken to authorize the erection of more than one toll gate upon said road.

Forfeiture.



CHAP. CCCLXXXVII.—*An Act concerning the Terms of Courts of the Sixth Judicial District.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The terms of the Court of the Sixth Judicial District shall be held until the business of the terms are fully disposed of, or until the day fixed by law for the commencement of some other term in the same district, and may be adjourned from time to time, in the discretion of the Court; *provided*, that the Court, by order entered on the minutes thereof, may adjourn the Court to a day certain, within the time fixed by law for the commencement of the next term in such county, notwithstanding a term or terms within the same district may intervene.

CHAP. CCCLXXXVIII.—*An Act to provide for the better maintenance of the Indigent Sick of Sonoma County.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors in and for the County of Sonoma are hereby empowered to set apart so much of the Hospital Fund, together with all monies collected for the benefit of said Fund, as properly belongs to the Townships of Petaluma and Vallejo, in said county, as provided for in the Act to provide for the indigent sick, approved March thirty-first, eighteen hundred and fifty-five, and apply the same to the building, furnishing, and maintaining of a Branch Hospital, to be located in the City of Petaluma.

SEC. 2. The Board of Supervisors shall employ such officers for the Hospital specified in this Act, as they may deem proper, and fix the compensation of the same, subject to all the restrictions and qualifications embraced in the Act of March thirty-first, eighteen hundred and fifty-five.

SEC. 3. The Chairman of the Board of Supervisors may call a special meeting of the Board for the purposes specified in this Act, at any time after the passage of the same.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CCCLXXXIX.—*An Act to extend the provisions of an Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, and the amendments thereto, approved April eighteenth, one thousand eight hundred and fifty-nine.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Act  
extended to  
certain  
townships in  
Sonoma  
County.

SECTION 1. The provisions of an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, and the amendments thereto, approved April eighteenth, one thousand eight hundred and fifty-nine, are hereby extended and made applicable to the Townships of Sonoma and Vallejo, in the County of Sonoma; *provided*, that the provisions of this Act shall not apply to any hogs owned by any inhabitant of the County of Sonoma living outside of the Townships of Sonoma and Vallejo, and within one mile of the boundary dividing said Townships of Sonoma and Vallejo from other townships in Sonoma County, unless such hogs are found trespassing upon grounds in said Townships of Sonoma and Vallejo enclosed by lawful fence.

SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

CHAP. CCCXC.—*An Act to appropriate money to pay certain Claims against the State, for services and sundries furnished the State Reform School.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation.

SECTION 1. The sum, one thousand and ten dollars and thirty-eight cents, is hereby appropriated, out of any money in the General Fund in the State Treasury not otherwise appropriated, for services and sundries furnished the State Reform School, in the years eighteen hundred and sixty-one and eighteen hundred and sixty-two.

Warrants.

SEC. 2. The Controller of State is hereby authorized to draw his warrant on the State Treasurer, in favor of the persons hereinafter named, for the sums allowed them, respectively, to wit: Clark & Jenkins, for eighty-two dollars and seventy-five cents (\$82 75); Shafer & Company, for one hundred and seventy-one dollars (\$171 00); Lewis & Company, fifty-six dollars and sixty-three cents (\$56 63); Margaret Jennings, for fifty dollars (\$50 00); J. C. Bradley, for six hundred and fifty dollars (\$650 00).

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCXCI.—*An Act for the Relief of Doctor S. M. Mouser.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of one hundred and fifty dollars (\$150) is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to pay S. M. Mouser for professional services rendered at the State Prison in the year eighteen hundred and sixty-two; and the Controller of State is hereby authorized to draw his warrant on the State Treasurer in favor of the said S. M. Mouser for the sum of one hundred and fifty dollars, and the Treasurer to pay the same; *provided*, the said S. M. Mouser receipts in full for all demands against the State.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCXCII.—*An Act relative to the Terms of the District Courts in the Eleventh Judicial District of this State.*

[Approved April 25, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The July term of the District Court of the Eleventh Judicial District in and for the County of Placer, and the August term of the same Court in and for the County of El Dorado, for the year one thousand eight hundred and sixty-three, need not be held.

CHAP. CCCXCIII.—*An Act concerning Estrays, and Animals found running at large in the County of Santa Clara.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Any person finding at any time an estray horse, mare, mule, jack, jenny, or any estray cattle, sheep, hogs, or goats, or any number of such animals, upon his farm, or other inclosed premises, or any person finding any or all of said animals running at large during the months of April, May, June, July, August, September, October, and November, of any year after the passage of this Act, whether the owners of such animals are known or unknown, may take the same up, and proceed therewith as hereinafter directed; and no person shall remove such animals from the possession of the taker up, or

from the possession of the officer into whose hands they may be placed for the purposes of sale, except as hereinafter provided.

Persons taking up animals.

SEC. 2. The person taking up such animal or animals, shall confine the same in a secure place, within the township where they are taken up, and shall post notices, containing a description of them, with the marks and brands, if they have any, and a statement of the place of finding, and the place where such animals are confined, as follows: one notice at the door of the School-house of the School District wherein they were found, one at the door of the nearest Post Office, and shall file one with the County Recorder of Santa Clara County; and if the mark or brand of the owner or owners of such animals is recorded in the office where such notice is filed, the Recorder shall, within three days after the filing of such notice, deposit a copy thereof in the nearest Post Office, with the postage paid thereon, addressed to the owner or owners of said animals, or if owned by a company, to the President or Managing Agent of such company, at his or their place of residence. The fee of the Recorder shall be twenty-five cents for filing the notice, and fifty cents for serving a copy thereof, as required by the provisions of this section. If the owner of the animals posted by virtue of this Act fails to appear within twenty days thereafter and prove his property, and pay damages to the taker up, as follows: for every sheep, the sum of fifty cents, for every hog or goat, one dollar, and for other animals mentioned in this Act, two dollars per head, also, the fees of the Recorder, then the finder of such animals may give notice to any Constable of the county of the posting of such animals.

Duties and notice.

Fee of Recorder.

Damages to taker up.

Failure of owner to pay.

Constable to sell.

SEC. 3. The Constable notified shall immediately proceed to sell such animals at public sale, in conformity with the law concerning sales on execution; *provided*, that said owner or owners may redeem said animals at any time before sale, by paying the aforesaid damage, and such costs as may have accrued, to the officers; and, *provided*, further, that such owner or owners may redeem such animals at any time within six months after such sale, by producing satisfactory evidence of his right thereto, and paying to the purchaser the amount of the purchase money, with five per cent added thereto, together with the necessary expenses incurred by said purchaser in keeping said animals.

Proviso.

Fees of Constables.

SEC. 4. The Constable making such sales shall be entitled to the same fees as are provided for by law for sales on execution.

Surplus.

SEC. 5. The Constable making such sales shall pay the surplus in his hands, if any remain after payment of costs and damages as above prescribed, to the owner, if he be present and demand the same, and produce satisfactory evidence of his right thereto; and if not, then said Constable shall pay such surplus to the County Treasurer, and take his receipt therefor, which receipt he shall file with the County Recorder of Santa Clara County. If any person or persons shall, within one year thereafter, prove, to the satisfaction of the Board of Supervisors of said county, that he or they are entitled to such sum, or any part thereof, said Board of Supervisors shall order such sum to be paid over to such person or persons, and if not so ordained,

the same shall become a part of the Common School Fund of said county.

SEC. 6. No sale made by virtue of this Act shall be valid unless the provisions of section two thereof in regard to notices, be fully complied with.

SEC. 7. When more than ten of such animals belonging to one man are posted at one time, under the provisions of this Act, the damages for all above that number shall be one half of that specified in section three [two] of this Act.

SEC. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed, so far as they relate to the County of Santa Clara; *provided*, that nothing herein contained shall be construed so as to deprive any person of the right to sue and recover damages for trespass by any animals mentioned in this Act.

SEC. 9. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXCIV.—*An Act to Provide Bonds for Completing the Deaf, Dumb, and Blind Asylum.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. For the purpose of completing and furnishing the State Asylum for the Deaf, Dumb, and Blind, the Treasurer of State shall cause to be prepared suitable bonds of the State of California, bearing interest at the rate of seven per cent per annum, payable semi-annually, on the first day of January and the first day of July of each year, at the office of the Treasurer of State. Bonds.

SEC. 2. The said bonds shall be signed by the Governor, and countersigned by the Controller, and indorsed by the Treasurer of State, and shall have the seal of the State affixed thereto, and shall date from the first day of July, A. D. eighteen hundred and sixty-four, and be made payable at the office of the Treasurer of State within twenty years after the date of their issue. Form of bonds.

SEC. 3. The coupons for interest shall be attached to each bond, so that each one may be removed without injury or defacement of the bond or the remaining coupons. The said coupons shall be consecutively numbered, and signed by the Treasurer of State, and shall represent the semi-annual interest on the bond to which they are attached. Coupons for interest.

SEC. 4. The Treasurer shall furnish the Controller of State with the number and amount of each bond prepared for issue, and each of the above named officers shall keep a careful and correct record of the number and denomination of each bond issued under this Act, the whole amount of which bonds, to be styled the "Asylum Bonds," shall not exceed seventy-five thousand dollars (\$75,000.) Record of bonds.  
Amount to be issued.

Appropriation.

SEC. 5. The sum of seven hundred dollars is hereby appropriated from the Fund arising from the sale of the "Asylum Bonds" to pay such expenses as may be incurred by the Treasurer in the preparation of the said bonds.

Tax for payment of principal and interest

SEC. 6. For the payment of the principal and interest of the "Asylum Bonds" authorized by this Act, there shall be levied, on the first Monday in March, A. D. eighteen hundred and sixty-four, and each year thereafter until the interest and principal of said bonds shall be fully paid, an annual tax of three fourths of one per cent on each one hundred dollars of value of all the taxable property in this State, which tax shall be assessed and collected as other State taxes, and by the Treasurer of State set apart in a Fund, to be designated the "Asylum Bond Redemption and Interest Fund," to be applied exclusively to the payment of the interest of the "Asylum Bonds," and for the redemption of the same; and the faith of the State of California is hereby pledged for the payment, as herein provided, of the principal and interest of the said "Asylum bonds."

Surplus in Asylum Fund.

SEC. 7. Whenever on the first day of January or the first of July of any year, there remains in the "Asylum Bond and Redemption Interest Fund," a surplus of five thousand dollars, or more, after the payment of interest as herein provided, it shall be the duty of the Treasurer of State to advertise ten days in one daily newspaper published in the City of Sacramento, and in one daily newspaper published in the City of San Francisco, for sealed proposals, to be opened one month after the expiration of the time of publication, in presence of the Governor, State Controller, and Treasurer, at the Treasurer's office, for the surrender of Asylum Bonds; and the advertisement shall state the amount of moneys in the Fund to be applied for the redemption of the said bonds, and the lowest proposals for surrender shall be accepted at such rates, not exceeding par value, as will redeem the largest amount of bonds, until the money in the Fund is exhausted.

Treasurer to report monthly.

SEC. 8. The Treasurer of State shall keep a full and particular account of interest paid and bonds redeemed, and render the same to the Controller, monthly, and it shall be his duty to pay the interest on the said bonds, when the same falls due, from the Fund provided by this Act.

Notice for sale of bonds

SEC. 9. When this Act shall have been ratified by vote of the people, as hereinafter provided, the Treasurer of State shall advertise twenty days in one daily newspaper published in the City of Sacramento, and in one daily newspaper published in the City of San Francisco, for sealed proposals for the purchase of the whole or any portion of the "Asylum Bonds," and on the day named in the advertisement for opening said proposals, they shall be opened at the office of the Treasurer of State, in presence of the Governor, Controller, and Treasurer, and the sums bid for awarded to the highest bidder; *provided*, that no bid shall be accepted at more than ten per cent discount upon the amount represented by the bonds bid for; and any portion of the amount of bonds authorized to issue under this Act, which shall not be disposed of by bid as above provided, shall be sold by the Treasurer of State, with the approval of the Governor and Controller; *provided*, that no sale shall be made at more

Proviso.

than ten per cent discount upon the amount represented by the bonds so sold, with the interest which may be due and represented by coupons at the time of such sale; and all sales shall be made for gold coin of the United States, and the proceeds shall be set apart in the Treasury, and constitute the "Blind Asylum Building Fund."

SEC. 10. The Trustees of the Deaf, Dumb, and Blind Asylum, upon approved plans and specifications, which shall be filed in the office of the Secretary of State, shall contract, upon sureties, which shall be approved by the Governor, for the erection and furnishing of the Asylum in a complete manner; *provided*, it shall not involve more expenditure than will be covered by the amount realized from the sale of the Asylum bonds issued under this Act.

Erection and furnishing Asylum, etc.

SEC. 11. All claims for material, labor, and charges incurred in constructing and furnishing the Deaf, Dumb, and Blind Asylum, in accordance with the plans above mentioned, shall be certified by the Board of Trustees, and upon approval by the Board of State Examiners, the Controller of State shall draw his warrant for the amount of such claim in favor of the person or persons to whom it is due, and the Treasurer of State shall pay the same from the Blind Asylum Building Fund.

Claims to be certified, etc.

Payment of.

SEC. 12. This Act shall be submitted to the people of the State for ratification at the general election, to be held on the first Wednesday of September, A. D. eighteen hundred and sixty-three, and the qualified electors of this State will, at said election, on their ballots for State officers, vote either for or against this Act; those voting for the same shall have written or printed on their ballots for State officers the words "For Asylum Building Act," and those voting against the same shall have written or printed on their ballots the words "Against Asylum Building Act."

Act to be submitted to a vote at election of September, 1863.

SEC. 13. The votes for and against this Act shall be canvassed, returned, and declared, in the same manner and subject to the same rules as votes cast for Treasurer of State, and if it appear that a majority of all the votes cast for and against this Act as aforesaid are in favor of the same, then it shall have immediate effect, and the Governor shall make proclamation thereof accordingly, and the Treasurer of State shall proceed as above directed to provide for the preparation and sale of the bonds herein authorized. But should a majority of votes be given against the Act, then it shall be void and of no effect.

Proclamation of result.

SEC. 14. The Secretary of State shall cause this Act to be published in one newspaper in each Judicial District, if one be published therein, throughout the State, for three months preceding the first Wednesday of September, A. D. eighteen hundred and sixty-three, at such rates of advertising as are maintained by the papers in which the same may be published; *provided*, they do not exceed the rates fixed for State printing.

Publication by Secretary of State.

SEC. 15. Section fourteen of this Act shall take effect immediately.

CHAP. CCCXCV.—*An Act concerning unlawful holding over of Lands, Tenements, and other possessions.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Holding over of lands, tenements, etc.

Trial by Justice of the Peace.

Parties defendant.

Change of terms of lease. Notice.

Proviso.

SECTION 1. When any person or persons shall hold over any lands, tenements, or other possessions, after the termination of the time for which they are demised or let to him, her, or them, or to the person or persons under whom he, she, or they hold, or after any rent shall become due, according to the terms of such lease or agreement, and shall remain unpaid for the space of three days after demand for payment thereof, in all such cases, if the lessor, his heirs, executors, assigns, Agent, or Attorney, shall make demand in writing of such tenant or tenants, that he, she, or they shall deliver the possession of the premises held as aforesaid, and if such tenant or tenants shall refuse or neglect for the space of three days after such demands to quit the possession of such lands and tenements, or to pay the rent thereof, due and unpaid as aforesaid, upon complaint therefor to any Justice of the Peace of the proper county, the Justice shall proceed to hear, try, and determine the same, in the manner hereinafter provided. It shall not be necessary, in order to work a forfeiture for non-payment of rent, to make demand for rent on the day on which the same becomes due, or at any particular time of the day, but demand may be made of the tenant in person, or of any person in possession, at any time within a year after such rent shall become due according to the terms of any lease or agreement, and may be made for the whole amount due and unpaid at the time of such demand; and the failure on the part of the lessee or his assigns to pay such rent, upon such demand being made, shall have the same force and effect as if demand had been made on the premises towards sunset on the day when the rent became due. No person other than actual occupants of the premises shall be necessary parties defendant to proceedings provided for in this section, and in case a married woman be a tenant or occupant, and her husband is not a resident of the county in which the premises are situated, her marriage shall not be a defence in such proceedings; but in case her husband be not joined, or unless she be doing business as a sole trader, a judgment against her shall only be valid against property on the premises at the time of the trial.

SEC. 2. In all leases of lands and tenements, or any interest therein, from month to month, the landlord is hereby authorized, on giving notice, in writing, at least fifteen days before the expiration of the month, to change the terms of the lease, to take effect at the expiration of said month, said notice when served upon the tenant shall of itself operate and be effectual to create and establish as a part of the lease, the terms, covenants, and conditions specified in said notice; *provided*, that if the tenant shall surrender and yield up to the landlord the lands, tenements, or interests therein held by him, at or before the



expiration of said month, he shall not be bound by the terms, covenants, or conditions set forth in said notice.

SEC. 3. The remedy provided for in this Act shall not apply as against any person who shall have held the premises demised, leased, or let to him, or to the person under or through whom he holds the possession, for one year, adversely to the right, title, or claim of the landlord, or to the person under or through whom he claims.

SEC. 4. When any complaint shall be made, in writing, under oath, to any Justice of the Peace, of any such unlawful holding over, said Justice shall issue a summons, directed to the Sheriff or any Constable of the county, commanding him to summon the person or persons against whom such complaint shall have been made, to appear before said Justice on a day in such summons named, which shall not be less than two nor more than ten days from the day of issuing such summons, and at the place therein mentioned. Complaint.  
Summons.

SEC. 5. Such summons shall be served upon the person or persons against whom the same is issued, by delivering a certified copy thereof to such person or persons, at least two days before the return day thereof, and the officer serving the same shall make a special return of the time and manner of serving such summons. Service of summons.

SEC. 6. After the return of the summons, served as hereinbefore provided, and at the time and place appointed in said summons, the Justice shall proceed to hear and determine said complaint, unless either party shall demand a jury, in which case the Justice shall issue a venire for a jury, in the same manner, and upon the same terms, as in other cases provided for trial by jury in Justices' Courts, and such jury shall be sworn as in other cases. Trial by jury.

SEC. 7. If, at the time of making such complaint, it shall be made to appear that the person or persons against whom said complaint is made, or either of them, are absent from the county, it shall be the duty of the Justice before whom the same is made, to issue his summons, as hereinbefore provided, and the same may be served by leaving a certified copy thereof at the last and usual place of abode of such person or persons not less than two days before the return day thereof, which copy shall be left with some member of the family, or some person residing at such place, of suitable age and discretion, to whom the contents thereof shall be explained by the officers leaving the same, and the officer shall make a special return of the time and manner of serving said summons, and the suit shall thereafter proceed, the same as though a personal service were had of such summons. Service of summons.

SEC. 8. The Justice may, at his discretion, adjourn any trial under this Act not exceeding ten days; and when the defendant, his Agent, or Attorney, shall make oath that he cannot safely proceed to trial for want of some material witness, naming him, that he has made due exertion to obtain such witness, and believes, if an adjournment be allowed, he will be able to procure the attendance of such witness, or his deposition, in time to produce the same upon the trial, in which case, if such person or persons will give bond, with one or more sufficient sure- Adjournment of trial

ties, conditioned to pay the said complainant for all rent that may accrue during the pending of such suit, and all costs and damages consequent upon such adjournment, the said Justice shall adjourn said cause for such reasonable time as may appear necessary, not exceeding three months.

**Testimony.** SEC. 9. The testimony of any witness, which may be considered necessary by either party, may be taken in the same manner and with the like effect as is provided for the taking of testimony in other cases in Justices' Courts.

**Judgment.** SEC. 10. If, upon the trial of any complaint under this Act, the Justice or jury shall find the defendant or defendants, or either of them, guilty of the allegations in the complaint, said Justice shall thereupon enter judgment for the complainant to have restitution of the premises, and shall tax the costs for the complainant, and may issue execution therefor, and the said Justice shall also award and issue an execution; but if the said Justice, or the jury, find that the person complained of is not guilty, the Justice shall tax the costs against the complainant, and issue execution therefor. If the jury impanelled cannot agree upon a verdict, the Justice may discharge them and issue a new venire, returnable forthwith, or at some other time agreed upon by the parties.

**Costs.**

**Damages.** SEC. 11. In all cases of a verdict by the Justice, or jury, for the complainant, the damages shall be assessed, if claimed in the complaint, as well for waste and injury committed upon the premises as for the rents and profits during such unlawful holding over, and the verdict shall also find the monthly value of the rents and profits of the said premises; and the complainant shall be entitled to recover treble damages against the persons against whom judgment has been rendered, which damages shall be assessed by the Justice, or jury, and when so assessed, shall be trebled by said Justice, and entered as a judgment in the cause upon which execution may issue.

**Jurors and witnesses failing to appear, etc.** SEC. 12. Every person summoned as a juror, or subpoenaed as a witness, who shall not appear, or who, appearing, shall refuse to serve or give evidence in any prosecution instituted under this Act, shall forfeit and pay for every such default or refusal, to the use of the county, unless some reasonable cause be assigned, such fine, not exceeding twenty dollars, as the said Justice shall think proper to impose, and execution may be issued therefor.

**Appeal.** SEC. 13. If either party shall feel aggrieved by the verdict of the jury, or decision of the Justice, he may appeal within ten days, as in other cases tried before Justices of the Peace; and he shall give bonds, with two or more sufficient sureties, to be approved by said Justice, in all respects as appeals are perfected in other cases before Justices of the Peace, conditioned to pay all costs of such appeal, and abide the order the Court may make therein, and pay all rent and other damages justly accruing during the pendency of such appeal; and upon the filing of the notice of appeal and the affidavit of the appellant that the appeal is taken in good faith, and that he intends to perfect said appeal, the Justice shall grant a stay of the writ of restitution for not exceeding two days, for the purpose of allowing the

appellant an opportunity to file his appeal bond, and for no other.

Sec. 14. Upon taking such appeal, all further proceedings in the case shall be thereby stayed, and the Appellate Court, in all cases which are now pending, or which may hereafter be brought, shall proceed to try the case anew, and shall issue all necessary writs and process to carry out the provisions of this Act. All laws or parts of laws which require a statement of the case, or evidence or exceptions to be taken before a Justice of the Peace on the trial of the case for an unlawful holding over, in order to perfect an appeal, are hereby repealed, and the same shall be tried in the Appellate Court on the evidence introduced before said Appellate Court. Stay of proceedings.

Sec. 15. If a writ of restitution shall have been issued previous to the taking of the appeal, the Justice shall give the appellant a certificate of the allowance of such appeal, and upon the serving of such certificate upon the officer having such writ of restitution, said officer shall cease all further proceedings by virtue of such writ, and if such writ shall not have been completely executed, the parties in possession shall remain in possession of the premises until the appeal shall be determined. Possession of premises.

Sec. 16. In all cases of appeal under this Act, the Appellate Court shall not dismiss or quash the proceedings for want of form; *provided*, the proceedings have been conducted substantially according to the provisions of this Act; and amendments to the complaint, answer, or summons, in matters of form only, may be allowed by the Court at any time before final judgment upon such terms as may be just, and all matters of excuse, justification, or avoidance of the allegations in the complaint, may be given in evidence under the answer. Proviso.

Sec. 17. The following or equivalent forms may be used in proceedings under this Act, to wit:

#### SUMMONS.

"The People of the State of California, to the Sheriff or any Constable of the County of ———: Whereas, A. B., of the County of ———, hath exhibited unto me, a Justice of the Peace for said county, a complaint against C. D., of the County of ———, for that the said C. D., of the County of ———, on the ——— day of ———, A. D., at the County of ———, (here insert the substance of the complaint with sufficient certainty.) You are therefore commanded to summon the said C. D., if he be found in your county, to be and appear before me at my office, (stating the place,) on the ——— day of ———, A. D. ———, then and there to make answer unto the complaint aforesaid. Given under my hand this ——— day of ——— A. D. ———. Summons.

"E. F., Justice of the Peace."

#### WRIT OF RESTITUTION.

"The People of the State of California, to the Sheriff or any Constable of the County aforesaid: Whereas, A. B., of the County of ———, at a Court of Inquiry of an unlawful holding Writ of restitution

over ———, held at my office, (or state the place,) in the county aforesaid, on the ——— day of ———, A. D. ———, before me, a Justice of the Peace for the county aforesaid, by the consideration of the Court, hath recovered judgment against C. D., to have restitution of (here describe the premises as in the complaint.) You are therefore commanded, that taking with you the force of the county, if necessary, you cause the said C. D. to be immediately removed from the aforesaid premises, and the said A. B. to have peaceable restitution of the same; and you are also commanded, that of the goods and chattels of the said C. D. within said county, you cause to be made the sum of ——— dollars for the said plaintiff, together with the costs of suit indorsed thereon, and make return hereof within ——— days from this date. Given under my hand this ——— day of ———, A. D. ———.

“E. F., Justice of the Peace.”

SEC. 18. This Act shall take effect on the first day of January, eighteen hundred and sixty-four.

CHAP. CCCXCVI.—*An Act concerning Estrays in the County of Nupa.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Estrays

SECTION 1. Any person finding an estray horse, mare, mule, jack, jenny, or any estray cattle, sheep, hogs, or goats, or any number of them, upon his farm or other inclosed premises, may post notices, containing a description of the place of the finding of such estrays, with all visible marks and brands upon them, as follows: One notice upon the school-house door of the School District wherein the estrays are found, one upon the door of the nearest Post Office, and file another with the Recorder of the county wherein the estrays are found; and in case the mark or brand of the owner or owners of the estrays is recorded in the office where the notice is filed, then the Recorder shall, within three days after the filing of the notice, deposit a copy thereof in the Post Office, with the postage paid thereon, addressed to the owner or owners of the stock, or, if owned by a company, to the President or Managing Agent of such company, at his or their place of residence. The fee of the Recorder shall be twenty-five cents for filing the notice, and fifty cents for serving a copy thereof as required by this section.

Fee of Recorder

Payment of damages.

SEC. 2. If the owner of the animals posted by virtue of this Act fails to appear within twenty days thereafter, and prove his property and pay damages to the taker up, as follows: For sheep, ten cents each, for hogs and goats, fifty cents each, and for all other stock, one dollar each, also the fees of the Recorder,

then the finder of such estray may give notice to some Constable of the county of the posting of such estray.

SEC. 3. The Constable notified shall immediately proceed to sell such estrays at public sale, in conformity with the law concerning sales on execution, except the notice of the sale of horses, mares, jacks, mules, and jennies, shall not be less than twenty days; *provided*, the owners of estrays may, at any time before the sale, retake them by paying the aforesaid damages and such costs as may accrue to the officer. Sale.  
Proviso.

SEC. 4. The Constable making such sale shall be entitled to the same fees as are provided by law for sales on execution. Fees of Constables.

SEC. 5. The Constable making such sales shall pay the surplus in his hands, if any remain after payment of costs and damages as above prescribed, to the owner, if he demand the same within three months after sale, and if not, then he shall pay such surplus to the County Treasurer, and it shall become a part of the School Fund. Surplus.

SEC. 6. All sales made by virtue of this Act shall be valid if the provisions of section one, in regard to notices, be fully complied with, otherwise they shall be invalid. Validity of sales.

SEC. 7. Stock mentioned in this Act escaping from the lands of the owners or keepers into an adjoining farm or inclosure, shall not be considered estrays under the provisions of this Act.

SEC. 8. In case above ten estrays belonging to one man are posted at one time, then the damages for all above that number shall be one half of that specified in section two of this Act.

SEC. 9. This Act shall apply to the County of Napa, and take effect and be in force from and after its passage.

SEC. 10. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, so far as they apply to Napa County, except the Act entitled an Act concerning hogs found running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa, approved March twenty-sixth, eighteen hundred and fifty-seven. Acts repealed.

CHAP. CCCXCVII.—*An Act to provide for the Sale of certain Lands belonging to the State.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Swamp and Overflowed, Marsh, and Tide Lands, belonging to the State, shall be sold at the rate of one dollar per acre, in gold or silver coin, payable: twenty per cent of principal within thirty days of the record of approval of survey or location, by the Surveyor-General, in the County Surveyor's office; the balance, bearing interest at the rate of ten per cent per annum, payable annually in advance, computed from the date of such approval, shall be due and payable one Swamp and Overflowed Land sale.  
How payable.

year after the passage of any Act requiring such payment, or before, if desired by the purchaser.

School  
Lands, etc.

Sale.

Terms.

Proviso.

SEC. 2. The one hundred and fifty thousand acres of land granted to this State for the use of an Agricultural College, by Act of Congress of July second, eighteen hundred and sixty-two, the unsold portion of the five hundred thousand acres granted to the State for School purposes, the unsold portion of the seventy-two sections granted to the State for a Seminary of Learning, the unsold portion of the ten sections granted to the State for the erection of Public Buildings, and the sixteenth and thirty-sixth sections granted for the use of the Public Schools, or lands in lieu thereof, shall be sold at the rate of one dollar and twenty-five cents per acre, payable in United States gold or silver coin, twenty per cent of the principal and the first advance interest on the balance to be paid within fifty days from the date of the record of approval of survey or location in the State Locating Agent's office, the balance, bearing interest at the rate of ten per cent per annum, payable yearly in advance, shall be due and payable, at the option of the purchaser, within one year after the passage of any Act requiring such payment; *provided*, nothing in this Act shall be construed to affect the sale of lands by the location of School Land Warrants, which lands shall be located and paid for in the manner now provided by law. The money received into the State Treasury from the sale of the one hundred and fifty thousand acres of land granted to this State for the maintenance and support of an Agricultural and Mechanical Arts College shall be converted into bonds of the Civil Funded Debt of the State, issued since the first day of January, A. D. eighteen hundred and fifty-eight, in the same manner as is provided for converting school money into State bonds by section nine of an Act entitled an Act to provide for the location and sale of the unsold portion of the five hundred thousand acres of land donated to this State for School purposes, and the seventy-two sections donated to this State for the use of a Seminary of Learning, approved April twenty-third, eighteen hundred and fifty-eight, and when the moneys are thus converted into bonds they shall be deposited in the office of the State Treasury, and there kept as a special deposit, marked "Agricultural and Mechanical Arts College Fund," to the credit of said Fund.

Oath of  
purchaser,  
and  
application.

SEC. 3. Whenever any resident of this State desires to purchase any portion of the Swamp and Overflowed Lands granted to the State by Act of Congress of September twenty-eighth, eighteen hundred and fifty, or any portion of the Tide Lands belonging to the State by virtue of her sovereignty, he shall make affidavit before any person competent to administer oaths, that he is a citizen of the United States, or has filed his intention of becoming a citizen, is a resident of the State, and of lawful age, that he desires to purchase said lands (describing them) under the laws of the State providing for the sale of the Swamp and Overflowed and Tide Lands of the State, and that he has not entered under said laws any other land which, together with the land sought to be purchased, shall exceed six hundred and forty acres, and that he does not know of any legal or equitable claim to said land other than his own,

and also, if the applicant be a female, that she is entitled to purchase and hold real estate in her own name under the laws of this State, which application and affidavit shall be filed in the office of the Surveyor of the county in which such lands, or the greater portion thereof, are situate.

SEC. 4. Whenever any resident of this State desires to purchase any portion of a sixteenth or thirty-sixth section of any township in this State, or lands in lieu thereof, if the lands sought to be purchased have not been surveyed by authority of the United States, he shall file in the office of the County Surveyor of the county in which said lands are situate, an application for a survey and plat and field notes of the lands sought to be purchased, which, when obtained, he shall file with the Locating Agent of the district, together with an affidavit that he is a citizen of the United States, or has filed his intentions to become a citizen, that he is of lawful age, and is a resident of the State, that the lands sought to be purchased are unoccupied except by the applicant, and that there are no improvements on said lands other than his own, and that to the best of his knowledge and belief there is no valid claim existing to said land adverse to his own, and if the applicant be a female, that she is entitled to purchase and hold real estate in her own name under the laws of this State; all of which shall be verified by the affidavit of three disinterested witnesses; *provided*, that the affidavits of applicants for the purchase of any of the lands granted to this State for the maintenance and support of an Agricultural and Mechanical Arts College, shall, in addition to the requirements of the affidavits above required, show that the lands sought to be purchased have been surveyed by the United States, and that the lands are subject to entry at private sale.

Application  
for survey,  
etc., of  
School Lands

Proviso.

SEC. 5. Whenever a settlement is or has been made by occupation or improvement upon any portion of a sixteenth or thirty-sixth section of any of the Public Lands in this State, the Locating Agent of the district in which such land is situated shall, if such occupant has not acquired a pre-emption right to such land, notify such occupant or claimant of the fact that he is upon lands belonging to the State, and that he must make application to purchase the same of the State within sixty days, or forfeit all rights to the land. If such occupant or claimant shall neglect or refuse to make such application to purchase within the sixty days above named, such land shall be subject to location and sale in the manner provided for the sale of other sixteenth and thirty-sixth sections, with the exception that the affidavits in regard to occupancy and improvement may be omitted, in all of which cases the application to purchase shall be accompanied by the affidavit of the Locating Agent of the district, that he has duly notified the occupant or claimant of the land as provided by this section, and that for a period of sixty days after such notice the occupant or claimant has refused or neglected to apply for said lands.

Locating  
Agent, and  
his duties.

SEC. 6. Whenever any resident of the State desires to purchase from the lands surveyed by authority of the United States

Affidavit of  
purchaser.

any portion not less than the smallest legal subdivision of the one hundred and fifty thousand acres granted to this State for the use of an Agricultural College, any portion of the five hundred thousand acre grant, or of the seventy-two section grant, or the ten section grant, or of any sixteenth or thirty-sixth section, or lands in lieu thereof, he shall make the same affidavit as provided in section four of this Act, which shall be verified in the same manner; which affidavit, together with his application to purchase said lands, describing them by legal subdivisions, shall be filed in the office of the State Locating Agent of the district in which the lands sought to be purchased are situate.

Duties of  
County  
Surveyor.

SEC. 7. It shall be the duty of the County Surveyor, immediately upon receiving any application for a survey required by sections three and four of this Act, to note the same in a book kept in his office for the purpose, in the regular order in which it is received, giving the name and address of the applicant, description of the land, class of lands, whether Swamp, Tide, sixteenth and thirty-sixth section grant, or lands in lieu thereof, which book shall be furnished by the Surveyor-General, and shall always be open to public inspection. He shall, within thirty days after receiving such application, if the lands are subject to sale, complete the survey, plat, and field notes, duplicates of which, together with a copy of the application and affidavits, shall, if the lands be Swamp and Overflowed, or Tide Lands, be forwarded to the Surveyor-General for approval; and if the lands be part of the sixteenth and thirty-sixth section grant, he shall furnish the applicant with a full description, by legal subdivision, of the lands applied for, which, together with the application and affidavits required by section four of this Act, shall be filed with the Locating Agent of the district in which the lands are situate. The County Surveyor shall, immediately upon the receipt from the Surveyor-General of any approved copy of survey of Swamp or Tide Lands, forward the same to the applicant, and mark upon the maps and record in the books of his office all surveys thus made by him, which maps and books shall be always open to public inspection.

Duties of  
Locating  
Agents.

SEC. 8. It shall be the duty of the several State Locating Agents of this State, whenever application is made to them, as provided in sections five, six, and seven of this Act, for the purchase of any lands of this State, except Swamp and Overflowed and Tide Lands, if the lands applied for be subject to sale, to keep a complete record of such applications, when accepted, in the same manner as provided for County Surveyors in section seven of this Act, which record shall always be open to public inspection. Whenever the amount of three hundred and twenty or more acres have been applied for under any one grant, he shall, in behalf of the State, make application to the Register of the United States Land Office for the district, for such lands, in part satisfaction of the grant under which they are located, and obtain his acceptance of the selections, which acceptance, together with the corresponding certificates of location, according to the form prescribed by the Surveyor-General, he shall forward, with the proper affidavits, to the office of the Surveyor-General for approval, and when approved and returned to him,



he shall record the approval, and forward the approved certificate of location to the applicant.

SEC. 9. It shall be the duty of the Surveyor-General, upon the receipt of any application to purchase any lands of the State, to carefully compare the same with the maps and records of surveys and locations in his office, and if the law under which such survey or location was made has been complied with, and no counter application or conflict exists, he shall, at the expiration of thirty days, approve the same, and forward a copy, with his approval indorsed thereon, to the County Surveyor, if the lands be Swamp and Overflowed, and to the State Locating Agent, if for any other class of lands. The Surveyor-General shall keep at his office complete maps of the State, so far as surveys have been returned to him, upon which shall be shown all the lands sold by the State, and all surveys of lands applied for, which have been approved by him, showing, also, all lands for which certificates of purchase or patents have been issued.

Duties of Surveyor-General.

SEC. 10. Whenever any County Surveyor shall neglect or refuse to make any surveys of the State lands as provided by this Act, the Surveyor-General may appoint some competent person to make such surveys, who shall have free access to the books and papers of the County Surveyor's office.

County Surveyor failing to discharge duties.

SEC. 11. For the purpose of ascertaining, protecting, and managing the title and claim of the State to any lands within its limits, derived by grants from the United States, or in any other manner, and for the purpose of carrying out the laws which have been or may hereafter be enacted for the disposal of the same, an office shall be established at the seat of government, which shall be designated and known as the State Land Office of the State of California.

State Land Office.

SEC. 12. The chief officer of said Land Office shall be designated and known as the "Register of the State Land Office," and his duties shall be such as may be prescribed by law. The Surveyor-General shall be ex officio said Register until otherwise provided by law; but before entering upon the duties of his office, the Register shall take an oath for the faithful performance of his duties, and to support the Constitution of the United States and of this State; and the said Surveyor-General and Register shall have power to appoint, under his hand and seal, a Deputy, who may, when necessary, perform all duties belonging to the two offices; and for his own security the Surveyor-General and Register may require said Deputy to give him a bond in such sum and with such securities as he may deem sufficient; but the said Deputy shall be entitled to no compensation from the State for acting in such capacity.

Register.

Oath.

Deputy.

SEC. 13. It shall be the duty of the said Register to keep separate and distinct accounts and records in relation to each class of lands to which the State may be entitled. He shall keep, in a well bound set of books, complete records of all lands that may have been or may hereafter be selected and located by the proper Agents of the State as a portion of the five hundred thousand acres granted to the State, and applied to school purposes, of the seventy-two sections granted to the State for the purposes of a Seminary of Learning, of the ten sections granted to the State for the erection of public buildings, of the grant of the six-

Duty of Register.

teenth and thirty-sixth sections, or lands taken in lieu thereof, and of the one hundred and fifty thousand acres granted to the State for the purposes of an Agricultural College. These records shall show the number of the location, the date of the same, the name of the locator, the description of the land by township, range, section, and, when practicable, by the subdivisions of sections, the price per acre at which the same are sold, the amount paid, and date of first payment, the date of all subsequent payments, the number and date of the certificate of purchase, and the date of the patent, when the same shall have been issued. He shall also keep, in a well bound set of books, a complete record of all Swamp and Overflowed Lands, and Tide Lands, to which the State is entitled by virtue of any Act of Congress, or by her own sovereignty, in the same manner as already prescribed in the case of School, Seminary, Public Building, and Agricultural College Lands. He shall also keep the proper plats of the above named lands, upon which plats all approved locations and surveys shall be designated by their numbers; and when certificates of purchase or patents shall have been issued, the same shall be also noted on the plats. But so long as the Surveyor-General performs the duties of Register, but one set of maps shall be required.

Approved surveys, etc.

SEC. 14. Whenever any location or survey of any of the above mentioned lands has been approved by the Surveyor-General, in the manner hereinbefore specified, the purchaser shall present his copy of the same to the County Treasurer, who shall thereupon receive the amount, whether in full or in part, so provided by law, and the fee for the certificate of purchase, indorsing his receipt therefor upon the back of the said certificate of location or survey, which shall then be returned to the purchaser. All subsequent payments, whether of the balance of the principal or of the interest thereon, shall be paid to the County Treasurer in like manner, who shall indorse the same upon the back of the certificate of purchase. The Treasurer shall also direct the purchaser to take the said certificate of location or purchase or survey so indorsed, to the Auditor, who shall charge the amount named therein to the account of the Treasurer, and make his check upon the indorsed receipt so charged.

Payments.

County Treasurers.

SEC. 15. Upon the first and sixteenth days of every month, (except when the same shall fall on Sundays or other holiday, and then upon the days next following,) the County Treasurer shall make a report to the Register of the State Land Office, showing the number of the location, the name of the locator, and the amount paid since the date of his last report, whether as principal or interest, which amounts shall be entered in the columns belonging to the particular class of land upon which each payment has been made. The payment of the fee for the certificate of purchase shall also be entered in the proper column, and the Treasurer shall then send the report to the Auditor, who shall compare the items with the account of the Treasurer, and if the same shall be found to agree with his entries, he shall countersign the report as correct, and return it to the Treasurer. These reports shall be forwarded to the Register on or before the fifth day after they have been made up, and upon receipt thereof the Register shall enter the pay-

Reports to be made semi-monthly.

ment so reported to the credit of the purchasers by whom they have been made, in the books of his office. He shall further, as soon as possible thereafter, notify the County Treasurer of the receipt of his report, and of any error that may have been found therein; in that case returning the report for correction. He shall also, as soon as practicable, after any correct or corrected report has been received, prepare and forward to the County Treasurer or owners, the certificates of purchase for which the fees have been reported as paid.

Register.  
Duties.

SEC. 16. At the end of the quarter it shall be the duty of the County Treasurer to make a report to the Controller of State, showing the amount which has been received during the quarter, either as principal or interest, upon each class of land, which report shall be referred to the Register of the State Land Office for examination and comparison with the books of his office. When the Register shall have certified to the correctness of the report, it shall be returned to the Controller, who shall thereupon make his settlement with the County Treasurer, and the said County Treasurer shall then pay over to the Treasurer of State all moneys, Controller's warrants, or other indebtedness of the State, that may have been received in payment for said lands. The Treasurer shall be entitled to three per centum of all amounts received and so reported by him, and the Auditor to one per centum of all amounts so certified by him, which he shall receive from the Treasurer, and his receipt therefor shall be a sufficient voucher for the Controller of State, in his settlement with the County Treasurer.

County  
Treasurer to  
report to  
State  
Controller.

SEC. 17. When a certificate of purchase has been issued by the Register, the same shall be deemed prima facie evidence of legal title to the land for which the certificate of purchase is issued; *provided*, such certificates of purchase shall not be so construed as to affect the working of mineral lands for mining purposes. Such certificates, and all rights acquired thereby, shall be subject to sale and transfer, by deed or assignment, executed and acknowledged before any officer authorized by law to take acknowledgments of deeds, or before said Register; but all such sales or transfers shall, when recorded by the County Recorder, be reported by him to the Register, to be entered in the books of his office, and the said Recorder shall be entitled to receive from the purchaser or transferee, for so reporting the same, a fee of fifty cents in addition to that already allowed for recording.

Certificates  
of purchase.

SEC. 18. Whenever a purchaser of any State land upon a credit desires to abandon the location or entry made by him, he shall do so by acknowledgment and re-conveyance of his title to the State, and shall surrender the certificate of purchase, or if the same has been lost, send to the Register an affidavit of the fact.

Abandonment  
of  
location.

SEC. 19. In the event of any of the lands sold by the State proving to be within the boundaries of a grant, or otherwise not the property of the State, the holder or assignee of the certificate of purchase or patent shall be entitled to receive in exchange therefor a certificate from the Register of the State Land Office that such amount has been paid. This certificate shall specify the kind or class of land upon which the said

Lands sold  
not belong-  
ing to the  
State.

amount was paid, and the locator may present, and the County Treasurer and State Treasurer shall receive, the said certificate as payment for its amount, either principal or interest, upon any lands of the same class which the same purchaser or assigns may afterward desire to locate, or may already have located. The Register may demand and receive of the person receiving said certificate the sum of three dollars.

Failure to  
pay interest.

SEC. 20. Whenever hereafter the purchaser of any of the public lands which have been sold on a credit, or the owner of or assignee of the certificate of purchase shall fail or neglect to pay the interest within thirty days after the same shall have become due, in accordance with the provisions of the Act under which the purchase was made, it shall be the duty of the Register of the State Land Office to publish a list of the lands upon which default has been so made by causing the same to be printed three or more times in some weekly newspaper published in the county in which the lands are situated, or in case there is no newspaper published in the county, by posting the same upon the doors of the County Court House during the period of thirty days, together with a notice that if the sum due upon each is not paid to the County Treasurer within ten days after the last day of publication, the certificate of purchase may be annulled, as now provided for by law, and the land held subject to be re-entered by other parties, as though the same had never been taken up.

SEC. 21. A second certificate of purchase shall not in any case be issued for the same tract of land, unless the first certificate shall have been surrendered, or shall have been annulled in the manner prescribed by law.

Final  
payment.

SEC. 22. When any final payment shall have been made for any tract sold by the State, which is situated upon lands which have been surveyed by the United States, and the selection of which has been duly accepted by and all papers required by law duly procured from the proper officer of the Government, or when the tract so finally paid for shall be Swamp or Tide Lands, it shall be the duty of the Register of the Land Office to prepare a patent for said land, and send the same to the Governor of the State, together with a certificate under his official seal, certifying that the laws relating to the particular case have been fully complied with, or that full payment has been made to the State, and that the party named in the patent is entitled to the same. The Governor shall then complete and issue the patent, conveying to the party named the lands described in the body of the patent, which shall then be signed by the Governor, sealed with the seal of State, and attested by the Secretary of State. The Register shall then record the patent in the proper record book of his office, and countersign and deliver or forward the patent to the owner or his Agent.

Issuance of  
patent.

Seals of  
Register and  
Surveyor-  
General.

SEC. 23. The Register and Surveyor-General shall each have a seal of office, which they shall attach to all certificates issued by them, and any copies or extracts of any documents, or papers, or records belonging to his office, duly authenticated by him under his said seal, shall have the same effect and efficiency in the Courts of the State as the originals would have.

SEC. 24. The Register shall have such a salary as may be Register.  
 fixed by law, payable monthly, and shall be entitled to appoint Salary.  
 such Clerks, Draughtsman, and at such salaries as may be Clerks.  
 allowed by law, payable monthly; and the proper officers of the  
 State shall be and the same hereby are authorized and required  
 to pay the same, and such contingent and other expenses of the  
 office of said Register as may be allowed by law. Fees. The Register  
 shall be entitled to a fee of fifteen cents per folio for all copies  
 of papers furnished by him, to be paid by the person applying;  
 and for each certificate of purchase, duplicate, or patent, he  
 shall receive the sum of three dollars; and for each certificate  
 given under the provisions of section nineteen of this Act, he  
 shall receive the sum of one dollar. All fees received by the  
 Surveyor-General and Register shall be paid into the State  
 Treasury, as now required by law.

SEC. 25. The Surveyor-General, Register, County Surveyors, Powers of officers.  
 and Agents, authorized by law to locate State lands, shall each  
 have power to administer the oaths or affirmations required or  
 allowed by law in matters touching the duties of his office, and  
 for no other purpose.

SEC. 26. Any person making application for a duplicate Applications for duplicate warrants.  
 School Land Warrant, in lieu of one alleged to have been lost or  
 destroyed, or when for any other cause it cannot be made avail-  
 able, shall make satisfactory proof to the Register of the State  
 Land Office that the party applying therefor is the bona fide  
 owner of the warrant, that the same has been lost or destroyed;  
 upon the applicant making the above proof, and filing with the  
 Register of the State Land Office a good and sufficient bond, in  
 form joint and several, with two or more sureties, to be approved  
 by the said Register, payable to The State of California, in double  
 the value of said School Land Warrant, conditioned that the  
 said warrant alleged to have been lost shall not be presented  
 for location, the said Register shall certify that the applicant is  
 entitled to a duplicate School Land Warrant in lieu of the one  
 proven to have been lost or destroyed, and upon the presentation  
 of said certificate to the Governor, he shall prepare and deliver  
 to said applicant a duplicate warrant, bearing the same number  
 as the one lost or destroyed, having the word "duplicate" writ-  
 ten across the face thereof, which said warrant, when so issued,  
 shall have the same force and effect as the original would have;  
 the Register of the State Land Office shall in no case give the  
 certificate above required until he shall be fully satisfied that  
 the original has not been located, or if located, that the lands so  
 located have not and will not be charged to this State by the  
 Federal Government as a portion of the five hundred thousand  
 acres of land granted to this State for internal improvements.

SEC. 27. The Surveyor-General and Register are hereby Surveyor-General and Register.  
 authorized to issue all the necessary instructions, and to pre-  
 pare and order the printing of all the blanks needed for the  
 proper fulfilment of the requirements of this Act. In all cases  
 where a contest shall arise for the approval of a survey or loca-  
 tion before the Surveyor-General, or for a certificate of purchase,  
 or other evidence of title, before the Register, that officer shall,  
 when such contest is a question as to the survey, or purely a  
 question of fact, determine the same according to the facts, and

Powers and  
duties.

give his approval, or issue the certificate of purchase, or other evidence of title, as he may so determine. When, in the judgment of the Surveyor-General or Register, a question of law alone, or of law and fact, is involved in such case, or when either party shall demand a trial of such question in the Courts of this State, the said Surveyor-General or Register shall enter such demand, with a statement of the case, together with a direction that the parties are referred to the District Court of the proper district for a final determination of such conflicting claim or contest, in the proper record book of his office. Either party may bring his action in the District Court of the county in which the land in question is situated, to determine such conflicting claim; and the proffer of a certified copy of the entry, made by the Surveyor-General or Register, shall give to said District Court full and complete jurisdiction to hear, try, and determine said conflicting claims. Upon the filing with the Surveyor-General or Register a copy of the final judgment of said District Court, the officer shall give his approval, or issue the certificate of purchase, or other evidence of title, in accordance with such judgment.

SEC. 28. No location of land made under the provisions of this Act, or any proceedings in accordance therewith, shall be construed to give any title to, interest in, or right of possession or occupation of any of the Public Lands in this State, unless the person for whose benefit the location is made or the proceedings taken shall have first taken and subscribed the following oath or affirmation:

Oath of  
purchaser.

"I do solemnly swear (or affirm, as the case may be) that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, that I will bear true faith, allegiance, and loyalty to the said Constitution and Government, any ordinance or law of any State, Convention, or Legislature, or any rule or obligation of any society or association, or any decree or order from any source whatsoever, to the contrary notwithstanding; and that I will support the Constitution of the State of California; and, further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever, and that this oath (or affirmation, as the case may be,) is not taken for the purpose of acquiring title to, interest in, or possession of any land in order that such title, interest, or possession may be transferred to any person or persons, to enable such person or persons to evade the provisions of any law of the State of California, or any regulation of the General Land Office at Washington."

Certificate of  
oath to be  
indorsed, etc

SEC. 29. The certificate of the oath or affirmation prescribed in the preceding section shall be indorsed on a description of the land over which ownership or control is sought to be acquired, setting forth when the land has been surveyed by the General Government, the section and subdivision of section, township, and range, in which such land is situated, and the said description, with the certificate of the oath or affirmation indorsed as prescribed by this section, shall be filed in the office of the Recorder of the county in which the land described is situated, and the right of the person making the oath or affir-

mation shall not be deemed to attach to such land by virtue of any proceedings under this Act until the moment of the filing the description and certificate of the oath or affirmation in the office of the County Recorder, and no certificate of purchase or patent shall be issued to any person for lands located under this Act until a certified copy of said description and oath or affirmation has been filed in the office of the State Register.

SEC. 30. This Act shall not apply to the Marsh and Tide Lands upon the city front and within five miles of the City and County of San Francisco, and of the City of Oakland, and one mile of the State Prison at San Quentin. Act not to apply to certain lands.

SEC. 31. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CCCXCVIII.—*An Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said City and County.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

#### OF THE ORGANIZATION OF THE BOARD.

SECTION 1. The Board of Education of the City and County of San Francisco, shall consist of the School Directors elected for the several Election Districts of said city and county. The said Board shall organize annually, on the first Tuesday in July, by electing a President from among its members, and shall hold meetings monthly thereafter, and at such other times as the Board may determine. A majority of all the members elect shall constitute a quorum to transact business, but a smaller number may adjourn from time to time. The Board may determine the rules of its proceedings. Its sessions shall be public, and its records shall be open to public inspection. Board.

#### OF THE POWERS AND DUTIES OF THE BOARD.

SEC. 2. The Board of Education shall have sole power :

*First*—To establish and maintain Public Schools, and to establish School Districts, and to fix and alter the boundaries thereof. Powers.

*Second*—To establish Experimental and Normal Schools, either separately or in connection with the State Normal School.

*Third*—To employ and dismiss Teachers, Janitors, and School Census Marshals, and to fix, alter, allow, and order paid, their salaries or compensations; and to employ and pay such mechanics and laborers as may be necessary to carry into effect the powers and duties of the Board; and to withhold, for good

and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Powers of Board.

*Fourth*—To make, establish, and enforce all necessary and proper rules and regulations, not contrary to law, for the government and progress of Public Schools within the said city and county, the Teachers thereof, and the pupils therein, and for carrying into effect the laws relating to education; also, to establish and regulate the grade of schools, and determine what text books, course of study, and mode of instruction shall be used in said schools.

*Fifth*—To provide for the School Department of said city and county fuel and lights, at an expense not exceeding twelve hundred dollars per annum; water, not exceeding seven hundred and fifty dollars per annum; blanks, blank books, books, printing, and stationery, not exceeding twelve hundred dollars per annum; and to incur incidental expenses, not exceeding twelve hundred dollars per annum.

*Sixth*—To build, alter, repair, rent, and provide school houses, and furnish them with proper school furniture, apparatus, and school appliances, and to insure any and all school property.

*Seventh*—To lease, for a term not exceeding ten years, any unoccupied property of the School Department not required for school purposes.

*Eighth*—To receive, purchase, lease, and hold in fee, in trust for the City and County of San Francisco, any and all real estate, and to hold in trust any personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the Public Schools of said city and county; *provided*, the lots to be purchased under the provisions of this section do not exceed ten in number, and all conveyances heretofore made to the said Board of Education are hereby legalized and declared valid, and the property therein conveyed vested in the said Board in trust as aforesaid.

*Ninth*—To sell or exchange the following lots of land, or any part thereof, to wit: Fifty vara lot number three hundred and forty-five, on California street, between Powell and Mason streets; fifty vara lot number four hundred and sixty-two, on the corner of Filbert and Kearny streets; fifty vara lot number seven hundred and thirty-two, on the corner of Harrison and Fremont streets; one half of one hundred vara lot number one hundred and twenty-eight, corner of Market and Fifth streets; and one hundred vara lot number one hundred and seventy-four, corner of Harrison and Fourth streets, in said city and county, and good and valid deeds therefor to make and execute; *provided*, that no real estate shall be sold or exchanged without the consent of seven members of the Board of Education, and seven members of the Board of Supervisors of said city and county; and, *provided*, further, that the proceeds of such sales shall be applied exclusively to the purchase of other lots or the erection of school houses.

*Tenth*—To grade, fence, and improve school lots, and in front thereof to grade, sewer, plank, or pave, and repair streets, and to construct and repair sidewalks.

*Eleventh*—To sue for any and all lots, lands, and property belonging to or claimed by the said School Department, and to



prosecute and defend all actions, at law or in equity, necessary <sup>Powers.</sup> to recover and maintain the full enjoyment and possession of said lots, lands, and property, and further, to do any and all lawful acts necessary thereto.

*Twelfth*—To determine, annually, the amount of taxation, not exceeding thirty-five cents on each one hundred dollars valuation upon the assessment roll, to be raised by tax upon the real and personal property within the said city and county, not exempt from taxation, for the establishment and support of Free Public Schools therein, and for carrying into effect all the provisions of law regarding Public Schools; and the amount so determined by the said Board of Education shall be reported in writing to the Board of Supervisors of said city and county on or before the third Monday of April of each year; and the said Board of Supervisors are hereby authorized and required to levy and cause to be collected, at the time and in the manner of levying State and other city and county taxes, the amount of taxation so determined and reported to them by the said Board of Education, as a school tax upon all taxable property of said city and county; and said tax shall be in addition to all other amounts levied for State and city and county purposes.

*Thirteenth*—To establish regulations for the just and equal disbursement of all moneys belonging to the Public School Fund.

*Fourteenth*—To examine and allow, in whole or in part, every demand payable out of the School Fund, or to reject any such demand for good cause, of which the Board shall be sole judge.

*Fifteenth*—To discharge all legal incumbrances now existing upon any school property.

*Sixteenth*—To order paid from the School Fund of the said city and county a sum, not exceeding one hundred dollars per month, for rent of an office and rooms for the Superintendent and said Board, and a further sum, not exceeding five hundred dollars, to fit up such office and rooms.

*Seventeenth*—To prohibit any child under six years of age from attending the Public Schools.

*Eighteenth*—And generally, to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said Board.

#### GENERAL PROVISIONS.

Sec. 3. The President of the Board of Education shall have power to administer oaths and affirmations concerning any demand upon the Treasury payable out of the School Fund, or other matters relating to his official duties. <sup>Power to administer oaths.</sup>

Sec. 4. At the last regular session of the Board, in September, December, March, and June, of each year, before proceeding to other business, each Director shall be called on to report the condition of the school or schools in his district, and the circumstances and wants of the inhabitants thereof in respect to education, and to suggest any defect he may have noted and improvement he would recommend in the school regulations. The reports to be made in December and June shall be in writing. <sup>Report of Directors.</sup>

**Contracts.** SEC. 5. All contracts for building shall be given to the lowest bidder therefor offering adequate security, to be determined by the Board, after due public notice published for not less than five days in at least two daily newspapers of said city and county.

SEC. 6. No School Director or Superintendent shall be interested in any contract pertaining in any manner to the School Department of said city and county. All contracts in violation of this section are declared void, and any Director or Superintendent violating or aiding in the violation of the provisions of this section shall be deemed guilty of a misdemeanor.

**Certificate of Teachers.** SEC. 7. No Teacher shall be employed in any of the Public Schools without having a certificate issued under the provisions of this Act. For the purpose of granting the certificates required, the Board of Education, either as a body, or by committee, or by the Superintendent, shall hold examinations of Teachers. No certificate shall be issued except to a person who shall have passed a satisfactory examination in such branches as the Board may require, and shall have given evidence of good moral character, ability, and fitness to teach. The said certificate shall be in force for two years; *provided*, that the person to whom it is granted is continuously employed in the schools in teaching.

SEC. 8. The Board may, in its discretion, renew, without re-examination, the certificate of any person so employed. It shall have power to revoke the certificate of any Teacher upon evidence of immoral or unprofessional conduct, and any School Director, with the consent and advice of the Superintendent, may, for good and sufficient cause, provisionally withdraw the certificate of any Teacher employed in the schools of his district until the next regular meeting of the Board.

#### OF THE SUPERINTENDENT.

**Duties of Superintendent.** SEC. 9. The Superintendent of Public Schools of the City and County of San Francisco is hereby declared and constituted ex-officio a member of the Board of Education, without the right to vote.

SEC. 10. The said Superintendent is hereby authorized to appoint a Clerk, subject to the approval of the Board of Education, who shall act as Secretary of the Board, and who shall be paid a salary, to be fixed by the said Board, not to exceed the sum of one hundred and fifty dollars per month. The said Clerk shall be subject to removal at the pleasure of the Superintendent, and shall perform such duties as may be required of him by the Board or the Superintendent.

SEC. 11. The Superintendent shall report to the Board of Education annually, on or before the twentieth day of June, and at such other times as they may require, all matters pertaining to the expenditures, income, and condition and progress of the Public Schools of said city and county, during the preceding year, with such recommendations as he may deem proper.

SEC. 12. It shall be the duty of the Superintendent to visit and examine each school at least once in three months; to observe and cause to be observed such general rules for the regulation, government, and instruction of the schools, not inconsistent with the laws of the State, as may be established by the

Board of Education; to attend the sessions of the Board, and inform them at each session of the condition of the Public Schools, school houses, School Funds, and other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in the city and county. He shall acquaint himself with all the laws, rules, and regulations governing the Public Schools in the said city and county, and the judicial decisions thereon, and give advice on subjects connected with the Public Schools gratuitously, to officers, Teachers, pupils, and their parents and Guardians.

SEC. 13. Any vacancy in the office of School Director shall be filled by appointment by the Superintendent, by and with the consent of a majority of the School Directors then in office; and such appointees shall hold office, respectively, until the municipal election next ensuing, and the election and qualification of their successors in office. But no such appointment shall be valid, unless the appointee be at the time of his appointment an elector of the district wherein the vacancy occurred.

SEC. 14. In case of a vacancy in the office of Superintendent, the Board of Education may appoint a person to fill the vacancy until the regular election then next following, when the office shall be filled by election of the people.

#### OF THE SCHOOL FUND.

SEC. 15. The School Fund of the City and County of San Francisco shall consist of all moneys received from the State School Fund; of all moneys arising from taxes which shall be levied annually by the Board of Supervisors of said city and county for school purposes; of all moneys arising from the sale, rent, or exchange of any school property; and of such other moneys as may, from any source whatever, be paid into said School Fund; which Fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this Act, and for the payment of the interest and redemption of the principal of the school bonds, according to law. No fees or commissions shall be allowed or paid for assessing, collecting, keeping, or disbursing any school moneys; and if, at the end of any fiscal year, any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and shall not be, for any purpose whatever, diverted or withdrawn from said Fund, except under the provisions of this Act.

SEC. 16. The said School Fund shall be used and applied by said Board of Education for the following purposes, to wit: Application and use of.

*First*—For the payment of the salaries or wages of Teachers, Janitors, School Census Marshals, and other persons who may be employed by the said Board.

*Second*—For the erection, alteration, repair, rent, and furnishing of school houses.

*Third*—For the expenses of Model and Normal Schools.

*Fourth*—For the purchase money or rent of any real or personal property purchased or leased by said Board.

*Fifth*—For the insurance of all school property.

*Sixth*—For the payment of interest due on school bonds, and for the redemption of the same.

*Seventh*—For the discharge of all legal incumbrances now existing on any school property.

*Eighth*—For lighting school rooms and the office and rooms of the Superintendent and the Board of Education.

*Ninth*—For supplying the schools with fuel, water, apparatus, blanks, blank books, and necessary school appliances, together with books for indigent children.

*Tenth*—For supplying books, printing, and stationery for the use of the Superintendent and Board of Education, and for the incidental expenses of the Board and Department.

*Eleventh*—For the payment of the salary of the Secretary of the Board of Education.

*Twelfth*—For grading, fencing, and improving school lots, and for grading, sewerage, planking, or paving, and repairing streets, and constructing and repairing sidewalks in front thereof.

Claims.

SEC. 17. All claims payable out of the School Fund (excepting the coupons for interest and the School Bonds) shall be filed with the Secretary of the Board, and after they shall have been approved by a majority of all the members elect of the Board, upon a call of yeas and nays (which shall be recorded) they shall be signed by the President of the Board and the Superintendent of Public Schools, and be sent to the City and County Auditor. Every demand shall have indorsed upon it a certificate of its approval by the Board, showing the date thereof and the law authorizing the same by title, date and section. All demands for Teachers' salaries shall be payable monthly.

SEC. 18. Demands on the School Fund may be audited and approved in the usual manner, although there shall not at the time be money in the Treasury for the payment of the same. *provided*, that no demand on said Fund shall be paid out of or become a charge against the School Fund of any subsequent fiscal year; and, further, *provided*, that the entire expenditures of the said School Department for all purposes shall not in any fiscal year exceed the revenues thereof for the same year.

SEC. 19. The City and County Auditor shall state, by indorsement upon every claim or demand audited on the School Fund, the particular money or Fund out of which the same is payable, and that it is payable from no other source.

Audited bills  
receivable  
for School  
taxes.

SEC. 20. Audited bills of the current fiscal year for wages or salaries of the Teachers in the Public Schools shall be receivable for school taxes due upon real estate.

Claims.

SEC. 21. All demands authorized by this Act shall be audited and approved in the usual manner, and the Auditor and Treasurer of said city and county are respectively authorized and required to audit and pay the same when so ordered paid and approved by the said Board; *provided*, that the said Board shall not have power to contract any debt or liability in any form whatsoever against the said city and county in contravention of this Act.

Proviso.

Teachers  
exempt.

SEC. 22. The Teachers in the Industrial School in said city and county, shall be exempt from the provisions of this Act.

SEC. 23. This Act shall take effect and be in force from and after its passage, and all laws and parts of laws, so far as they

are inconsistent with or a repetition of the provisions of this Act, are hereby repealed.

CHAP. CCCXCIX.—*An Act providing for the Time of holding the several Courts of Record in this State.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

TERMS OF THE DISTRICT COURTS.

SECTION 1. There shall be held, in the counties composing <sup>First.</sup> the First Judicial District, terms of the District Court as follows:

In the County of San Diego, on the third Monday of January, May, and September.

In the County of San Bernardino, on the first Monday of January, May, and September.

In the County of Los Angeles, on the first Monday of April, July, and October.

In the County of Santa Barbara, on the first Monday of March, February, and second Monday of June.

In the County of San Luis Obispo, on the second Monday of February, March, and third Monday of June.

SEC. 2. There shall be held, in the counties composing the <sup>Third.</sup> Third Judicial District, terms of said Court as follows:

In the County of Monterey, on the second Monday of April, August, and December.

In the county of Santa Cruz, on the fourth Monday of April, August, and December.

In the County of Santa Clara, on the second Monday of January, May, and September.

In the County of Alameda, on the second Monday of February, June, and October.

In the County of Contra Costa, on the second Monday of March, June, and November.

SEC. 3. There shall be held, in the Twelfth Judicial District, <sup>Twelfth.</sup> terms of said Court as follows:

In the City and County of San Francisco, on the first Monday of January, March, May, July, September, and November.

In the County of San Mateo, on the third Monday of April, August, and December.

SEC. 4. There shall be held, in the Fourth Judicial District, <sup>Fourth.</sup> terms of said Court as follows:

On the first Monday of February, April, June, August, October, and December.

SEC. 5. There shall be held, in the Thirteenth Judicial Dis- <sup>Thirteenth.</sup> trict, terms of said Court as follows:

In the County of Tulare, on the fourth Monday of February, June, and October.

In the County of Fresno, on the third Monday of February, June, and October.

In the County of Mariposa, on the second Monday of March, July, and November.

In the County of Merced, on the third Monday of January, May, and September.

In the County of Stanislaus, on the first Monday of February, June, and October.

**Fifth.** SEC. 6. There shall be held, in the Fifth Judicial District, terms of said Court as follows :

In the County of San Joaquin, on the first Monday of April, August, and December.

In the County of Tuolumne, on the first Monday of March, July, and November.

In the County of Mono, on the first Monday of May and September.

**Seventh.** SEC. 7. There shall be held, in the Seventh Judicial District, terms of said Court as follows :

In the County of Marin, on the first Monday of March, July, and November.

In the County of Sonoma, on the third Monday of February, June, and October.

In the County of Mendocino, on the third Monday of March, July, and November.

In the County of Napa, on the first Monday of February, June, and October.

In the County of Solano, on the third Monday of January, May, and September.

In the County of Lake, on the fourth Monday of November and March.

**Eleventh.** SEC. 8. There shall be held, in the Eleventh Judicial District, terms of said Court as follows :

In the County of Calaveras, on the second Monday of January, April, July, and October.

In the County of Amador, on the second Monday of March, June, September, and December.

In the County of El Dorado, on the second Monday of February and May, and third Monday of August and November.

**Sixth.** SEC. 9. There shall be held, in the Sixth Judicial District, terms of said Court as follows :

In the County of Sacramento, on the first Monday of February, April, June, August, October, and December.

In the County of Yolo, on the third Monday of March, July and November.

**Fourteenth.** SEC. 10. There shall be held, in the Fourteenth Judicial District, terms of said Court as follows :

In the County of Placer, on the third Monday of January, April, July, and October.

In the County of Nevada, on the third Monday of February, May, August, and November.

**Tenth.** SEC. 11. There shall be held, in the Tenth Judicial District, terms of said Court as follows :

In the County of Yuba, on the third Monday of January, April, July, and October.

In the County of Sutter, on the second Monday of February, June, and October.

In the County of Colusa, on the second Monday of January, and first Monday of April, and September.

In the County of Sierra, on the second Monday of March, May, August, and November.

SEC. 12. There shall be held, in the Second Judicial District, Second. terms of said Court as follows :

In the County of Tehama, on the second Monday of February, May, August, and November.

In the County of Butte, on the second Monday of March, June, September, and December.

In the County of Plumas, on the second Monday of April, July, and October.

SEC. 13. There shall be held, in the Ninth Judicial District, Ninth. terms of said Court as follows :

In the County of Shasta, on the second Monday of March, June, and November.

In the County of Trinity, on the second Monday of April, August, and December.

In the County of Siskiyou, on the third Monday of January, May, and September.

SEC. 14. There shall be held, in the Eighth Judicial District, Eighth. terms of said Court as follows :

In the County of Humboldt, on the second Monday of March, June, September, and December.

In the County of Klamath, on the second Monday of April, July, and October.

In the County of Del Norte, on the second Monday of May, August, and November.

#### TERMS OF THE COUNTY COURTS AND PROBATE COURTS.

SEC. 15. There shall be held, in the several counties of this State, terms of the County Courts, commencing on the first Monday of January, March, May, July, September, and November, in each year; *provided*, that in the County of Tuolumne the terms of the County Court shall be held as now provided by law; *provided*, further, that in the County of Placer the terms of the County Court shall be commenced on the first Monday of March, June, September, and December, of each year. Terms of County Courts.

SEC. 16. The terms of the Probate Courts shall be held at the same time as the terms of the County Courts; *provided*, that (except in the City and County of San Francisco.) the County Court shall take precedence; but when the business of said Court is disposed of for the day, business in the Probate Court may be taken up. Probate Courts.

SEC. 17. This Act shall take effect on the first day of January, one thousand eight hundred and sixty-four.

CHAP. CCCC.—*An Act to amend an Act entitled an Act to provide for the incorporation of Railroad Companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section six of said Act is hereby amended so as to read as follows:

Meetings of stockholders

Section 6. Meetings of stockholders may be called at any time during the interval between the annual meetings by the Directors, or by any number of stockholders owning not less than one third of the stock, by giving thirty days public notice of the time and place of the meetings, in the manner provided in the next preceding section for the annual meetings; and when any such meeting is called by the stockholders, the particular object of such meeting shall be stated in such notice, and no other business shall be transacted at such meeting, when so called by the stockholders as aforesaid, except such as shall be so stated in such notice; and if, at any such meeting thus called, a majority in value of the stockholders are not represented in person or by written proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business, and if within said three days stockholders having at least a majority in interest of the stock do not attend and participate in such meeting, then the meeting shall be dissolved. In case the capital stock shall be ascertained to be greater or less than is necessary for completing, operating, and maintaining the road, then the capital stock may be reduced or increased, by a vote of the holders of a majority of the capital stock to the amount thus required.

SEC. 2. Section nine of said Act is hereby amended so as to read as follows:

Directors.

Section 9. The Directors of any railroad company heretofore incorporated, or which may be incorporated hereafter, from and after its incorporation or organization in pursuance of the provisions of this Act, or of any law now in force in this State, shall, for and on behalf of such company, manage the affairs thereof, make and execute contracts, of whatsoever nature or kind, fully and completely to carry out the objects and purposes of such corporation, in such way and manner as they may think proper, and exercise generally the corporate powers of such company; and such Directors shall also have full power to make such by-laws as they may think proper, and alter the same, from time to time, for the transfer of the stock, and the management of the property and business of the company, of every description whatsoever, within the objects and purposes of such company; and for prescribing the duties of officers, artificers, and employes of said company, and for the appointment of all officers, and all else that by them may be deemed needful and proper, within the scope and power of said company; *provided*, that such by-laws shall not be inconsistent or in conflict with the laws of this

Power of.



State, or with the articles of association; *provided*, that such by-laws shall be approved by a majority of the stockholders, and shall not be inconsistent or in conflict with the laws of this State, or with the articles of association.

Sec. 3. Section twelve of said Act is hereby amended so as to read as follows :

Section 12. The stock of such company shall be deemed personal estate, and shall be transferable in the manner provided by the preceding section, and upon the books of the company, upon proper assignment and delivery to the assignee of the receipts for the instalments paid on such stock, or the certificates of stock when fully paid; but no shares shall be transferable until all previous calls or instalments thereon shall have been fully paid in, nor shall any transfer of the stock of such company be valid, except as between the parties by whom and to whom the same is transferred, unless at least twenty per cent has been paid thereon, and certificates issued therefor, until the same is approved by the Board of Directors. Any stockholder transferring his shares of stock in manner aforesaid, and in compliance with the by-laws of the company, and the same being approved by the Board of Directors, as aforesaid, shall, from and after the date of such approval, cease to be a stockholder in such company, and shall not be liable to any future calls from the Directors, nor for any debts that may be contracted by said company thereafter. But this shall not release him from his proportion of debts and liabilities contracted by the company prior to his ceasing to be a stockholder; but each stockholder of such company shall only be individually liable to the creditors of such company for his proportion, that is to say, the proportion that the amount of stock by him held bears to the whole amount of the capital stock of such company, 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 prosecuted by such creditor; but no person holding stock as Executor, Administrator, Guardian, or Trustee, or holding it as collateral security, or in pledge, shall be personally liable or subject to any debt or 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; *provided*, that in no case shall judgment be rendered against an individual stockholder, or his private property be levied upon, for the payment of corporate debts while corporate property can be found with which to satisfy the same, and in no case only to the amount of such stockholder's proportion of liability, as before provided; but it will be sufficient proof that no corporate property can be found if an execution has issued on a judgment against the corporation, and a demand made thereon of some one of the last acting officers of the corporation, for property on which to levy, and he neglects or refuses to point out any such property, and the

Stock to be deemed personal estate.

Transfer of.

Liabilities of stockholders

stockholders likewise so neglect or refuse, and the said execution is returned by the officer who holds the same for service to the Court from whom it was issued, indorsed in substance, "that no property belonging to said corporation can be found to levy upon sufficient to satisfy said execution, or any part thereof;" but if any stockholder of such corporation, in any stage of the cause, shall satisfy the Court, by affidavit or otherwise, of such property subject to levy, all proceedings against any individual stockholder shall be stayed until the property of the corporation can be levied upon and sold; the Court may subsequently render judgment and order execution against any or all of the individual stockholders for their proportion, that is to say, in proportion to the amount of stock held by each for any balance of the debts and liabilities of such corporation which may be found due after exhausting the corporate property of such corporation, as before provided; when the private property of a stockholder is taken for a corporate debt, or he may otherwise pay or discharge the same, without levy and sale of his property, he may maintain an action against the corporation for indemnity, and against any of the stockholders for contribution.

SEC. 4. Section thirteen of said Act is hereby amended so as to read as follows :

Assessments

Section 13. It shall be lawful for the Directors of such company to call in and demand from the stockholders the sums by them subscribed, in equal instalments, of not more than ten per cent per month, unless otherwise stipulated in the articles of subscription, at such times 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 a 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, which notice shall be substantially in the following form :

Form of notice to stockholders

"Notice is hereby given that an assessment of \_\_\_\_\_ dollars per share on the stock of \_\_\_\_\_ Company is due and payable at the office of the company, in \_\_\_\_\_, (and at such other places as the Directors may designate, naming them,) within thirty days from date. All shareholders are requested to make payment on or before that time, or such assessments will be promptly collected in the manner prescribed by law.

"\_\_\_\_\_, Secretary."

Collection in case of default in payment.

If, after such notice shall have been given, any stockholder shall make default in the payment of the assessment upon the shares held by him, the same may be collected by suit in any Court of competent jurisdiction, in the name of the company, or 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; and at such sale the person who will agree to pay the assessment so due, together with the expenses of advertisement and the other expenses of sale, for the smallest number of whole shares, shall be deemed to be the highest bidder. All stockholders shall be liable to such sale, and to recovery by suit at law as aforesaid,

for instalments due or required to be paid by such Directors as prescribed by this Act. Any railroad corporation organized under the Act to which this is amendatory, shall have the right to lease the whole or any portion of their road to any other corporation organized under this Act, or to grant to any such corporation the right to use in common any portion of their road.

Sec. 5. Section twenty-three of said Act is hereby amended so as to read as follows:

Section 23. If it shall become necessary, for any of the purposes aforesaid, for such company to acquire any real estate, or any right, title, or interest therein, which is the property of any infant, idiot, or insane person, the Guardian, Executor, or Administrator, as the case may be, may sell and convey the same to said company, but neither such sale nor conveyance shall be valid, for any purpose, until the same shall have been approved by the Judge of the proper Probate Court; and said Judge is hereby authorized to examine such deeds and conveyances, and if he shall deem the same just and proper, he shall approve the same, and thereupon such conveyances shall have the same force and effect, for the purposes in this section mentioned, as if the same had been executed by persons competent to convey lands in their own names. Such company may acquire any real estate, or any right, title, interest, estate, or claim therein or thereunto, necessary for the purposes of said company, as hereinbefore provided, by means of the special proceedings prescribed in this Act.

Property of minors, idiots, etc.

Sales of, to be approved by Probate Judge.

Sec. 6. Section thirty of said Act is hereby amended so as to read as follows:

Section 30. The said Commissioners shall proceed to view the several tracts of land, as ordered by said Court or Judge, and shall hear the allegations and proofs of said parties, and shall ascertain and assess the compensation for the land sought to be appropriated, to be paid by said company to the person or persons having or holding any right, title, or interest in or to each of the several tracts of land; and in ascertaining and assessing such compensation, they shall take into consideration and make allowance for any benefit or advantages that, in their opinion, will accrue to such person or persons by reason of the construction of the railroad as proposed by said company; and if the said railroad company shall, in their petition filed in said special proceedings, offer or agree to make good and sufficient fences on the line of their said railroad, or any portion thereof, or to make good and sufficient cattle guards where fences may cross said line of railroad, at such places and at such times as the same may be necessary, no sum or price for such fences shall be included in the compensation or damages to be awarded by said Commissioners; but such railroad company shall not be required to construct fences on the line of their railroad where the same passes through uninclosed tracts of land, nor until inclosures shall be made abutting upon the property of such company; and said Commissioners shall, on or before the time or times as ordered by said Court or Judge, file in the said Clerk's office their report, signed by them, setting forth their proceedings in the premises, and they may include all of said

Duty of Commissioners as to damages to land owners.

tracts in one report, or they may make several reports, including one or more of said tracts of land, if the Court or Judge shall so order, or if they shall deem it proper. In case there are adverse or conflicting claims to the compensation assessed for any tract of land, or any right, title, or interest therein, thus sought to be appropriated, the parties thus asserting such claims shall present the same, by petition, to the Court or Judge after the report of the Commissioners shall have been filed, and said Court or Judge shall proceed to hear and determine the same; and in such case said company may pay the amount of such compensation to the Clerk of said Court, to abide the order of the Court or Judge in said proceedings, and said company shall not be liable for any of the costs caused by the adjudication of such conflicting claims.

SEC. 7. Section thirty-four of said Act is hereby amended so as to read as follows:

Defective titles.

Rights of company.

Section 34. If the title attempted to be acquired by virtue of the provisions of this Act shall be found to be defective from any cause, such company may again institute proceedings to acquire the same, as in this Act prescribed; 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 or order in that behalf made, authorize such company, 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 and proceedings against such company on account thereof; *provided*, such company shall pay a sufficient sum into Court, or give security, to be approved by such Court or Judge, to pay the compensation in that behalf when ascertained.

Proviso.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCI.—*An Act amendatory of and supplementary to an Act entitled an Act concerning Jurors in the City and County of San Francisco, approved May twentieth, eighteen hundred and sixty-one.*

[Approved April 27. 1863.]

*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 concerning jurors in the City and County of San Francisco, approved May twentieth, eighteen hundred and sixty-one, is hereby amended so as to read as follows:

Grand and trial jurors.

Section 1. The Board of Supervisors of the City and County of San Francisco shall annually, in the month of January, by an order, to be entered on its minutes, determine the number of persons to be returned from said city and county for grand jurors and for trial jurors, and apportion the same among the several districts in said city and county, as in this Act provided; and at

other times, whenever the number of ballots in the grand jury box named in the next section shall be less than thirty, or the number in the trial jury box, so named, less than one hundred, the said Board shall make a like order providing for grand jurors or trial jurors as the case may require. The whole number to be returned by virtue of any order contemplated by this section shall not, for grand jurors, be less than one hundred and fifty, nor more than one hundred and seventy-five, and for trial jurors, not less than eight hundred nor more than one thousand, and shall be apportioned among the several districts aforesaid, as nearly as may be convenient in proportion to the number of the qualified electors in each district, as indicated by the number of ballots cast for Governor therein at the election for such officer next preceding such apportionment.

Sec. 2. The fourth section of the said Act is hereby amended so as to read as follows :

Section 4. Whenever, in said city and county, an order shall be duly made for summoning a grand jury or a trial jury for a District Court or the County Court, or persons to complete any such trial jury, either for the term, or for a particular case or action, the County Clerk shall request the attendance at his office of the Sheriff of the county, and of at least two witnesses, to be named by the Judge or Court making the order, and shall, in the presence of said Sheriff and witnesses, draw by lot from the proper box the requisite number of names for grand jurors or trial jurors, as the case may be, (the number to be drawn to be named in the order, and if to form a grand jury, to be twenty-four, and if to form or complete a trial jury, to be in the discretion of the Court or Judge making the order,) and shall deliver a copy of the order, and a list of the persons so drawn, certified by him, to the Sheriff, who shall summon the persons so drawn in the manner now provided by law for summoning jurors, and shall make due return of his proceedings with said copy and list to the proper Court ; *provided*, however, that the Court or Judge making any such order may direct that the persons by such order required shall be summoned by the Sheriff from the citizens of the county, but not from the bystanders, (the number of persons to be summoned to be stated in the order, and to be determined in accordance with the rule before prescribed in this section in cases of drawing,) in which case no drawing shall be required, and the persons summoned shall be equally competent jurors as if duly sworn and summoned.

Sec. 3. The fifth section of the said Act is hereby amended so as to read as follows :

Section 5. If, of the persons summoned to form a grand jury in accordance with either of the modes prescribed in the section next preceding, and appearing, there shall, after such as shall show cause therefor or shall be disqualified, shall be excused or discharged, remain sixteen, and no more, they shall constitute the grand jury. If more than sixteen shall remain, the Clerk of the Court shall prepare separate ballots containing the names of the persons so summoned, appearing and not excused or discharged, and deposit them in a box, and the said Clerk, or Sheriff, under the direction of the Court, shall draw from the box sixteen names, and the persons whose names are

so drawn, shall constitute the grand jury. If, of the persons so remaining, there shall be less than sixteen, they shall be placed upon the grand jury, and the Court may order the Sheriff to summon from the body of the county, and not from the bystanders, a sufficient number of persons to complete the grand jury.

SEC. 4. The eighth section of the said Act is hereby amended so as to read as follows :

Juror to  
serve but  
one term in  
a year.

Section 8. No person having served as a grand juror or trial juror for a full term in any District Court, or as a trial juror during the trial of criminal actions for any term in the County Court, in said city and county, shall be required to serve as a juror in any of the said Courts for one year thereafter; *provided*, that this exemption shall not apply in the case of persons summoned to form or complete a jury for the trial of a particular case. Upon discharging a jury for the term, the Court shall direct the Clerk to issue certificates of service to such of the jurors as shall, in the opinion of the Court, be entitled thereto, which certificates shall be evidence of the fact of such service in any of said Courts.

Trial jury.

SEC. 5. All persons summoned by virtue of any order of any of said Courts for a trial jury for any term thereof, or by virtue of any order of any of said Courts for persons to complete a trial jury for the term, shall, if not excused or discharged, be trial jurors for the term for which they are summoned, and whenever, from any cause, of the persons so summoned there shall not be a sufficient number of those not excused or discharged to form juries for the convenient and speedy transaction of business, the Court may make an order for additional persons to complete the jury for term.

Formation  
and drawing  
of trial jury.

SEC. 6. When any action, civil or criminal, shall be called for trial by jury in any of said Courts, the Clerk of the Court shall prepare separate ballots, containing the names of the jurors summoned and then present in Court, and deposit them in a box. The Clerk, or Sheriff, under the direction of the Court, shall then draw from the box twelve names, or such other number as may be required to form the jury, and the persons whose names are so drawn, shall, unless excused or discharged, constitute the jury. If any of the persons whose names are so drawn shall be excused or discharged, their places shall be supplied by other persons, whose names shall, in the same manner, be drawn from the box; and this process shall be repeated till the jury is completed. If all the names shall be drawn from the box before the jury is completed, the Court may make an order or orders for persons to complete the jury, and upon the return thereof, the process before prescribed as to the names and drawing, shall be continued till the jury is completed. Whenever, in any case, the jury have retired for deliberation, and are still absent, another action may be called for trial, and a jury be formed therefor, as in this section before provided.

SEC. 7. The seventh section of the said Act is hereby repealed.

SEC. 8. All general Acts and parts of general Acts relating to juries or jurors in this State, are and shall be, except so far

as they are inconsistent with this Act and the Act named in the title of this Act, in full force in said city and county.

SEC. 9. This Act shall take effect on the first day of January, A. D. eighteen hundred and sixty-four.

CHAP. CCCCII.—*An Act to provide for Surveying and Establishing the Eastern Boundary of the State of California.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Surveyor-General of this State is hereby authorized and empowered to define and establish the entire eastern boundary of the State by running, measuring, and marking a transit line between the point of intersection of the thirty-ninth degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, near Lake Bigler, and the point where the thirty-fifth parallel of north latitude crosses the Colorado River, as the said points were established by Lieutenant Ives, Chief Astronomer of the United States Boundary Commission, appointed for that purpose, and by running and marking in the same manner all that part of the said boundary lying between the first named point, near Lake Bigler, and due north from said point to the southern boundary of Oregon; *provided*, the whole cost of the work shall not exceed the sum of twenty-five thousand dollars. Surveyor-General of State authorized.   
 Limit of cost

SEC. 2. The Surveyor-General is hereby empowered to employ such assistance and purchase such material and equipage as may be necessary to carry out the provisions of this Act. The Surveyor-General shall certify to the State Board of Examiners the correctness of all accounts for assistance rendered, and all materials, equipage, and instruments furnished to him to carry out the provisions of this Act, who shall, if found correct, approve the same and order their payment out of the funds created by this Act; *provided*, that in addition to the salary allowed by law, the Surveyor-General shall have two thousand dollars extra pay for his services for running and marking said line. Powers of Surveyor-General.   
 Extra pay.

SEC. 3. It shall be the duty of the Surveyor-General, under the provisions of this Act, to first establish and mark, with proper and permanent monuments, that portion of the boundary lying north of the thirty-ninth parallel, and as soon as practicable thereafter that portion lying between the thirty-ninth parallel and the Mount Diablo base line. The Surveyor-General shall cause three copies of the maps and field notes of such survey to be prepared, and shall attach his certificate to each copy, setting forth that each map and accompanying field notes is a correct and true copy of the original survey made by him; one Duties.

of which shall be sent to the Department of the Interior at Washington, with a copy of this law, one copy shall be filed with the Secretary of State, and one copy retained in the Surveyor-General's office; and such line, or any part of such line, when run and marked as provided in this Act, shall thereafter be regarded and confirmed the legally established eastern boundary line of the State of California, and the record of such boundary line, as so established by the Surveyor-General, shall be recognized and admitted in all the Courts of this State as conclusive evidence that such line is the true eastern boundary of this State.

**Duties.**

SEC. 4. The Surveyor-General shall enter upon the discharge of the duties enjoined by the provisions of this Act on or before the first day of June next, and shall complete the surveys as soon thereafter as practicable, and shall, within sixty days after completion of the survey, cause to be made out the copies of maps and field notes, and file and forward them as provided by this Act. He shall make to the next Legislature a full and detailed report of the manner in which the survey has been made, the cost, in items, of the same, and the manner in which he has expended the funds placed in his hands by the provisions of this Act, and he shall pay into the State Treasury any of such funds which may be unexpended after the completion of the Survey.

**Appropriation.**

SEC. 5. The sum of twenty-five thousand dollars is hereby appropriated and set apart out of the first money which shall be paid into the General Fund after the first day of May next, as a special Fund to carry out the provisions of this Act.

**Duty of Controller and Treasurer.**

SEC. 6. The Controller is hereby directed to draw his warrant on the Treasurer, in favor of the Surveyor-General, payable out of the funds created by this Act, for the sum of five thousand dollars, to pay the contingent expenses of the survey required by this Act, and the Treasurer is directed to pay the same.

**Sale of property.**

SEC. 7. All stores, instruments, outfit, and equipage purchased for this survey, and remaining on hand at its completion, shall be sold at public auction by the Surveyor-General, and the proceeds paid into the State Treasury.

SEC. 8. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

**Copy to be transmitted to Governor of Nevada Territory.**

SEC. 9. It is hereby made the duty of the Governor of the State to forward a copy of this Act to the Governor of Nevada Territory, and with it a request that the Governor of that Territory appoint some suitable person or persons of and for that Territory to accompany and act in conjunction with the Surveyor-General of this State in defining and establishing said eastern boundary; *provided*, that Nevada Territory shall pay all expenses of such person or persons so appointed.

**Proviso.**

SEC. 10. This Act shall take effect on and after its passage.



CHAP. CCCCIII.—*An Act concerning Roads and Highways in the County of San Mateo.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All roads in the County of San Mateo shall be considered as public highways which are now used as such, and have been declared such by order of the Court of Sessions or Board of Supervisors, or which may be declared such hereafter by the Board of Supervisors of said county. Public highways.

SEC. 2. Applications to lay out, alter, or discontinue public or private roads within the county, shall be made by petition, addressed to the Board of Supervisors, in writing, and shall state with particularity the starting point, the course, and terminus thereof, if a new road; and if an alteration, change, or discontinuance of an established road, such proposed change shall be set forth in like manner. Due notice of the presentation of a petition for a new road shall be given by posting a notice at the Court House door of the county, and at a public place nearest the starting point of the proposed road, not less than ten days before the hearing of said petition by the Board of Supervisors. If the petition is for a change or discontinuance of any road, then, in addition to the notices above provided, by notifying, in writing, all parties who own or occupy the land over which the proposed road will be located, and the parties being on the line of said road proposed to be changed or discontinued. If the owner of the land is a non-resident of the county, and his residence and name known, then by placing a notice in the Post Office, directed to such owner, twenty days before the application shall be acted upon by the Board of Supervisors. The notice herein prescribed shall be in writing, signed by some one of the petitioners, and a verified copy of the notice shall be evidence thereof. If no objections are made to the granting of the prayer of the petitioners, on its presentation and action had thereon by the Board of Supervisors, they shall appoint three Viewers to view out and locate the proposed road on the most practicable route, having a due regard to the quality of the ground and the intermediate points proposed to be changed by the petitioners, also, the rights of all parties interested therein. Said Viewers shall, as soon as practicable, or at such time as the Board may direct, report to the Board of Supervisors in writing, under oath, setting forth specifically the objections made by any parties affected by said alterations, and the amount of damage that will be sustained by any person, by reason of laying out or changing said road. Upon such a report being made, the Board of Supervisors shall hear and determine all questions touching its location, and if decided against the petitioner or petitioners, he or they shall pay all costs. Parties aggrieved by the decision of the Board of Supervisors in the location, change, or alteration of the same, shall have the right of appeal to the County Court, (within the time and manner provided for appeals from judgments rendered in the Court of a

Application to lay out, alter, etc.

Justice of the Peace,) where the matter shall be heard anew and determined; *provided*, that in all cases where a viewing and survey of either a new or old road shall be required, the Board of Supervisors may require the party or parties asking the same to pay or secure the payment of the costs thereof; (and, *provided*, further, that any parties procuring the consent of the owner or owners of lands through which the proposed road or roads run, then the road petitioned for shall be made a public road immediately upon petition and proof being presented.) The proof shall consist of the written consent of all the parties, and shall be filed with the petition.

Supervisors  
may refuse  
to locate, etc

SEC. 3. The Board of Supervisors may, in their discretion, refuse to locate or change any road petitioned for in pursuance of section two of this Act, wherein damages may be claimed, or there is a probability that such may be awarded by the Supervisors of the county, or County Court, in the event that the prayer of the petitioners is granted, unless the petitioners shall execute a bond to The County of San Mateo, signed by two or more sureties, conditioned for the payment of damages and costs awarded by the Board of Supervisors or the County Court in said cases, which bond shall be approved by the Board of Supervisors. The foregoing bond need not be executed unless the Board of Supervisors shall cause to be entered on their journals of proceedings an order requiring the petitioners to execute the same. In case said bond is not required, and the Board of Supervisors shall become satisfied that the public good requires that the prayer of said petitioners should be granted, and that such damages are just and reasonable, and the party or parties claiming damages are willing to accept the same in full satisfaction of such damages, the Board may order such damage to be paid out of the County Road Fund. The Board shall require the party or parties to give a receipt for the same, and to execute a deed or an easement for the land used for road purposes to the Board of Supervisors, for the benefit of the county, on or before the payment of the damages awarded to them. In all cases arising under this Act in which damages are claimed, the Board of Supervisors shall pay no regard to any evidence elicited in such cases relative to damages, unless the same is given under oath. The Board of Supervisors shall always take into consideration the advantage the proposed road will be to the party or parties claiming damages.

Further  
powers.

Private roads

SEC. 4. Private roads may be laid out in the same manner as public roads, except the expenses of laying out the same, and the damages to be paid in consequence thereof, if any, shall be borne and paid by the parties petitioning for the same. The width of private roads shall not exceed forty feet. All private roads shall be opened and kept in repair by the parties for whose benefit the same were laid out; and said parties shall cause good and substantial gates to be erected and kept in repair across said road where it shall pass through any fence that may surround the inclosure through which such road may pass.

Width.

SEC. 5. All public highways hereafter laid out shall not be less than the width of sixty feet, nor more than eighty feet.

Public roads.

SEC. 6. Any person wilfully obstructing any public or private road, by fencing across the same, or changing the same in any

manner, without first having proceeded to change the road in the manner hereinbefore set forth, or shall obstruct any public road by felling any tree across the same, or by placing any other obstruction thereon, or shall injure any bridge or causeway, or remove any portion thereof, or by damming, digging, or deepening a creek, or river, or its banks, so as to destroy a ford or crossing, or dig a ditch, and not bridge the same the full width of the road, within twenty-four hours thereafter, by placing good and substantial timbers across the same, not exceeding six feet apart, and planking the same with plank, not less than three inches in thickness and twelve feet in length, unless permission shall have been granted by the Road Commissioner of the district to build the bridge of a less size, (but in no case to be less than fourteen feet in width,) shall be guilty of a misdemeanor, and be liable to a prosecution before any Justice of the Peace, by any Supervisor of the county or Commissioner of the Road District, on behalf of The People of the State of California, and on conviction thereof shall be fined in any sum not exceeding two hundred dollars, and the judgment of the Justice may require that the person be imprisoned in the County Jail until the fine be paid, at the rate of one day for every two dollars fine. After deducting the cost of prosecution, the balance of the fine shall be paid into the County Treasury, and placed to the credit of the County Road Fund.

SEC. 7. The Board of Supervisors shall have the power to order any testimony introduced before them on the hearing of any petition for the granting of a franchise for ferries, bridges, toll roads, or any public highway, to be taken in writing, and the petitioner or petitioners shall pay the cost of the same, at the rate of not less than ten cents nor more than twenty-five cents per folio; and on a final determination of the matter, the Board may order the petitioner or petitioners to pay to the party taking down the testimony said costs, and if not paid on the order of the Board, the party to whom the same is due may sue for and recover the same in any Court of competent jurisdiction.

SEC. 8. Any member of the Board of Supervisors shall have power to administer an oath to any witness testifying in cases pending before said Board; they shall have power to make, from time to time, such rules regulating the procedure of parties in cases contested before them, that are not inconsistent with the Constitution and laws of this State.

SEC. 9. The Board of Supervisors of San Mateo County shall have power to levy a road tax on all able bodied men between the ages of twenty-one and fifty years, which tax shall not exceed the sum of four dollars per annum, payable in cash.

SEC. 10. The Board of Supervisors shall annually appoint one responsible person in each township as Road Tax Collector, who shall be a resident thereof, and shall give bonds in such sum as the Board may require for the faithful performance of his duties; said Collectors shall collect the road tax levied in accordance with section nine of this Act. Said Board shall have power to remove and fill vacancies at any regular session. The Collector of each township shall, immediately after entering upon the duties of his office, proceed and collect said road tax from

each and every person liable to pay such tax living within his township; and failing to perform in a proper manner the duties required by this Act, he shall be deemed guilty of a misdemeanor, and be liable to a prosecution therefor, before any Justice of the Peace in said county, on complaint of any Supervisor of said county.

Road tax receipts.

SEC. 11. The Board of Supervisors shall cause proper blank road tax receipts to be printed, of a uniform appearance, which shall be numbered consecutively, and signed in writing by the Chairman thereof. No other receipts for road tax than the above mentioned shall be used for the payment of said tax by the Road Tax Collectors.

By whom signed.

SEC. 12. The Chairman of the Board of Supervisors, after having numbered and signed such receipts as shall be required by the Collector for each township, shall deliver the same to the County Auditor, taking his receipt therefor.

SEC. 13. The Auditor shall sign said road tax receipts, and issue to each of the Road Tax Collectors such number of said receipts as may be needed by him. The Auditor shall be furnished with a well bound book by the Supervisors of the county, in which he shall keep a just and true account of debit and credit with the Collector of each township.

Duties of Collectors.

SEC. 14. It shall be the duty of the Collector of each township to keep a book, in which he shall enter, or cause to be entered, the name of each person from whom he shall collect a road tax, the year, and date of the month so collected, and as minutely as possible, in what portion of the township each tax payer resides. He shall present a written statement, under oath, to the County Treasurer, on or before the second Monday in April, August, November, and January of each year, and pay over to the Treasurer all moneys collected, after deducting his per centage for the collection of the same, for which payment he shall take a receipt and a duplicate of the same from the Treasurer, and file the original with the County Auditor within five days thereafter. The Collector of each township shall, at his annual settlement in the month of December, deliver to the County Auditor all books, papers, and road tax receipts, in his possession belonging to said office, or at such other times as the Board may direct, taking the Auditor's receipt therefor. All such tax receipts shall be placed to his credit in the said Auditor's account.

Per centage allowed.

SEC. 15. The Board of Supervisors shall, at the November term of each year, fix, by an order to be entered upon their journal of proceedings, the amount of per centage that each Collector shall receive for the collection of the District Road Tax for the succeeding year, which per centage shall not be less than ten per cent nor more than twenty per cent upon each dollar collected.

Collectors to sell property of delinquents.

SEC. 16. Any person liable to pay a road tax levied in pursuance of section nine, refusing to pay the same on demand being made by the Road Tax Collector of his district, shall be considered a delinquent, and the Collector is hereby empowered to seize upon any property belonging to said delinquent, and shall sell the same at public auction, to the highest bidder, for cash, or so much thereof as shall be necessary to satisfy said delin-

quent road tax, and three dollars additional, as costs, to the Collector for services of making such sale, after having given one hour's notice to sell the same by a public proclamation; and in case no bidders are present, nor any bid offered for the property at the hour of sale, he shall postpone the sale from day to day, by proclamation, not to exceed five days; *provided*, that any party liable to pay a road tax, as provided in section nine of this Act, shall be allowed to pay the road tax assessed against him in labor, (at the rate of two dollars per day,) on any road in his district, at such time and place as shall be designated by the Road Commissioner for the district in which he resides; *provided*, said labor is performed immediately upon being notified, otherwise he shall be compelled to pay his road tax in cash, and be proceeded against as provided in this Act for the collection of road taxes. The Collector shall, immediately after the sale, execute to the purchaser or purchasers of the property a certificate of sale, as is required to be given by Sheriff's for sales of property under execution; and if the property so sold shall sell for more than is required to satisfy the road tax and costs, the Collector shall pay the balance to the delinquent tax payer.

*Providio.*

Sec. 17. The Road Districts shall be coincident with the Supervisors' Districts in the county, and each member of the Board of Supervisors shall act as Road Commissioner in his respective district.

*Supervisors to be Road Commissioners.*

Sec. 18. The Road Commissioners shall cause all the public highways within their respective districts to be kept clear from obstructions and in good repair, causing banks to be graded, bridges and causeways to be made where the same may be necessary. to keep the same in good repair, and to renew them when destroyed.

*Duties of.*

Sec. 19. It shall be the duty of the said Road Commissioners, when they desire to have labor upon the roads or bridges in their respective districts, to give, in writing, three days notice to each one of any number of persons under his jurisdiction living most convenient to the work to be performed, of the time and place to meet, and if said Commissioners deem it expedient they are hereby empowered to hire laborers at a sum not to exceed two dollars per day for such labor.

Sec. 20. The Road Commissioners shall receive for their services the sum of three hundred dollars per year each, payable from the County Treasury, in addition to their salaries as members of the Board of Supervisors; and each Commissioner may, if he shall desire to do so, appoint one or more Deputies, who shall be responsible to the Commissioner appointing him for the faithful performance of their duties, and shall be removable at his pleasure, and who shall be invested with the same powers and duties as are given to the Commissioner himself under this Act; and it shall be the duty of the Commissioner to see that his Deputies perform their duties faithfully, and to pay them for their services, such amount as may have been agreed upon between them, out of the salary allowed by this Act.

*Salary of.*

Sec. 21. The County of San Mateo, from and after the passage of this Act, shall be excepted from the provisions of the Act to provide for the establishment, maintenance, and protec-

*San Mateo exempt from certain Act.*

tion of public and private roads, approved May sixteenth, eighteen hundred and sixty-one; and all laws and parts of laws in conflict with the provisions of this Act, so far as they apply to the County of San Mateo, are hereby repealed.

SEC. 22. This Act shall take effect from and after its passage.

CHAP. CCCCIV.—*An Act in reference to Library Associations.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Associa-  
tions, how  
formed.

SECTION 1. That from and after the passage of this Act it shall and may be lawful for any number of persons, not less than twenty, in any county, city, town, village, or neighborhood of this State, who shall determine and desire to associate themselves together for the purpose of erecting, procuring, and using a public library, to assemble at a day, time, and place to be appointed, to elect and appoint not less than five nor more than fourteen of their number as Trustees, to take charge of the property, both real and personal, and moneys belonging to the corporation thereby erected, and to transact all affairs relative to the same.

Trustees to  
be elected.

SEC. 2. That the said election, to be held as aforesaid, shall be conducted in the following manner, to wit: That whenever two-thirds of the number of persons so desiring to form said library association shall assemble at the time and place previously appointed, they shall proceed to choose a Chairman from among themselves, who shall preside at such election, receive the votes of the members present, and be the officer to return the names of those who, by plurality of votes, shall be elected to serve as Trustees for the said corporation; that the said returning officer shall, within ten days after such election, certify, under his hand and seal, the names of the persons elected to serve as Trustees for said library, in which certificate the style, name, or title of the said corporation (which shall forever thereafter be the style, name, or title by which the said corporation shall be distinguished and known) shall be particularly mentioned and described, which said certificate, being first duly acknowledged or proved by a subscribing witness thereto, in the same manner in which deeds are acknowledged or proved before any Notary Public of this State, or a Judge or Clerk of a Court, having a seal within the county in which said association is to be located, shall be forthwith, and within said ten days, filed with the County Clerk of said county, and recorded in a book to be kept by him for the recording of certificates of incorporation, for which filing and recording he shall receive a fee of two dollars, and no more.

Trustees.

SEC. 3. That the persons so elected, returned, and registered, shall be and hereby are declared to be Trustees for said library, and that the said Trustees, from the time of the filing of said

certificate, and their successors in office, and such other persons as shall, from time to time, become members of the corporation hereby authorized to be erected, shall be and hereby are ordained, constituted, appointed, and declared to be one body corporate and politic, in fact and in name, by the name, style, or title mentioned and described in the said certificate so to be recorded as aforesaid, and by that name shall have succession, and they and their successors shall and may forever thereafter, by the same Powers. name, be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all Courts of common law or equity whatsoever, in all manner of actions, suits, causes, controversies, matters, and things whatsoever, and that they and their successors shall have a common seal, and may break, alter, and change the same at their discretion, and also, that the said Trustees and their successors, by the same name and title described in said certificate, from the time of the filing of said certificate, shall be capable in law of purchasing, holding, and conveying any estate, real or personal, for the use of said corporation: *provided*, such real Proviso. estate so purchased and held by said Trustees in trust for such corporation shall in no case exceed six whole lots in a town or city, or twenty acres in the country, nor shall the annual income of such real estate held in trust by them exceed the sum of fifty thousand dollars.

SEC. 4. That forever hereafter there shall not be less than Officers of association. five nor more than fourteen Trustees for every library so incorporated as aforesaid, who shall hold their offices for one year, and until others be elected in their places, and shall manage the business of the said corporation; and that there shall forever hereafter be one President of the said Trustees, one Vice President, one Treasurer, one Recording Secretary, and one Corresponding Secretary, who, with the Trustees elected as such, shall constitute the Board of Trustees, to be elected in the manner herein-after mentioned; and that it shall be lawful for the said Trustees, in their discretion, whenever they conceive it necessary, to appoint a suitable person as Librarian, and as many Assistants as they shall deem necessary, but said Librarian and Assistants shall not be chosen from the Board of Trustees.

SEC. 5. That the officers of the said first Trustees shall determine on the third Monday in the same month in which said certificate was filed, and that on the third Monday in the same month in which the said certificate was filed, in every year forever thereafter, there shall be a general meeting of the members of the corporation at some convenient place, to be from time to time ascertained and fixed by the by-laws of the said corporation, and that then and there, by plurality of votes of such members as shall so meet, the same number of Trustees shall be elected by ballot to serve the ensuing year; one of said Trustees shall be elected as President, one as Vice President, one as Treasurer, one as Recording Secretary, and one as Corresponding Secretary, and the balance, if any, as Trustees; but at said elections no member shall be allowed more than one vote, and no voting shall be by proxy; that in case of the death or removal, How elected.

Vacancy,  
how filled.

refusal or neglect to serve, of either of said officers or of said Trustees, during their said term, or during the interval occasioned by the non-election of successors, the said Board of Trustees may elect, by a majority vote of the members of said Board present at any regular meeting of said Board, a member or members of said Board to fill the vacancy occasioned by the death or removal, refusal or neglect to serve, of one of the above specified officers, or may elect, in the manner aforesaid, a member or members of said association to fill the vacancy occasioned by the death or removal, refusal or neglect to serve, of a Trustee or Trustees, and such persons so elected as last aforesaid, shall respectively remain in office during such time as the person in whose stead such Trustee shall be chosen would have done in case such death, removal, or refusal, had not happened, and no longer; and that the President, Treasurer, and Librarian shall, at an annual meeting of the members, to be held within one month after such annual election in a suitable place to be designated in the by-laws of said corporation, exhibit to the members of said corporation the state of the library, a summary of the general operations of the Board of Trustees, the condition of the Treasury, and the receipts and expenditures during the preceding year.

Duties of  
officers.

Duties of  
Trustees.

SEC. 6. That the said Trustees shall have stated meetings, at such time and place as shall be appointed for that purpose in the by-laws of said corporation, and special meetings at such time and place and to be called in such manner as the said by-laws shall define; that the President, at such meetings of said Board, shall have a casting vote, and no other; that the President, and a majority of the Trustees so met, shall have full power and authority to adjourn from day to day, or for such other time as the business of said corporation may require, and from time to time appoint and at their pleasure to displace the Librarian, or his Assistants, or a Janitor or Janitors, or either of them, and to appoint other or others in their stead and place; to ascertain the compensation to be allowed the Librarian and Assistants, or the Janitor or Janitors, for their services in their stations, respectively, and to regulate and appoint to them, the said Librarian, his Assistants, and Janitors, or either of them, their respective powers, trusts, and duties; to direct the application of moneys belonging to said corporation to the purchase of such books, cabinets, pictures, statuary, and apparatus, of every kind pertaining to a Library Association, as they shall think proper for the promotion of knowledge, or the recreation of the members of said association; but nothing herein contained shall be construed to permit the sale of any spirituous or malt liquors, or the playing of any game, or the use of any device, by means whereof money or property of any kind may be won or lost, or any game or device for which a charge shall be made for the playing thereof, nor shall any such game or device, or the sale of such liquor, be permitted under the auspices or control or sanction of said association; to the building or providing of a house or room for the safe keeping of the books of said library or the property as aforesaid; to prescribe the terms of admission to membership, and the privileges of life and honorary members, and to transact, do, manage, and per-



form, and to enact laws for the transacting, managing, and performing of, in the name of the said corporation, all and every act and acts, thing and things, whatsoever, which shall be necessary to be done and which shall be prescribed in the constitution and by-laws of said corporation, and which the Trustees of said library are by this law authorized to do; *provided*, such acts or things, or the regulations, laws, constitutions, or ordinances, providing for the same, be not repugnant to the laws of this State.

SEC. 7. That it shall not be lawful for any of the members of said corporation, or his or her Executors, Administrators, or assigns, to give, sell, alien, assign, devise, or dispose, either in whole or in part, of their respective rights in the said library so as to give to their donees, grantees, or devisees, any rights or privileges in said library or corporation. Rights of members not transfer-able.

SEC. 8. That it shall and may be lawful, at such meetings of a majority or more of the said Trustees of the library for the time being, to make any by-laws, constitutions, or ordinances of the said corporation, prescribing the terms of admission to membership, and altering the same at pleasure; and said members so admitted shall be entitled to have, hold, and enjoy all and every the same rights and privileges as the original members are entitled to by this Act. New members may be admitted.

SEC. 9. That each and every member of the said corporation for the time being shall, at such times as shall be prescribed by the constitution and by-laws of said corporation, pay to the Treasurer of said corporation the dues required of him by said constitution and by-laws, and in the manner prescribed therein, and that whenever any of the members of the said corporation shall neglect to pay the said dues in the manner prescribed as aforesaid, or any other sum which of right shall become due to the corporation, for the space of three months next after the day on which the same ought to have been paid, that then the person or persons from whom the same shall be due shall be precluded from exercising any of the privileges to which he became entitled by virtue of his being or becoming a member of the said corporation until such sums shall be fully satisfied; and if such sums shall not be paid within one year after any such sums shall become due as aforesaid; that then, and after the expiration of one year from the time such payment shall become due, that the person or persons from whom the same shall become due shall thereupon forfeit and be utterly excluded from all his, her, or their rights and privileges in the said library and corporation. Payment of dues. Penalty for non-payment.

SEC. 10. That in case it should happen that an election of Trustees should not be made on any day when, pursuant to this Act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of Trustees in such manner as shall have been regulated by the laws and ordinances of the said corporation; *provided*, always, that nothing in this Act shall be so construed as to authorize any person or persons whatsoever, under color or by virtue of any incorporation authorized by this Act, to do or transact any business, matter, or thing, save what appertains to a library, accord- In case of failure to elect Trustees, how to proceed. Proviso.

ing to the true intent and meaning of this Act, except the renting or leasing of lands or stores, public halls, or offices, in any building owned or leased by the said association, which said renting or leasing are hereby expressly authorized under the restrictions imposed in section six of this Act.

Property  
exempt from  
taxation.

SEC. 11. All the property, both real and personal, of said corporation, not exceeding the value prescribed in the third section of this Act, shall be forever hereafter exempt from taxation for State, city, or county purposes; *provided*, however, that if any portion or portions of any land purchased or building erected by said corporation shall be leased or rented by said corporation, the assessed value of the portion so leased or rented shall be liable to taxation as other property, and said value shall be computed by doubling the amount of rent for which the portion or portions were so leased or rented during the next preceding year; also, *provided*, however, that the verified statement in writing shall be given by said corporation, or some one on its behalf, to the Tax Collector as required by the second section of the Act to provide for the support of the government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, as amended by the Act of this State, entitled an Act amendatory and supplementary to an Act to provide for the support of the government of this State, approved April nineteenth, eighteen hundred and fifty-nine, otherwise the entire real property of said corporation shall be subject to taxation as other property.

Proviso.

All associa-  
tions may  
re-incor-  
porate.

How to  
proceed.

SEC. 12. That all Library Institutions now incorporated, by whatever name they may be called, that desire to be re-incorporated under the provisions of this Act, may do so in the following manner: The Board of Trustees or Directors, acting at the time of such desired re-incorporation, shall publish a notice for thirty consecutive days, of their intention so to do, in some daily newspaper published in the city or county in which said library is located, or if no daily newspaper is published therein, then by publishing said notice in some weekly newspaper published therein, for four consecutive publications, or if no newspaper is published therein, then by publishing in some daily newspaper published in the nearest adjacent county, for the period of thirty days, as aforesaid, specifying in said notice the intention of said Library Institution to re-incorporate, and requiring all parties interested, whether shareholders, creditors, members, or others, to file written objections with the Secretary or Librarian of said association before the expiration of the term of publication of said notice, and requiring said objections to state the nature of the objection, the character of the objection, whether shareholder, member, creditor, or otherwise, and to be signed with the name of said objector. If no such written objections are filed within the time aforesaid, or if any are filed and subsequently withdrawn by the persons making the same, all parties interested, whether shareholders, life members, honorary members, subscribing members, creditors, or otherwise, shall be conclusively deemed to assent to such reincorporation, and shall be forever thereafter debarred from making any objections thereto. If any such written objections are filed within the time aforesaid, and not subsequently withdrawn, said associa-

tion may still proceed to re-incorporate under the provisions of this Act; but said association shall be liable to the party making such objections, for the value of such party's interest in or against said association; *provided*, suit be commenced thereon within six months after the last publication of said notice, but not after.

SEC. 13. At the expiration of thirty days from the first publication of said notice, the said association shall be deemed to be capable of re-incorporation, and within thirty days after the last publication of said notice, shall cause a certificate in writing to be filed with the County Clerk, as provided in the second section of this Act, which certificate shall be signed by the acting President of said association, or of the Board of Trustees, or Directors, as the case may be, stating the objects of the association, the name by which it shall thereafter be called, the names of the then acting Board of Trustees, or Directors, and of all the officers of said association, and its place of business; said certificate shall be acknowledged by said President, or proved by a subscribing witness, and filed, as required in the second section of this Act. Same.

SEC. 14. From the time of filing the said certificate as aforesaid, all the property, real and personal, of every name and description, belonging to said association, shall be and the same is hereby declared to be vested in the said acting Board of Trustees, or Directors, as named in the said certificate, for the benefit of the members of the new incorporation, and said association shall be and the same is hereby declared to be fully re-incorporated under the provisions of this Act, with all the rights and privileges and subject to all the conditions and liabilities herein specified.

SEC. 15. The acting Board of Trustees or Directors, including the officers of said association enumerated in the fourth section of this Act as ex-officio members of said Board, shall remain the officers of said association until the term of their office expires, as provided by the constitution of the former association; and at the expiration of their said term, and annually thereafter, the election of officers and Trustees shall take place as provided in this Act.

SEC. 16. All the former shareholders, life members, honorary members, and subscribing members of said association, shall sign the constitution and by-laws of said re-incorporated association before they shall be permitted to vote therein, either for officers or at a general or special meeting of said re-incorporated association.

SEC. 17. This Act shall take effect from and after its passage.

CHAP. CCCCXV.—*An Act concerning Grand and Trial Jurors.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Qualification  
of Jurors.

SECTION 1. A person shall be competent and qualified to act as a grand or trial juror if he be:

*First*—A citizen of the United States, a qualified elector of the county, and a resident of the township at least three months before being selected and returned.

*Second*—In possession of his natural faculties, and have sufficient knowledge of the language in which the Court is held.

*Third*—Assessed on the last assessment roll of his township or county on real or personal property, or both, belonging to him, if a resident at the time of the assessment.

Persons  
incompetent

SEC. 2. A person shall be incompetent and disqualified from acting or serving as a grand or trial juror if he be:

*First*—A person not possessing the qualifications of section first of this Act.

*Second*—A person convicted of a felony or misdemeanor, involving moral turpitude.

*Third*—A professional gambler, following gambling for a business.

Persons  
exempt.

SEC. 3. A person shall be exempt from liability to act as a grand or trial juror, and shall not be selected, if he be:

*First*—A judicial, civil, or military officer of the United States, or of the State of California.

*Second*—A person holding a county office.

*Third*—An Attorney and Counsellor at Law.

*Fourth*—A Minister of the Gospel, or a Priest of any denomination.

*Fifth*—A Teacher in a college, academy, or school.

*Sixth*—A practicing Physician.

*Seventh*—An officer, Keeper, or attendant of an Alms House, Hospital, Asylum, or other charitable institution in this State.

*Eighth*—Any person engaged in the performance of duty as officer or attendant of a County Jail, or the State Prison.

*Ninth*—A Captain, Master, or other officer, or any person employed on board of a steamer, vessel, or boat navigating the waters of this State.

*Tenth*—An Express Agent, Mail Carrier, Telegraph Operator, or Keeper of a public ferry, or toll gate.

*Eleventh*—A person otherwise exempt by law.

Number  
of Jurors.

SEC. 4. The Board of Supervisors of each county in this State shall, at their regular meeting after this Act takes effect, and thereafter at their first regular meeting in each year, by an order entered on their journal, apportion among the several townships of each county the number of persons who shall be selected and returned from each township for grand and trial jurors, as in this Act provided. The aggregate number to be returned for each county shall be determined by calculating thirty for each regular term of Court requiring a grand jury, thirty for each regular term of the District Court, and thirty

for each regular term of the County Court, to be held in the county, until the next annual return of grand jurors and trial jurors under this Act, to be apportioned among the several townships of each county, as nearly as may be convenient, in proportion to the number of qualified voters residing in each township, as shown by the last official returns of the general State election. The Board shall also, at the expense of the county, furnish a safe box for the purpose of containing the names of the grand and trial jurors to be selected and returned under this Act, divided in the centre by a partition into two compartments, each compartment to be provided with safe lock and key, and one compartment to be marked "Jury Box No. 1," and the other, "Jury Box No. 2."

SEC. 5. The Board of Supervisors of each county, with the County Clerk, or his Deputy, at their first regular meeting after this Act takes effect, and thereafter at their first regular meeting in each year, shall select and return the aggregate number of Grand Jurors and Trial Jurors required by the last section, and shall continue from day to day until the said return shall be completed, and shall proceed in the following order:

*First*—Select the aggregate number of grand and trial jurors required by the last section from the several townships of the county, as apportioned thereto, from the poll list of each township returned at the last general State election, or if said poll list be destroyed, then select from the last assessment roll of such township, and as near in regular order on such lists or rolls as convenient. Each person so selected shall be competent and qualified to act as provided in sections first and second of this Act.

*Second*—While selecting as aforesaid, the County Clerk shall assist said Board in making out duplicate lists containing all the names of said jurors so selected, with the occupation of the juror, and township annexed to his name, said duplicate list to be certified to and signed by said Board and Clerk, one of which shall be placed on the files of said Board, and the other to be filed in the County Clerk's office, in some secure place, for future reference.

*Third*—Immediately thereafter said Board, with the County Clerk, shall write or cause to be written, upon a separate slip of paper or ballot, each name, with the occupation and township of each juror contained on the said duplicate list, and shall then compare said ballots so made out with the said duplicate lists, and shall then closely fold each of said ballots so as to conceal the names written upon said ballots, and shall then deposit in "Jury Box No. 1," aforesaid, all the said folded ballots containing the names of the grand and trial jurors selected and certified to as aforesaid, and immediately lock up "No. 1" and "No. 2" of said "Jury Box," and deliver the keys thereof to the Sheriff for safe keeping, and shall deposit said "Jury Box," with said ballots, in the County Clerk's office, in some secure place. Grand and trial jurors so returned shall be called regular jurors, and shall be drawn by lot, and serve until the next legal selection and return shall be made under this Act.

*Fourth*—Before making a new return under this Act, all the ballots remaining in said "Jury Box No. 1" and "No. 2" shall

**Jurors.** be taken therefrom, and any regular juror last returned as aforesaid, who has actually served on any grand jury or trial jury, when drawn shall be exempt, and not returned again the next succeeding year. All other regular jurors may be again returned the ensuing year.

*Fifth*—Any elector of the county shall have the right to be present at said selection and return of grand and trial jurors, and may give information to the Board while selecting. In the absence of the County Clerk, or of the Sheriff, their respective Deputies shall perform their respective duties when required under this Act.

**How selected** SEC. 6. If the Board of Supervisors shall neglect or fail to make a return of grand and trial jurors, as hereinbefore provided, or if the return aforesaid shall be set aside by the Court for illegality, or from any cause shall be destroyed or illegally interfered with, or if from any other cause a new return shall be required, it shall be the duty of the Judge of the District Court, or the Judge of the County Courts of such county, at Chambers, or in Court, to make an order, setting forth the facts, and commanding the Board of Supervisors of said county to assemble at the time and place mentioned in said order, and select and return the grand and trial jurors for the ensuing year required by this Act, and the Sheriff shall immediately serve a copy of said order on each member of said Board of Supervisors, and it shall be the duty of said Board to obey said order, and make such required return in all respects as hereinbefore provided, and the same when so made shall be as legal as if made at the time designated by this Act; *provided*, that no selection and return shall be set aside for slight irregularities or causes, nor unless such return shall be against the true intent and provisions of this Act.

#### DRAWING, SUMMONING, AND IMPANELLING A GRAND JURY.

**Grand Jury, how drawn.** SEC. 7. When the County Judge of any county shall by order so direct, the County Clerk and Sheriff of such county, at least ten days before the commencement of the term of Court requiring a grand jury, or at any other special time the Judge of such Court may order, shall, in the presence of two witnesses, electors of the county, unlock said "Jury Box, Number 1," and the said Clerk shall draw therefrom thirty ballots, the Sheriff having first shaken said box, so as to mix said ballots, and immediately shall lock said box. The Clerk shall then make out a list of the names on said ballots drawn, together with the occupation and township of each juror, and annex a certificate to the correctness of said list, including in said certificate the names of the witnesses present at said drawing, which list shall then be signed by the Clerk and Sheriff. The Clerk shall safely keep all ballots drawn from "Jury Box Number 1," and "Number 2," until the same are legally disposed of by the Court, and shall file in his office the certified list of all jurors from said box, at any time; and the Clerk shall, in every case, copy the certified lists drawn, in the first day's minutes of such Court after said drawing. Whenever the ballots in "Jury Box Number 1," shall become exhausted, the drawing shall

be continued from the ballots in "Jury Box Number 2," placed therein as hereinafter provided. And when "Number 2" shall be exhausted, then from "Number 1," and so on, alternately, until a new selection and return shall be made.

SEC. 8. The Clerk of said Court shall, immediately after drawing and certifying the ballots as provided in the last section, issue a writ of venire under the seal of the Court, directed to the Sheriff, to summon the jurors so drawn, which may be substantially as follows:

STATE OF CALIFORNIA,  
\_\_\_\_\_ County. } ss.

To the Sheriff of said County, Greeting:

You are hereby commanded to summon (here insert the name of each juror on the certified list, and, unless waived by the Sheriff, also the occupation and township of each juror,) to be and appear in the (here name the Court) to be held in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—, at \_\_\_\_\_ o'clock, — M., to act as grand jurors, (or trial jurors, as the case may be,) and of this writ make legal service and due return.

Dated: \_\_\_\_\_ day of \_\_\_\_\_, 18—.

Signed: \_\_\_\_\_.

SEC. 9. It shall be the duty of the Sheriff upon receiving said writ of venire, to summon said jurors therein mentioned at least three days before the day mentioned in said writ for the appearance of said jurors at said Court, unless the time of service shall be changed by order or rule of Court. Said service shall be made upon each regular juror by delivering personally to him a written or printed notice, substantially as follows:

STATE OF CALIFORNIA,  
\_\_\_\_\_ County. } ss.

To \_\_\_\_\_:

You are hereby summoned to appear in the (here insert the Court) on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18—, at \_\_\_\_\_ o'clock, — M., to serve as a grand juror (or trial juror, as the case may be,) and herein fail not.

Dated: \_\_\_\_\_ day of \_\_\_\_\_, 18—.

Signed: \_\_\_\_\_.

If the Sheriff cannot find a juror after due search and diligence, he shall leave the above notice at the residence or place of business of such juror, with the most suitable person there found, and he shall return said writ without delay, with his indorsement thereon, specifying the persons summoned, and the time and manner each was notified. Special grand jurors and special trial jurors shall be summoned by personally notifying each of them to attend the Court wherein they may be required, and at the time when required, and the Sheriff shall return a certified list of such special jurors summoned.

SEC. 10. Any regular grand or trial juror, or any special grand or trial juror, summoned to attend Court as provided in the last section, but who shall fail to attend the Court at the

time required, and being without a reasonable excuse, may be attached and compelled to attend the Court, and the Court may also impose a fine upon such delinquent juror, not exceeding one hundred dollars, and execution may issue against such juror for said fine and costs on attachment. If, however, the juror was not personally served, the fine shall not be imposed until, upon an order to show cause, an opportunity has been offered to the juror to be heard.

Who shall constitute the grand jury.

SEC. 11. When, of the regular grand jurors summoned as aforesaid, not less than thirteen and not exceeding fifteen attend, they shall constitute the grand jury; if more than fifteen attend, the Clerk shall call over the list drawn, and the fifteen first answering shall be the grand jury. If, of the persons drawn and summoned, less than thirteen attend, they shall be placed in the grand jury, and the Court shall complete the same as provided in the next section.

How to proceed when jury is not complete.

SEC. 12. If the Court shall fail to complete a grand jury by the drawing and mode aforesaid, or if a challenge to the panel or to a grand juror be made and sustained, or as often thereafter as it may become necessary from any other cause, the Court may order another drawing from said "Jury Box" of a sufficient number to complete or form a grand jury, and such drawing and summoning shall be had as hereinbefore provided; or in place of such second drawing, the Court may order the Sheriff to summon, immediately, or for a day fixed, a sufficient number of special grand jurors, possessing the qualifications prescribed in this Act, and none others, from which to complete the grand jury, or form a new grand jury, as the case may be; said order and the reasons therefor shall be placed upon the minutes of the Court. The Sheriff shall immediately summon such required additional number of regular drawn jurors or of special jurors in manner and form as provided in section nine of this Act. The Clerk shall then complete the panel by calling the names in rotation on the list last drawn of regular jurors, or on the list of special jurors returned by the Sheriff.

Jurors excused.

SEC. 13. A grand or trial juror, whether regular or special, shall not be excused by the Court for slight or trivial cause, or for hardship, or inconvenience to his business, but only when material injury or destruction to his property, or that of the public intrusted to him, is threatened, or when his own health, or the death or sickness of a member of his family requires his absence; and it shall be the right of any party to a civil action, or the defendant in a criminal action, pending in said Court, to except to the order of the Court excusing a trial juror without sufficient cause, and the excepting party, in case the action be tried by jury at said term, and if the verdict shall be adverse to such excepting party, may have said exception and facts therewith connected reviewed on his motion for a new trial, and if error, the Court may grant him a new trial for that reason.

When jury is discharged from further attendance, how to proceed.

SEC. 14. At every term of Court when the grand or trial jury shall be discharged from further attendance at said term, the Court shall cause an entry to be made on its minutes disposing of the ballots of regular, grand, or trial jurors drawn from the "Jury Box" as follows:



*First*—The ballots of all regular, grand, and trial jurors drawn for and during the term of Court, who did not actually serve at said term, shall be again neatly folded as before by the County Clerk and Sheriff, and shall be replaced in "Jury Box No. 1," if they were drawn therefrom, or in "Jury Box No. 2," if they were drawn therefrom, and the other of said ballots so drawn of regular jurors who did actually serve shall be folded as aforesaid, and shall be deposited in box No. 2, if drawn from No. 1, or in box No. 1, if drawn from No. 2. The minutes of the Court shall show the names returned to each box.

*Second*—The Court shall order the Clerk to destroy any ballot containing the name of a regular drawn juror who is dead or permanently removed from the county, and the destruction thereof and reasons therefor shall be entered on the minutes. If any regular ballot should be lost or destroyed, the County Clerk shall supply such missing by copying the same from the certified list drawn. Said box shall be locked as before.

SEC. 15. If the Judge of the Court shall not deem it necessary that a grand jury should be summoned, he may make an order, directed to the County Clerk and Sheriff, to the effect that they shall not draw ballots for a grand jury.

#### DRAWING, SUMMONING, AND IMPANELLING A TRIAL JURY.

SEC. 16. Twenty-four ballots, or such other number as the Judge of the Court or County Judge may order for a trial jury, shall be drawn for every term of the District Court, and for every term of the County Court at which a jury may be required, at least five days before the first day of the term, or at any other special time the Court may order. A trial jury shall consist of twelve persons, but in a civil action, by consent of parties, to be entered on the minutes, it may consist of any number less than twelve, but not under three. Any party may demand a jury composed of the regular returned and drawn jurors, except in the cases hereinafter mentioned, wherein the Court may order special jurors to be summoned.

SEC. 17. The regular trial jurors for the Courts mentioned in the last section shall be drawn and certified to by the County Clerk and Sheriff in the same manner as provided for drawing and certifying grand jurors in section seven of this Act, and they shall be summoned in the same manner as provided in sections eight and nine of this Act. All trial jurors shall be subject to the provisions of sections ten and eleven of this Act. Every drawn and certified list of regular trial jurors shall be copied into the first minutes of the Court after such drawing.

SEC. 18. At the opening of the Court, on the day trial jurors have been summoned to appear, the Clerk of said Court shall call the names on the certified list, and the Court may then hear the excuses of jurors in attendance. If, afterwards, there shall not be a sufficient number of jurors remaining to form a trial jury, or if, from any cause, it shall become necessary at any time during the term to have additional trial jurors, or to form a new or additional trial jury, the Court shall, by entry on its minutes of the fact, direct the Clerk and Sheriff to draw such sufficient number of ballots from the jury box, from which number, so

Trial jurors.

Drawn in same manner as grand jurors.

If jury is incomplete, how to proceed.

drawn, the Sheriff shall summon such jurors to appear immediately, or for a day fixed, and such drawing, certifying, summoning, and return, shall be in the same manner as provided in the last section. But the Sheriff, in such case, shall first summon those residing nearest to the Court.

Impanelling  
a trial jury.

SEC. 19. The Clerk of the Court shall impanel a trial jury for a civil or criminal action as follows: He shall place the ballots drawn as aforesaid, folded up, of all the drawn trial jurors who are in attendance, in a box, and shall shake the same, and shall proceed to draw out twelve names from said box, one at a time, for a trial jury, or a less number in a civil action, if less are agreed upon.

Challenges.

SEC. 20. Each party in a civil or criminal action shall have the right to the number of peremptory challenges and challenges for cause which are now provided by law.

Special  
trial jurors.

SEC. 21. If any action or proceedings triable by jury, wherein it may appear manifest to the Court that the formation or completion of a trial jury, from regular drawn jurors as aforesaid, would occasion unreasonable delay of the Court, it shall be lawful for the Court in such case to order the Sheriff to summon a sufficient number of special trial jurors, legally qualified, to appear in said Court immediately, or for a day fixed; and it shall be the duty of the Sheriff to faithfully summon the required number of special trial jurors, each competent and qualified to act, as provided in sections first and second of this Act; said service and return shall be as provided in section nine of this Act. The Clerk of Court shall write the names of the special jurors so summoned, who are in attendance, on separate ballots, and place them in a box, and a trial jury shall be impanelled as follows: The Clerk shall first draw the ballots of the regular jurors present, as provided in section nineteen of this Act, and shall complete the jury by then drawing in like manner from the special ballots. A jury so impanelled shall be as legal, to all intents and purposes, as if it were composed of regular drawn jurors.

New jury  
may be  
ordered.

SEC. 22. If a member of a trial jury in the trial of a criminal action should die, or become sick and unable to attend, or permanently absent himself during the trial, the Court shall thereupon discharge the remainder of the jury, and order a new jury, or continue the cause. In a civil action, in such case, the jury may be discharged or the trial may proceed, by the consent of the parties thereto; but a juror absenting himself, or feigning sickness, and thereby procuring his discharge, may be dealt with by the Court for a contempt, and may be fined not less than fifty dollars nor more than five hundred dollars.

Jury trial  
may be  
waived.

SEC. 23. Either party in a civil action or proceeding may waive a trial by jury, and a jury shall be deemed waived unless the parties, or one of them, to the action or proceedings, shall, at least six days before the commencement of the term at which the same may be tried, file with the Clerk a notice that a jury will be required. In case a jury demanded by the defendant and waived by the plaintiff shall fail to agree upon a verdict, and shall be discharged by the Court, the defendant shall pay such jury fee; in other civil actions wherein the jury fails to agree, the plaintiff shall pay the jury fee; execution may issue

against either party making default in payment of said fees. A party paying a jury fee as aforesaid may have the same taxed in his favor as costs, if he afterwards obtain judgment in such action. When the plaintiff shall make default in paying a jury fee, as provided in this section, the defendant shall have the right to pay the same on the last day of the term, or at any subsequent term, and immediately upon such payment the defendant may move the Court, without any notice to the plaintiff, to dismiss the action, and have judgment against the plaintiff of dismissal, and for his costs, and said jury fee so paid.

SEC. 24. Whenever a trial juror shall be required in the Probate Court, the Judge of such Court shall make an order requiring the Clerk and Sheriff to draw a regular trial jury from the Jury Box, which shall be drawn and summoned as a trial jury for the District Court or County Court, as hereinbefore provided; or the Probate Judge may order the Sheriff to summon a sufficient number of special jurors, qualified to act, which shall be summoned in the same manner as special jurors hereinbefore provided, and the Clerk shall impanel the jury in the same manner as provided for the District Court and County Court. Jurors so summoned shall be subject to all the provisions of this Act applicable to trial jurors in the District Court and County Court.

Jury for Probate Court.

#### VIOLATIONS, PUNISHMENTS, ETC.

SEC. 25. If any person shall wilfully or maliciously unlock or break open said "Jury Box, No. 1," or "Jury Box, No. 2," or deposit any names or ballots therein, or extract any ballots therefrom, when not authorized by this Act, or by any order of the Court to that effect, or shall wilfully or maliciously destroy said jury box, with the ballots or any portion of the ballots therein, he shall be deemed guilty of felony, and, on conviction thereof, shall be punished by imprisonment in the State Prison for a term not less than one year nor more than five years.

Penalty for destroying jury box.

SEC. 26. If any member of the Board of Supervisors of any county in this State, or the County Clerk, or his Deputy, when required to assist in making the selection and return of grand and trial jurors under this Act, shall wilfully neglect or refuse, without reasonable excuse, to select and return grand and trial jurors under this Act, shall wilfully or fraudulently select or return grand and trial jurors in violation of or against the true intent of this Act, or shall cause such an error or omit such a substantial requirement of this Act, intending thereby to make such selection and return void, or shall make out and certify false duplicate lists, or place false ballots into said Jury Box at such selection and return, the person, or any member of the Board of Supervisors, or the Clerk, or his Deputy, so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, pay a fine of not less than five hundred dollars, and not more than one thousand dollars.

Penalty to officers for neglect or fraud.

SEC. 27. If the County Clerk, or his Deputy, with the Sheriff, or his Under Sheriff or Deputy, when required to draw a grand jury or a trial jury from said Jury Box, shall, without two witnesses being present, draw ballots from said Jury Box for a grand or trial jury, or shall make out and certify a false list of the

ballots so drawn, or shall fraudulently interfere with said ballots, or shall fraudulently return ballots into said Jury Box, when required to return those ballots only by them drawn as provided in this Act, or if the Sheriff, Under Sheriff, or his Deputy, shall knowingly make a false return of the manner of summoning a drawn juror, or when required to summon special trial jurors as herein provided for, or summon a sheriff's jury to try the right of property, or summon a jury in a Justice's Court, shall summon persons for either of such juries as aforesaid upon the suggestion or request of any party to the action wherein such jury shall be used, or of any other person on behalf of such party to the action, or shall summon such jurors sought out by him with intent thereby to influence a verdict by such jury for or against either of the parties to the action, or shall receive a bribe from any person to summon a jury in such case, the person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not less than five hundred dollars, nor more than one thousand dollars.

**JURIES FOR RECORDERS' AND OTHER INFERIOR MUNICIPAL COURTS,  
FOR CORONERS' INQUESTS, AND FOR SHERIFFS AND CONSTABLES  
FOR THE TRIAL OF THE RIGHT OF PROPERTY.**

Juries for  
inferior  
Courts.

SEC. 28. When a trial jury may be required by law in any Recorder's, or other Police Court, of any incorporated city or town in this State, or to form a Coroner's jury, or a Sheriff's or Constable's jury, to try the right of property, the Sheriff, Coroner, Marshal, Policeman, or Constable, shall summon the required number of jurors in his jurisdiction, who shall each be competent and qualified, as provided in sections first and second of this Act, and jurors so summoned shall be subject to peremptory challenges, and challenges for cause, the same as trial jurors in the District Courts and County Courts, as hereinbefore provided.

**JURIES IN JUSTICES' COURTS.**

Juries for  
Justices'  
Courts.

SEC. 29. In any civil or criminal action pending before any Justice of the Peace in this State, triable by jury, either party to the action, before the commencement of the trial, may demand a jury therein. When such demand shall be made, it shall be the duty of such Justice to fairly and impartially write the names of twenty-four persons on a slip of paper, residents of the township, each competent and qualified, as provided in sections first and second of this Act. From said list the defendant, his Agent, or Attorney, shall strike off one name, then the plaintiff, his Agent, or Attorney, shall strike off one name, and so on, alternately, until but twelve names remain on said list. The twelve names left on said list shall be summoned as the jury in said action; *provided*, that in a civil action the parties may agree upon any number of jurors less than twelve, but not under three, and in such case the alternate striking off shall continue as aforesaid until the agreed number shall be left remaining, which shall be summoned. If either party shall neglect or refuse to strike off the names as aforesaid, the Justice shall strike off the same

in behalf of such refusing party. When a jury is chosen, the Justice may continue the action to such time as the parties may agree upon, or to such convenient time as to allow the officer to summon said jurors. Neither party in a civil action shall be entitled to a jury in a Justice's Court, when the defendant does not dispute the plaintiff's cause of action, and when the plaintiff does not dispute the defendant's defence, offset, or counter claim.

SEC. 30. When a jury shall be chosen as provided in the last section, the Justice of the Peace shall immediately issue a writ of venire, directed to the Constable or Sheriff, to summon said chosen jurors to be and appear before such Justice at the time and place in said writ mentioned. Said writ shall be substantially as follows :

STATE OF CALIFORNIA,  
County of \_\_\_\_\_, Township \_\_\_\_\_ } ss.  
Before A. B., Justice of the Peace. To the (Sheriff or) Con-  
stable of said County, Greeting:

You are hereby commanded to summon (here insert the names of jurors chosen) to be and appear at my office in said township \_\_\_\_\_, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—, to act as jurors in a civil (or criminal) action, wherein \_\_\_\_\_ is plaintiff, and \_\_\_\_\_ is defendant; and of this writ make legal service and due return.

Dated: \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18—.

A. B., Justice of the Peace.

SEC. 31. It shall be the duty of the Constable, or the Sheriff, upon receiving the writ of venire mentioned in the last section, to forthwith proceed and faithfully summon each of said jurors personally, and he shall, without delay, return to the Justice said writ, with his indorsement thereon, specifying the persons summoned.

SEC. 32. When from any cause, at the impanelling of the jury, a sufficient number of the jurors chosen and summoned as aforesaid shall not be in attendance to form or complete the jury, or when a juror shall be excused or challenged off, as herein provided, and when additional jurors shall be required, it shall be the duty of the Justice to order the Constable or Sheriff to summon a sufficient number of special jurors to complete the jury, and in such case it shall be the duty of the Constable or Sheriff to summon the required number of persons resident of the township, who shall each be competent and qualified to act as a juror as provided in sections first and second of this Act. The service shall be by notifying special jurors personally to appear at such Court at the time and place required, and without delay return a certified list to the Justice of such special jurors summoned.

SEC. 33. A chosen or special juror, summoned as aforesaid, may be excused by the Justice for any of the causes mentioned in section thirteen of this Act.

SEC. 34. If any chosen or special juror, summoned as aforesaid, shall fail to appear at the time required, the Justice may issue a writ of attachment and compel the attendance of such juror forthwith; and if such juror have no reasonable excuse for such failure to obey such summons, the Justice shall fine such

juror in any sum not less than ten dollars nor more than twenty-five dollars, with the costs on attachment, and may issue execution therefor.

**Jury fee.** SEC. 35. When the jury shall have agreed upon a verdict, said officer shall bring them into Court, and the party in whose favor the verdict is rendered shall pay the jury fee before the Justice shall render judgment thereon, and such jury fee shall be recovered back as costs.

**Jury may be discharged.** SEC. 36. Whenever it shall appear to the Justice, after sufficient reasonable time for deliberation, that the jury are unable to agree upon a verdict, they shall be brought into Court and be discharged by the Justice, and the jury fee in such case shall be paid by the party calling it, and in default, execution may issue therefor; *provided*, that in a criminal action no jury fee shall be allowed or paid. The Justice shall then set the action for trial again, not more than two days after the jury were discharged, unless otherwise agreed upon by the respective parties, and a new jury shall be chosen, summoned, impanelled, and trial had in all respects as hereinbefore provided.

**Act repealed.** SEC. 37. An Act entitled an Act concerning jurors, passed May third, eighteen hundred and fifty-two, and all Acts or parts of Acts amendatory of or supplementary thereto in conflict with the provisions of this Act are hereby repealed; *provided*, this Act shall not apply to the City and County of San Francisco.

CHAP. CCCCVI.—*An Act authorizing the Treasurer of State to issue Bonds for the payment of expenses incurred in the Suppression of Indian Hostilities in certain Counties of this State, and to indemnify citizens of this State for losses sustained by Indian depredations.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

**War Fund created.** SECTION 1. A sum not exceeding one hundred and fifty-four thousand nine hundred and eighty-seven dollars and fifty-eight cents, is hereby appropriated and set apart as a "War Fund," payable out of any moneys which may be appropriated by Congress to this State, to defray the expenses incurred in the suppression of Indian hostilities, and for property destroyed, as specified in this Act.

**Board of Examiners.** SEC. 2. The Adjutant-General, Surveyor-General, and the Attorney-General of this State shall constitute a Board of Examiners, and are authorized and required to examine and audit all accounts for claims which have not been audited and allowed by this State, or by the Government of the United States, for services rendered and supplies furnished for the expeditions against the Indians in Siskiyou County since the year eighteen hundred and fifty, and for property destroyed by the Indians in said county since that year; *provided*, the same do not exceed the sum of twenty-one thousand three hundred and three dol-

**County of Siskiyou.**

lars and ninety-two cents. Also, for services rendered and supplies furnished for the expeditions against the Indians in the Counties of Humboldt, Klamath, and Del Norte, since the year eighteen hundred and fifty, and for property destroyed and losses sustained by Indian depredations in said counties since that year; *provided*, the same do not exceed the sum of thirty-nine thousand one hundred and twenty-nine dollars and thirty-six cents. Also, for services rendered and supplies furnished the expedition against the Indians in the County of Shasta, since the year eighteen hundred and fifty, and for property destroyed by the Indians in said county since that year; *provided*, the same do not exceed the sum of twelve thousand six hundred and fifty-one dollars and thirty-six cents. Also, for the expeditions, wars, and depredations in the Counties of Butte and Plumas, since the first day of January, A. D. eighteen hundred and fifty; *provided*, the same do not exceed the sum of twenty thousand dollars. Also, for services rendered and supplies and animals furnished the expedition against the Indians in the Counties of Napa and Yolo, in the years eighteen hundred and fifty and eighteen hundred and fifty-one; *provided*, the same do not exceed the sum of eleven thousand dollars. Also, for services rendered prior to the year eighteen hundred and fifty-three, to be allowed at the rate of four dollars per day, and supplies furnished, in the expedition against the Indians in the County of El Dorado, since the year eighteen hundred and fifty; *provided*, the same do not exceed the sum of nine thousand eight hundred dollars. Also, for services rendered and supplies furnished for the expeditions against the Indians in the County of Tulare, since the year eighteen hundred and fifty-five; *provided*, the same do not exceed the sum of fourteen thousand five hundred and sixty-two dollars and ninety-five cents. Also, for services rendered and supplies furnished in the expedition against the Indians in the County of Trinity, since the year A. D. eighteen hundred and fifty, and for property destroyed and losses sustained by Indian depredations in said county since that year; *provided*, the same do not exceed the sum of six thousand five hundred and forty dollars. Also, for services rendered and supplies furnished in the expeditions against the Indians in the County of Tehama, since the year A. D. eighteen hundred and fifty, and for property destroyed and losses sustained by Indian depredations since that year; *provided*, the same do not exceed the sum of twenty thousand dollars.

SEC. 3. Such liabilities as have been incurred and allowed under Acts hereby repealed, or shall be allowed under the provisions of this Act, shall be paid in bonds, made payable out of any money hereafter to be appropriated by Congress for the payment of such expenses.

SEC. 4. The bonds issued under the provisions of this Act shall be signed by the Treasurer, and countersigned by the Controller, in their official character, made payable to and indorsed by the Governor, who shall affix the seal of State thereto; which bonds, duly issued as aforesaid, shall be transferable by assignment by the owner thereof, or by his Attorney in fact.

Bonds to be registered.

SEC. 5. After the said bonds shall have been countersigned by the Controller, it shall be his duty to make a register of the same, in a book to be kept for that purpose, and deliver them to the Treasurer, charging him with the same. The Treasurer shall also keep a register of such bonds.

Disposition of moneys that may be received from the United States.

SEC. 6. Any and all moneys which may be appropriated by Congress for the payment of expenses incurred in the suppression of Indian hostilities in this State, or for losses sustained by reason of Indian depredations, as specified in this Act, are hereby set apart and pledged for the payment of the bonds provided to be issued by this Act.

Claims to be audited.

SEC. 7. All claims presented to the Board of Examiners, named in the second section of this Act, shall be filed at the time of their presentation, and the Board of Examiners shall allow or disallow all claims or accounts in the order of their presentation; *provided*, that said Board may postpone the auditing of any claim upon the application or request of the claimant, and the claim so postponed shall take its place upon the file at the time to which it was postponed, in the same order as a new application.

Proviso.

Proof of claims required.

SEC. 8. No claim shall be allowed by said Board of Examiners without positive proof of the services rendered, supplies furnished, and losses sustained, specifying the items. All books, papers, and vouchers connected with either or any of the said expeditions, already audited, or that shall hereafter be audited by said Board, and also all books, papers, and vouchers connected with claims for any Indian expedition in this State, heretofore paid by this State or the General Government, shall be deposited with and left in charge of the Adjutant-General of this State.

Acts repealed.

SEC. 9. The Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this State, approved April twenty-fifth, eighteen hundred and fifty-seven, and the several Acts amendatory of and supplementary thereto, approved April seventh, eighteen hundred and fifty-nine, April twenty-seventh, eighteen hundred and sixty, May sixteenth, eighteen hundred and sixty-one, and May twelfth, eighteen hundred and sixty-two, and all Acts or parts of Acts in conflict with this Act, are hereby repealed.

SEC. 10. This Act shall take effect and be in force from and after its passage.



CHAP. CCCCVII.—*An Act amendatory of the Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, and of Acts amending the same.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one hundred and ninety-five of the Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and which section was amended by an Act, passed May twentieth, eighteen hundred and sixty-one, is hereby further amended so as to read as follows :

Section 195. The party intending to move for a new trial shall give notice of the same as follows: 'When the action has been tried by a jury, within five days after the rendition of the verdict, and when the action has been tried by the Court, or by a Commissioner, or a Referee, within ten days after receiving written notice of the filing of the findings of the Judge, or the report of the Commissioner or Referee. The notice shall designate generally the grounds upon which the motion will be made within five days after giving such notice, or within such further time, not exceeding twenty days, as the Court or Judge thereof, or Court Commissioner, may by order grant. The said party shall prepare and file with the Clerk the affidavit or statement required by the last section. If no affidavit or statement be filed within five days after the notice, or within such further time as the parties may agree upon, or the Court, or Judge thereof, or Court Commissioner, may by order grant, the right to move for a new trial shall be deemed waived. When the notice designates, as the ground upon which the motion will be made, the insufficiency of the evidence to justify the verdict or other decision, the statement shall specify the particulars in which such evidence is alleged to be insufficient. When the notice designates, as the ground of the motion, errors in law accruing at the trial and excepted to by the moving party, the statement shall specify the particular errors upon which the party will rely. If no such specifications be made, the statement shall be disregarded. The statement shall contain so much of the evidence or reference thereto as may be necessary to explain the particular points thus specified, and no more. Such statement, when not agreed to by the adverse party, shall be settled by the Judge upon notice, when agreed to. It shall be accompanied by the certificate of the parties or their Attorneys that the same has been agreed upon, and is correct. When settled by the Judge, the same shall be accompanied with his certificate that the same has been allowed by him, and is correct. On the argument, reference may also be made to the pleadings, depositions, and documentary evidence on file, and to the minutes of the Court. If the application be made upon affidavits filed, the adverse party may use counter affidavits on the hearing. Any counter affidavits shall be filed with the Clerk one day at least previous to the hearing. The affidavits, and counter affidavits,

Party moving for a new trial shall give notice.

or the statement thus used in connection with such pleadings, depositions, and minutes of the Court, as are read or referred to on the hearing, shall constitute, without further statement, the papers to be used on appeal from the order granting or refusing the new trial. To identify the affidavits, it shall be sufficient for the Judge or Clerk to indorse them at the time, as having been read or referred to on the hearing. To identify any depositions or minutes of the Court read or referred to on the hearing, it shall be sufficient that the Judge designate them in his certificate as having been thus read or referred to.

SEC. 2. Section three hundred and thirty-eight of the Act to regulate proceedings in civil cases in the Courts of this State is hereby amended so as to read as follows:

Party appealing may annex statement of case to record of judgment.

Section 338. When the party who has the right to appeal wishes a statement of the case to be annexed to the record of the judgment or order, he shall, within twenty days after the entry of such judgment or order, prepare such statement, which shall state specifically the particular errors or grounds upon which he intends to rely on the appeal, and shall contain so much of the evidence as may be necessary to explain the particular errors or grounds specified, and no more, and shall serve a copy thereof upon the adverse party. The respondent may, within five days thereafter, prepare amendments to the statement, and serve a copy on the appellant. The statement and amendments which may be served shall be presented to the Judge who tried or heard the case, upon notice of two days to the respondent, and a true statement shall thereupon be settled by such Judge. If no amendments are served, the statement may be presented to the Judge for settlement without any notice to the respondent.

SEC. 3. Section three hundred and thirty-nine of the said Act, as amended by the Act of May seventh, eighteen hundred and fifty-five, is hereby further amended so as to read as follows:

Time to make statement limited.

\*Section 339. If the party shall omit to make a statement within the time above limited, he shall be deemed to have waived his right thereto; and when a statement is made, and the parties shall omit within the several times above limited, the one party to propose amendments, the other to notify an appearance before the Judge, they shall respectively be deemed, the former to have agreed to the statement as prepared, and the latter to have agreed to the amendments as proposed, but the Judge who heard the cause shall, notwithstanding such omission or implied agreement, have power to correct any misstatement of facts or of his rulings which such statement may contain.

SEC. 4. This Act shall take effect on the first day of July next.

CHAP. CCCCVIII.—*An Act amendatory of and supplemental to an Act concerning Crimes and Punishments, passed April sixteenth, one thousand eight hundred and fifty, and the several Acts amendatory thereof and supplemental thereto.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eighty-four of said Act is amended so as to read as follows:

Section 84. If any person or persons shall, directly or indirectly, give any sum or sums of money, or any other bribe, present, or reward, or any promise, contract, obligation, or security, for the payment or delivery of any money, present, reward, or any other thing, to corruptly obtain or procure the opinion, judgment, or decree of any Judge or Justice of the Peace acting within this State; or to corruptly induce or influence any such Judge or Justice of the Peace to be more favorable to one side than to the other in any suit, action, proceeding, matter, or cause, depending or to be brought before any such Judge or Justice of the Peace; or shall, directly or indirectly, give any sum or sums of money, present, or reward, or any promise, contract, obligation, or security, for the payment or delivery of any money, present, or reward, or any other thing, to corruptly obtain, procure, or influence any member or officer of the Legislature, or to corruptly incline, induce, or influence any such member or officer of the Legislature, to be more favorable to one side than to the other on any question, election, matter, or thing, pending or to be brought before the Legislature or either House thereof; or shall, directly or indirectly, give any sum or sums of money, present, or reward, or any promise, contract, obligation, or security, for the payment or delivery of any money, present, or reward, or other thing, to corruptly obtain, procure, or influence any member or officer of any legislative caucus, political convention, committee, primary election, or political gathering of any kind, held for the purpose of nominating any candidate or candidates for any office or offices of honor, trust, or profit, in this State, or of any Common Council, Board of Supervisors, or Board of Trustees, of any city or corporation, or to corruptly incline, induce, or influence any member or officer of any such caucus, convention, committee, Common Council, Board of Supervisors, or Board of Trustees, to be more favorable to one candidate than to another candidate before or to be brought before such caucus, convention, committee, Common Council, Board of Supervisors, or Board of Trustees; or shall, directly or indirectly, give any sum or sums of money, present, or reward, or any promise, contract, obligation, or security, for the payment or delivery of any money, present, or reward, or other thing, to corruptly obtain, procure, induce, or influence any member or officer of any Common Council of any city, or any member or officer of any Board of Supervisors of any county, or Board of Trustees of any city or corporation, to be more favorable to one side than

Bribery defined.

**Bribery defined.**

to the other of any question, matter, or thing, pending or to be brought before such Common Council, Board of Supervisors, or Board of Trustees, the person or persons so giving any money, bribe, present, or reward, promise, contract, obligation, or security, with intent and for the purpose aforesaid, and the Judge, Justice of the Peace, member or officer of the Legislature, caucus, convention, committee, Common Council, Board of Supervisors, or any Board of Trustees of any city or corporation, who shall accept or receive the same, shall be deemed guilty of bribery, and on conviction thereof shall be punished by imprisonment in the State Prison for a term not less than one year and not more than fourteen, and shall be disqualified from holding any office of honor, trust, or profit, in this State.

SEC. 2. Section eighty-six of said Act is amended so as to read as follows:

**Penalty for offering or receiving a bribe.**

Section 86. Every person who shall propose, offer, or attempt to bribe any Judge, Justice of the Peace, any member or officer of the Legislature, any member or officer of any legislative caucus, political convention, committee, Common Council, Board of Supervisors, or any Board of Trustees of any city or corporation, any Sheriff, Coroner, Clerk, Constable, Jailor, Attorney-General, District or City Attorney, or other judicial or ministerial officer, in any of the cases mentioned in either of the two preceding sections; and every Judge, Justice of the Peace, member or officer of the Legislature, member or officer of any legislative caucus, political convention, committee, Common Council, Board of Supervisors, or any Board of Trustees of any city or corporation, Sheriff, Coroner, Clerk, Constable, Jailor, Attorney-General, District or City Attorney, or other judicial or ministerial officer, who shall propose, offer, or agree to receive a bribe in any of the cases mentioned in either of the two preceding sections, shall, on conviction thereof, be fined in a sum not exceeding five thousand dollars, or imprisoned in the State Prison for a term not to exceed fourteen years, or be punished by both such fine and imprisonment, and shall be disqualified from holding any office of honor, trust, or profit, in this State.

**Bribery in procuring absence of witness defined.**

SEC. 3. Every person who shall, directly or indirectly, give, or offer to give, any sum or sums of money, or other bribe, present, or reward, or any promise, contract, obligation, or security, for the payment or delivery of any money, present, reward, or other thing, to obtain or procure the absence of any person who is or may become a witness, from the trial of any issue in any action or proceeding pending in any Court of Justice in this State, or before any Court Commissioner or Referee appointed by such Court; and every person who shall, directly or indirectly, by act or threat, or any other means, wilfully hinder or prevent any person who is or may become a witness, from attending the trial of any issue in any action or proceeding pending in any Court of Justice in this State, or before any Referee appointed by such Court; and every person who is or may become a witness in the trial of any issue in any action or proceeding pending in any Court of Justice in this State, or before any Referee appointed by such Court, who shall wilfully absent himself, or agree or offer to absent himself, from such trial in consideration of any money, or other bribe, or present, or reward, or any

promise, contract, obligation, or security for the payment or delivery of any money, or other bribe, present, reward, or other thing, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.

CHAP. CCCXCIX.—*An Act to provide for the Inspection and Sealing of Gas Meters, and for the Protection of Consumers of Illuminating Gas.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Governor of this State shall appoint an Inspector of Gas Meters, who shall reside in the City of San Francisco, and whose duty it shall be, when required, to inspect, examine, prove, and ascertain the accuracy of any and all gas meters, used or intended to be used for measuring or ascertaining the quantity of illuminating gas furnished by any gas light company in this State, to or for the use of any person or persons, and when found to be or made correct, to seal, stamp, or mark all such meters, and each of them, with some suitable device; and such device shall be recorded in the office of the Secretary of State.

Governor to  
appoint  
Inspector.

SEC. 2. Such Inspector shall hold his office for the term of four years from the time of his appointment, and until his successor shall be appointed, but may be sooner removed as hereinafter provided. He shall receive for each meter inspected by him two dollars and fifty cents, to be paid, if the meter shall be proved to register correctly, by the consumer; if otherwise, then by the gas company furnishing the gas. Such Inspector may appoint a Deputy, and such Deputy shall have all the authority and powers conferred by this Act upon the Inspector. Any and every violation of the provisions contained in this Act, so far as they relate to the duties of the office of Inspector, by either the Inspector or his Deputy, shall be considered a misdemeanor, and the officer so offending shall, upon conviction, be fined in a sum not less than fifty dollars nor more than five hundred dollars. The Governor, upon receiving a certified copy of the record of conviction of the Inspector, shall immediately remove such Inspector from office, and such Inspector shall not be re-appointed.

Term of  
office.

SEC. 3. It shall not be lawful for any corporation, company, or person, at any time after this Act shall take effect, to furnish and put in use any gas meter which shall not have been inspected, proved, and sealed by said Inspector, except during such time as said office of Inspector shall be vacant, and except the meters in use when this Act takes effect, and which may be removed for examination and repairs.

What gas  
meters are  
lawful.

Inspector to  
test meters.

SEC. 4. Suitable and proper apparatus shall be provided by the said Inspector of Meters for testing and proving the accuracy of gas meters, by which apparatus every meter may and shall be tested, on the written request of the consumer to whom the same shall be furnished, and in his presence, if he desire it. If any such meter, on being so tested, shall be found defective or incorrect, to the prejudice or injury of the consumer, the necessary removal, inspection, correction, and replacing of such meter shall be without expense to the consumer, but in all other cases he shall pay the reasonable expenses, not to exceed the sum of two dollars and fifty cents, of such removal, inspection, and replacing; and in case any consumer shall not be satisfied with such inspection of the meter furnished him, and shall give the company written notice to that effect, he may have such meter re-inspected by the State Inspector, (if he require it,) upon the same terms and conditions as above provided for the original inspection thereof.

Gas to be  
supplied not-  
withstanding  
arrears of  
former  
occupants of  
building.

SEC. 5. Upon the application, in writing, of the owner or occupant of any building or premises within one hundred feet of any main laid down by any gas light company, and payment by him of all money due from him to the company, the company shall supply gas as may be required for lighting such building or premises, notwithstanding there may be rent or compensation in arrears for gas supplied, or for meter, pipes, or fittings furnished to a former occupant thereof, unless such owner or occupant shall have undertaken or agreed with the former occupant to pay or to exonerate him from the payment of such arrears, and shall refuse or neglect to pay the same; and if, for the space of ten days after such application, and the deposit of a reasonable sum, as in this Act provided, (if required,) the company shall refuse or neglect to supply gas as required, the company shall forfeit and pay to such applicant the sum of fifty dollars, and the further sum of five dollars for every day thereafter during which such refusal or neglect shall continue; *provided*, that no such company shall be required to lay service pipe for the purpose of supplying gas to any applicant where serious obstacles exist to laying the same, unless the applicant, if required, shall deposit in advance with the company a sum of money sufficient to pay the cost of his portion of the pipe required to be laid, and the expense of laying such portion.

Officers of  
company  
may inspect  
meters.

SEC. 6. Any officer or other Agent of any such gas light company, for that purpose duly appointed and authorized by the company, may, at all reasonable times, upon exhibiting a written authority, signed by the President or Secretary of the company, enter any dwelling, store, or building, lighted with gas supplied by such company, for the purpose of inspecting and examining the meters for regulating the supply of gas, and of ascertaining the quantity of gas supplied or consumed; and if any person shall at any time, directly or indirectly, prevent or hinder any such officer or Agent from so entering any such premises, or from making such inspection or examination at any reasonable time, he shall, for every such offence, forfeit and pay to the company the sum of fifty dollars.

SEC. 7. If any person or persons, supplied with gas by any such gas light company, shall neglect or refuse to pay the rent

or remuneration due for the same, or for the meter, pipes, or fittings, let by the company for supplying or using such gas, or for ascertaining the quantity consumed, as required by his or their contract with the company, or shall refuse or neglect, after being required so to do, and thereby authorized to be required, such company may prevent and stop the gas from entering the premises of such person or persons; and in all cases in which such gas light company is or shall be authorized to cut off, prevent, or stop the supply of gas from any premises, their officers, Agents, and workmen may enter into or upon any such premises, between the hours of eight o'clock in the forenoon, and six o'clock in the afternoon, and separate, take, and carry away any such meter, pipe, fittings, or other works. the property of the company, from the mains or pipes of the company.

When persons neglect to pay, gas may be shut off.

SEC. 8. Every person who shall wilfully or fraudulently injure or suffer to be injured any meter, pipe, and fittings belonging to any such gas light company, or prevent any meter from duly registering the quantity of gas supplied through the same, or shall alter the index of any such meter, or in any way hinder or interfere with its proper action or just registration, or shall fraudulently burn the gas of said company, or waste the same, shall, for every offence, forfeit and pay to such company the sum of fifty dollars, and in addition thereto, shall pay to said company the amount of damage by them sustained by reason of such injury, prevention, waste, consumption, or hindrance.

Penalty for injuring meters, etc.

SEC. 9. Every person who shall lay or place, or cause to be laid or placed, any pipe to communicate with any main or pipe belonging to any such gas light company, or shall otherwise burn or use or cause to be burned or used any gas supplied or manufactured by said company, without having the same passed through the meter furnished for measuring or ascertaining the quantity of gas supplied to and consumed by such person, shall forfeit and pay to said company the sum of one hundred dollars, and in addition thereto, shall also pay to said company the amount of damage by them sustained in consequence or by reason of such forbidden act.

Penalty for using gas without consent of company.

SEC. 10. This Act shall take effect immediately.

CHAP. CCCCX.—*An Act to provide for a Railroad through certain streets therein named in the City and County of San Francisco.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The right is hereby granted to F. A. Hassoy, Seth Wetherbee, John A. Cardwell, J. J. Green, William B. Carr, James A. Duffoy, and William Douglass, their associates

Franchise.

and assigns, to construct and maintain an iron railroad within the City and County of San Francisco, along and upon the following streets: Commencing at or near the foot of Fourth street; thence along Channel street to Fifth street; along Fifth street to Harrison street; along Harrison street to Sparks street; along Sparks street to Dolores street; along Dolores street to Tracy street; along Tracy to Sanchez street; along Sanchez to Steiner street; along Steiner to Sutter street; and from or near the foot of Fourth street, across the waters of Mission Bay, to or near Kentucky street; thence along Kentucky street, by the most practicable route, to South San Francisco; *provided*, the grantees herein named shall obtain the consent of the railroad companies claiming any of the above named streets; *provided*, also, that the grantees herein named shall obtain the consent of the Mission Bay Bridge Company to cross said bay on their bridge.

Proviso.

Conditions.

SEC. 2. The owners of said railroad shall macadamize, pave, or plank, as the proper authorities of said city and county shall direct, the streets through which the said railroad shall run, along the whole length thereof, for a width extending two feet on each side of said road, and shall keep the same constantly in repair.

SEC. 3. Through the centre of each street a double track shall be laid over the entire route, the rails to be of the most approved pattern used in the eastern cities, with the proper and necessary switches and turn outs along the entire route, and to run cars thereon, not exceeding twenty-four feet in length, at convenient hours of the day and night, for the transportation of passengers.

SEC. 4. The track of said railroad shall not be more than five feet wide within the rails, with a space between the double tracks sufficient for the passage of the cars. The track shall be laid flush with the level of the street, and so as to offer as little obstruction as possible to the crossing of vehicles; and when the road herein provided for shall intersect any other road, the rails of each road shall be so altered or cut as to permit the cars to cross without obstruction; and nothing in this Act shall be so construed as to prevent any other railroad company hereafter formed from crossing the road herein mentioned, at any point, in like manner, in the City and County of San Francisco.

SEC. 5. For the purpose of laying down or repairing said railroad, not more than the length of one block in any one street within the fire limits of said city and county shall be obstructed at one time, nor for a longer period of time than ten working days.

Rates of fare

SEC. 6. The rates of fare of each passenger upon said railroad for any distance, going or returning, shall not exceed five cents for each passenger, when two or more passengers, or tickets for passengers are purchased, when a single passage is required it shall be chargeable at ten cents; *provided*, that it shall be unlawful for any person or persons, corporation, or joint stock company, or association, running cars upon any street railroad laid down and maintained by virtue of the franchise herein granted, to demand or receive from any person desiring to be conveyed,



or being conveyed, or purchasing tickets for passage on such railroad, a sum of money greater than is allowed by the provisions of this Act; and for each and every violation of the provisions of this section, such person or persons, corporation, joint stock company, or association, so demanding or receiving such sum, or whose Agent or Agents, employé or employés, shall demand or receive such sum, shall forfeit to the person so overcharged the sum of two hundred dollars, to be recovered in a civil action in any Court of competent jurisdiction.

Penalty for overcharges

SEC. 7. The cars upon said railroad shall be of the most approved construction for the comfort and convenience of the passengers, and shall be provided with sufficient brakes and other means for stopping the same when required; they shall be moved by horses or mules, and not otherwise, and at a speed not exceeding eight miles per hour; and in case of violation of this provision, the owner or owners of said railroad shall be subject to a fine not exceeding one hundred dollars for each offence; and any person wilfully obstructing said railroad, shall be deemed guilty of a misdemeanor, and punished accordingly.

Speed.

SEC. 8. The franchise and privileges hereby granted shall continue for the period of twenty-five years, to date from and after the passage of this Act; *provided*, nevertheless, that the whole line of said railroad shall be completed, at least upon a single track, through all the streets named that are graded to the official grade, and passenger cars running thereon, within two years from and after May first, eighteen hundred and sixty-three; and upon all the other streets named as soon as they are so graded; and the grantees shall, within one year after the passage of this Act, commence the construction of said road, but no time during which they shall be prevented therefrom by legal process shall be counted as a part of said one year; and shall, within one year after the passage of this Act, execute to The City and County of San Francisco a bond, with good and sufficient sureties, to be approved by the County Judge of said city and county, conditioned in the sum of ten thousand dollars, for the completion of said railroad according to the requirements and privileges of this Act, and file the same with the Treasurer of said city and county, for the benefit thereof; and upon a failure to comply with the provisions of this section, the franchises and privileges herein granted shall utterly cease and determine, and the amount of the said bond may be recovered from the obligors therein named in an action brought in the name of The City and County of San Francisco.

Duration of franchise.

Further conditions.

SEC. 9. The owners of said railroad are required to sell, transfer, and convey the same, together with the cars that may be employed thereon, to the City and County of San Francisco at any time after the expiration of fifteen years from the completion of the same, upon a demand being made to that effect by the said city and county, and upon the payment to said parties by said city and county of the appraised value thereof, exclusive of the value of said franchise. On the purchase of said road, they, together with the franchise, shall vest in the said city and county; said appraisal to be made by five Commissioners, to be appointed in the following manner: The Board of Supervisors of the City and County of San Francisco shall ap-

City may purchase road.

Appraisers.

point two Commissioners, and notify the grantees or their assigns of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners, and notify the Board thereof; the four Commissioners so appointed shall select a fifth, but in case of their inability to agree upon such fifth Commissioner within ten days, he shall be appointed by the County Judge of said city and county. In case of the failure of the grantees or their assigns to appoint Commissioners on their part, as above provided, or in case of their refusal to act, the County Judge shall have the power of appointing them. Said Commissioners shall make their appraisal and present their report within thirty days after the completion of the commission, and file the same in the office of the Clerk of the Board of Supervisors; a majority of said Commissioners shall constitute a quorum, and the award of the majority shall be final and binding upon the parties. The amount of the award shall be paid by the Treasurer of the city and county to the grantees or their assigns, within sixty days after the filing of said award.

Reserved  
rights of city  
and county.

SEC. 10. Nothing in this Act shall be so construed as in any wise to prevent the proper authorities of said City and County of San Francisco from sewering, grading, paving, planking, repairing, or altering any of the streets hereinbefore specified, but all such work shall be done, if possible, so as not to obstruct the free passage of the cars upon the said road, and where the same shall not be possible, said authorities, before the commencement of such work, shall allow to the owners of said railroad time sufficient to enable them to shift the rails, or take other means, so as to avoid said obstruction during the continuance thereof; which they, the said owners, are hereby authorized to do. And the Board of Supervisors of the City and County of San Francisco, or their legal successors, are hereby authorized and empowered to grant to the parties named in the first section of this Act, their associates, or assigns, such additional rights, privileges and grants, as said parties, their associates, or assigns, may desire or deem necessary for the full and complete enjoyment of the franchise and privileges created and granted hereby.

License.

SEC. 11. The owners of said railroad shall pay to the City and County of San Francisco the sum of fifty dollars per annum, as a license, upon each car used by them upon said railroad, which payments shall be made quarterly to the said city and county.

CHAP. CCCXI.—*An Act concerning Forcible Entries and Unlawful Detainers, and to repeal all other Acts on the same subject.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

How entry  
may be made

SECTION 1. No entry shall be made into any lands, tenements, or other possessions, but in cases where entry is given by law,

and in such case only in a peaceable manner; not with strong hand, nor with a multitude of people.

SEC. 2. Where any such forcible entry shall be made, or where the entry shall be made in a peaceable manner, and the possession shall be held by force, the person so forcibly put out, or so forcibly holden out of possession, shall be restored to such possession by action to be commenced and prosecuted as in this Act provided. Possession restored.

SEC. 3. It shall be unlawful for any person to hold over any lands, tenements, or other possessions, after the termination of the time for which they may have been demised or let to him or her, or to the person under whom he or she holds possession, or contrary to the covenants of the lease or agreement under which he or she holds, or after any rent shall become due according to the terms of such lease or agreement, and shall remain unpaid for the space of three days after the same shall become due as aforesaid. Unlawful detention.

SEC. 4. In all cases specified in the preceding section, the landlord may, at any time within one year after such rent shall become due and remain unpaid, or after any holding over contrary to the terms of such lease, make demand, in writing, of such tenant or tenants that he, she, or they, deliver the possession of the premises held as aforesaid; and if such tenant or tenants shall refuse or neglect, for the space of three days after such demand, to quit the possession of such lands or tenements, in case the term has expired, or the covenants or conditions of the lease require said premises to be surrendered, or to pay the rent, in case the term has not expired, but rent remains unpaid, then such tenant or tenants shall be deemed guilty of an unlawful detainer.

SEC. 5. It shall not be necessary in order to work a forfeiture for the non-payment of rent, to make demand for rent on the day on which the same becomes due, or at any particular time of the day, but demand may be made of the tenant, in person, at any time within a year after such rent shall become due according to the terms of any lease or agreement, and may be made for the whole amount due and unpaid at the time of making such demand. And the failure on the part of the lessee or his assigns to pay such rent upon such demand being made, shall have the same force and effect as if such demand had been made on the premises toward sunset on the day when the rent became due. Demand for rent may be made at any time.

SEC. 6. In all leases of lands or tenements, or any interest therein, from month to month, the landlord may, and it shall be lawful for him, upon giving notice, in writing, at least fifteen days before the expiration of the month, to change the terms of the lease, to take effect at the expiration of said month. Said notice, when served upon the tenant, shall of itself operate and be effectual to create and establish, as a part of the lease, the terms, rent, and conditions specified in said notice, if such tenant shall continue to hold such premises after the expiration of said month. In all leases of lands or tenements, or any interest therein, for a month, or any term less than one year, and the tenant holds over his term by consent of his landlord, the ten- Landlord to give notice when terms of lease are changed.

ancy shall be construed to be a tenancy from month to month, or a tenancy for such term less than a year, as the case may be.

Court having jurisdiction.

SEC. 7. Actions for the recovery of the possession of any lands or tenements specified in this Act, and for damages consequent upon any forcible entry, or forcible detainer, or rent due, or damages accruing for holding over or not surrendering the possession of any demised premises as herein specified, shall be commenced and prosecuted in the County Court of the county in which the said lands or tenements or some portion thereof may be situate.

Fraud may be charged.

SEC. 8. The complaint in such action shall set forth the facts on which the plaintiff seeks to recover, and shall describe the premises sought to be recovered with reasonable certainty, and may charge that the defendant has acted fraudulently in making such forcible entry, or holding such possession by force, (in case where the action is brought for a forcible entry or forcible holding,) and may claim such damages therefor as he may deem proper; and in case of rent due and unpaid, may state the amount thereof; and such complaint shall be verified in the mode prescribed by law for the verification of pleadings in civil cases.

Order of arrest.

SEC. 9. Upon presenting the complaint in said action, duly verified as aforesaid, (and charging fraud in making such entry, or in holding such possession by force,) to the Judge of the Court in which the action is brought, or to the District Judge within whose district said county may be, or to any Commissioner authorized to perform Chamber business of the Judges of the said District Court and County Courts, an order for the arrest of the defendant or defendants shall be made by such Judge or Commissioner, and all the provisions of law, as presented from section seventy-six to section ninety-eight, both included, in Title Five, Chapter One, of an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, shall be and are hereby made the rule of proceeding to said arrest and bail in said action of forcible entry or forcible detainer; *provided*, that wherever the word "Judge" occurs in any of said sections, the same shall be taken and construed to include also a Commissioner as aforesaid.

Plaintiff to show possession.

SEC. 10. On the trial of any such action of forcible entry or forcible detainer, the plaintiff shall only be required to show, in addition to the forcible entry or forcible detainer complained of, that he was peaceably in the actual possession at the time of the forcible entry, or was entitled to the possession at the time of the forcible detainer. The defendant may show in his defence, that he, or his ancestors, or those whose interest in such premises he claims, have been in the quiet possession thereof for the space of one whole year together next before the commencement of said action, and that his interest therein is not then ended or determined, and such showing shall be a bar to the action in all cases provided for in this Act.

Fraud defined.

SEC. 11. A defendant shall be deemed guilty of fraud, within the meaning of this Act, when the forcible entry or forcible detainer are shown to have been made or done in bad faith, and

knowing that the said defendant had no legal right to make such entry or detainer.

SEC. 12. No person other than the actual occupants of the premises shall be necessary parties defendant to proceedings specified in this Act; and in case a married woman be a tenant or occupant, and her husband is not a resident of the county in which the premises are situated, her marriage shall not be a defence in such proceedings; but in case her husband be not joined, or unless she be doing business as a sole trader, a judgment against her shall only be valid against property on the premises at the time of the commencement of the action. Occupants to be defendants.

SEC. 13. If, upon the trial of any action under the provisions of this Act, the verdict of the jury, or the finding of the Court, shall be in favor of the plaintiff, and against defendant, the Court shall thereupon enter judgment for the plaintiff to have restitution of the premises, and the jury, or the Court, in case the action is tried without jury, shall also find or assess the damages occasioned to the plaintiff by such forcible entry or forcible detainer, or in case of rent unpaid, the amount of rent then due, and thereupon shall at once enter judgment against the defendant for three times the amount of such damages, or rent, as the case may be, so found or assessed. When the verdict is for plaintiff.

SEC. 14. The proceedings in or upon the trial of any such action shall be the same as in other civil cases, except as herein otherwise provided, and judgment shall be entered, execution issued, and all other proceedings, both before and subsequent to judgment, be had as in other civil cases. Proceedings

SEC. 15. The following Acts are hereby repealed, viz: An Act concerning forcible entries and unlawful detainers, passed April twenty-second, eighteen hundred and fifty; an Act to amend the seventeenth section of an Act concerning forcible entry and unlawful detainer, passed April second, eighteen hundred and fifty-two; an Act to amend an Act concerning forcible entries and unlawful detainers, passed March twenty-sixth, eighteen hundred and fifty-eight; an Act amendatory of and supplementary to an Act concerning forcible entries and unlawful detainers, passed April twenty-second, eighteen hundred and fifty, passed May twentieth, eighteen hundred and sixty-one; an Act to amend an Act entitled an Act concerning forcible entries and unlawful detainers, passed April twenty-second, eighteen hundred and fifty, and an Act amendatory of and supplementary to said Act, approved May twentieth, eighteen hundred and sixty-one, passed April twenty-fifth, eighteen hundred and sixty-two. Acts repealed.

SEC. 16. This Act shall take effect on the first day of January, eighteen hundred and sixty-four.

CHAP. CCCCXII.—*An Act to authorize James R. Dickey, H. W. Whitcomb, and Charles R. Peters, their associates or assigns, to construct and keep in repair certain Roads in the County of San Mateo, and to levy and collect Tolls thereon.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Franchise.

SECTION 1. The right to build, open, and maintain a turnpike or macadam road in the County of San Mateo, and to levy and collect tolls thereon, is hereby granted to James R. Dickey, H. W. Whitcomb, and Charles R. Peters, and their associates or assigns.

Road described.

SEC. 2. Said road shall commence at the terminus or southern end of the "San Miguel and Ocean House Macadam Road," and running thence southerly over the most advantageous route west of the county road into the San Andres Valley, and continuing down said San Andres Valley to Crystal Springs Farm. Should said above described route be deemed inaccessible to build said road, then, and in that case, it shall be optional for said grantees to commence at a point about one fourth of a mile south-easterly from the "San Bruno House," thence at right angles with the county road, south-westerly, and meandering San Bruno Creek, over the range of hills, and into San Andres Valley; thence down San Andres Valley to the Crystal Springs Farm.

Conditions.

SEC. 3. The parties named in section first, their associates and assigns, shall, within one year from and after the passage of this Act, open, grade, and construct said road to the width of at least thirty feet, and shall, at all times, keep and maintain the same in good repair, taking and receiving, for the use of said road, from the public, such tolls as are hereinafter specified:

Rates of toll.

For horse, mule, and rider, twenty-five cents.

For each led or drove horse or mule, ten cents.

For vehicle drawn by horse or mule, twenty-five cents.

For vehicle drawn by two horses or mules, or oxen, fifty cents.

For vehicle drawn by four or more horses, mules, or oxen, one dollar.

For drove of cattle, per head, five cents.

For sheep, hogs, or other animals, each, two cents.

And said grantees shall have the right to erect suitable toll gates to collect the rates of toll above named as soon as said road so to be built is completed; *provided*, that nothing in this Act shall be so construed as to authorize the grantees herein named, or their assigns, to obstruct any county road, or to erect any toll gate, or charge and collect any toll thereon.

Right of way

SEC. 4. The said grantees named in section first, and their associates or assigns, shall have the right to take, condemn, and appropriate such lands as may be necessary for the construction and opening of said road, or the right of way thereof, upon paying to the owners or claimants thereof its ascertained value, according to an Act of the Legislature of this State, entitled an Act to provide for the incorporation of railroad companies, and

the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

SEC. 5. The right hereby granted shall continue for the term of twenty years from and after the passage of this Act; *provided*, however, that the Board of Supervisors of the County of San Mateo shall have the right (whenever they may deem it necessary for the public good to make said road free,) to purchase the same from the owners thereof at a value to be ascertained by two persons, one to be chosen by said Board of Supervisors, and the other by the owners of said road; and in case they fail to agree, they shall have power to appoint a third party, and the appraisalment of any two of said parties shall be considered the value of said road; and at any time after the completion of the same, should said Board of Supervisors pay to the owner of said road the amount of the value so ascertained, it shall operate as a complete extinguishment of the franchise hereby granted. In case of such purchase, the franchise is not to be deemed as forming any portion of the sum to be estimated, but shall be regarded, in said purchase and sale, of no value.

Duration of franchise.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXIII.—*An Act to authorize the Board of Supervisors of the County of Calaveras to take and subscribe Twenty-Five Thousand Dollars to the Capital Stock of the Big Tree and Carson Valley Turnpike Company, and to provide for the payment of the same.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. At the general election, to be held in September, eighteen hundred and sixty-three, for the purpose of electing State and county officers, the qualified electors of the County of Calaveras are hereby permitted to vote upon the proposition of authorizing the Board of Supervisors of said county to take and subscribe twenty-five thousand dollars to the capital stock of the Big Tree and Carson Valley Turnpike Company, by which a turnpike communication shall be opened between a point known as the Big Trees, in said county, and the eastern boundary of the State of California.

Election.

SEC. 2. Said Board of Supervisors shall cause notice, of at least twenty days, to be published in one newspaper printed and published in said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. Said Board shall also cause ballots to be prepared, with the words "Subscription of twenty-five thousand dollars to the Big Tree and Carson Valley Turnpike" printed thereon. Every ballot in favor of said proposition shall have the word

Ballots.

Returns of  
election.

"Yes" written or printed thereon, and every ballot against said proposition shall have the word "No" written or printed thereon. Said election shall be conducted in the same manner as other elections for county officers, and sealed returns shall be made of the vote cast on said proposition, within the same time and in the same manner as provided for in case of the election of county officers, to the Clerk of said county, of the number of votes voting "Yes," and the number voting "No;" which returns so made, shall, on said fifth day, be opened and counted in the same manner as the returns of the votes for county officers, and when so opened and counted, the result thereof shall be declared officially by said Board of Supervisors, who shall, at the time herein prescribed for the opening and counting of the returns of said election, meet as a Board for that purpose, and for perfecting the subscription of stock as hereinafter provided.

Subscription

SEC. 3. If at the said election a greater number of the said electors of said county voting upon said proposition shall vote "Yes" than shall vote "No," then, and in that event, the Board of Supervisors of said county, in the name of said county, are hereby authorized, empowered, and directed, immediately after the result of said election is so officially declared, to take and subscribe, for the use, benefit, and advantage of said county, to the capital stock of the Big Tree and Carson Valley Turnpike Company, a corporation duly organized under the laws of this State, on the third day of April, A. D. eighteen hundred and sixty-two, for the purpose mentioned in section one of this Act, stock to the amount of twenty-five thousand dollars, and therefor to pledge the faith of said County of Calaveras for the payment of the same, in the manner hereinafter provided.

SEC. 4. The said subscription shall be made by a committee of two members of said Board of Supervisors, to be appointed by an order of said Board for that purpose, and who shall perform that duty immediately thereafter.

SEC. 5. The said subscription shall be made, and so received and conditioned, to be paid in the bonds of said county, issued as hereinafter directed, and not otherwise; and for such subscription said bonds shall be received at par, dollar for dollar.

Issuance and  
delivery  
of bonds.

SEC. 6. The said Board of Supervisors of said county, from time to time, as the payment of said subscription to such capital stock so subscribed shall be required to be made by the Board of Directors of said turnpike company, in the same manner and upon the same terms as other stockholders, shall, by order, direct the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, who, for that purpose, in addition to their other duties as such officers, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Loan Commissioners" of said county, as such Loan Commissioners, to issue bonds in the sums of one hundred dollars, and five hundred dollars, in equal proportions, for such amount of such subscription to said capital stock as said Board of Supervisors may direct. Said bonds shall draw interest at the rate of eight per cent per annum from the date of their issue, and the principal thereof shall be made payable on a specified day, to be named in the bonds, which shall be fifteen years after the date of their issue, at the office of the Treasurer of said county. The



interest accruing on said bonds shall be due and payable semi-annually, so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day, to be named in coupons, at said Treasurer's office, as before provided for the payment of the principal of said bonds. Said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, as such officers, and ex officio Loan Commissioners, and when so signed, shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same, as such Clerk, in the presence of a quorum of such Board, at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of such bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by such Clerk; and upon the countersigning of said bonds, it shall be the duty of said Board of Supervisors to cause the seal of said county to be affixed to each bond, and appoint a committee of two of their number to deliver said bonds to the said turnpike company to whom the same shall be issued; and said committee shall take a receipt from the Secretary of said turnpike company for the bonds so delivered by them, setting forth the number, dates, and amounts of the bonds so delivered, and report the same to the Board of Supervisors.

SEC. 7. Coupons for the interest shall be attached to each bond, so that the same may be detached without mutilation to the bond; said coupons shall be signed by the said Loan Commissioners. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, indorse the word "cancelled" on the backs thereof, and deliver the same to the Clerk of said county, taking his receipt therefor, whose duty it shall be to file the same in his office, and make a report thereof at the next meeting of the Board of Supervisors. Coupons for Interest.

SEC. 8. It shall be the duty of said Board of Supervisors, previous to the making out of the duplicate of the general assessment list for said county, in each year, so long as said bonds shall be outstanding and unpaid, to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued under the provisions of this Act; and previous to the making out of the duplicate of the general assessment list of said county in the year eighteen hundred and sixty-eight, and for every year thereafter, until the said bonds issued under this Act shall be paid and liquidated, the said Board of Supervisors shall, should it be necessary, levy a tax, not exceeding twenty cents on the one hundred dollars worth of taxable property of said county, for the purpose of raising a Fund for the liquidation of said bonds, which shall be styled a "Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected shall be paid to the County Treasurer, who shall account for and deliver the same over to said Loan Commissioners, to be by them applied: Interest tax.

*First*—The Interest Tax, to the payment of the interest falling due on said bonds.

*Second*—The Loan Fund, to the redemption of said bonds, as hereinafter provided.

SEC. 9. Should there be collected as such interest tax, in any one year, a sum greater than is required to pay the annual interest on said bonds issued under this Act, then the said Loan Commissioners shall pass over such surplus into the said Loan Fund.

Interest,  
how paid.

SEC. 10. It shall be the duty of said Loan Commissioners to make arrangements for the payment of the interest on said bonds when the same falls due, at least thirty days before the time of payment, and in the event said Interest Fund is insufficient, the said Treasurer shall draw on the Common or General Fund of the said county for such purpose, and deliver the same to such Commissioners; and in the event that those Funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of the county.

Redemption  
of bonds.

SEC. 11. Whenever, at any time, there shall be in said Loan Fund a sum of money amounting to two thousand dollars, or upwards, the said Commissioners shall advertise in a public newspaper, published in said county, for a space of four weeks, for sealed proposals for the redemption of said bonds; and ten days from the expiration of the time for such publication, the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Loan Fund then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof, and, *provided*, should there be no proposals made for less than par value, then the payment of said Loan Fund on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give four weeks notice of the number of the bonds to be paid, after which time such bonds shall cease to draw interest; and, *provided*, whenever there may be sufficient moneys in such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of the said Commissioners to advertise, in like manner, for a space of four weeks, for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw interest. Any moneys remaining in said Loan Fund after the redemption of said bonds, shall be by the said Commissioners paid over to the County Treasurer, to be by him held subject to the order of said Board of Supervisors.

SEC. 12. Whenever any bonds shall have been paid and redeemed by the said Commissioners, they shall mark the same "cancelled," over their signatures as Commissioners, and immediately deliver the same to the County Clerk, taking his receipt therefor; and the said Clerk, upon the receipt of such cancelled bonds, shall file the same in his office.

SEC. 13. The County Clerk shall open with the said Commissioners an "Interest Tax Account," and a "Loan Fund Account," and shall balance and settle the same quarterly, on the first Mondays of April, July, October, and January, of each year.

SEC. 14. The said Commissioners and all other officers herein specified, for the performance of their duties under the provision of this Act, shall in all things herein required of them be subject to all the liabilities and penalties to which they are subjected on the performance of any other of the duties of their respective offices, and they shall, where the fees or salary is not fixed by law for the services herein required, be allowed by the Board of Supervisors a reasonable compensation therefor, to be paid by said county as other fees and salaries are paid; and the said Board of Supervisors may, and they are hereby fully authorized so to do, require of each of said Commissioners such bonds and security for the performance of their duties herein required of them as they, the said Board of Supervisors, shall deem proper; *provided*, however, that the penal sums of such bonds to each of said Commissioners shall not exceed eight thousand dollars. The said Commissioners shall, when so required, execute the said bonds in the same manner as other official bonds are executed, and to be approved by said Board of Supervisors, and filed in the office of the County Clerk.

Liability of  
officers.

SEC. 15. The said Board of Supervisors shall have authority to empower one or more of their number, or any other person or persons, to cast any or all vote or votes representing the capital stock subscribed by said Board of Supervisors. The said turnpike company shall, on demand, issue and deliver to the said Board of Supervisors, for the use and benefit of said county, certificates of full paid stock in said turnpike company, equal in amount to the amount of the county bonds that said Board of Supervisors have or shall have delivered to said turnpike company. The said Board of Supervisors shall have power to sell or cause to be sold the said turnpike company stock, at public auction, in the Town of Murphy's, in said County of Calaveras, or at the City and County of San Francisco, after the time and place of sale shall have been advertised by publication once a week, for the period of at least four weeks, in two newspapers of general circulation, one published in the County of Calaveras, and the other in said City of San Francisco. The proceeds of such sale or sales of stock, after the payment of the expenses of sale, shall be paid into the "Loan Fund," to be used and appropriated as in this Act provided.

Vote of  
stockholders

Powers of  
Supervisors.

SEC. 16. The Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all of the dividends, issues, and profits, arising from such subscription to said capital stock, and shall set apart and transfer the same, together with the taxes that may be paid by said company to said county from time to time, to the said Loan Fund, to be applied by the said Loan Commissioners to the payment of the interest on the bonds issued as herein provided, and the redemption of the principal thereof in the manner provided by section eleven of this Act; and after the full payment of said bonds and the interest on the same, the said dividends, issues, and profits, arising from such stock subscription shall be applied as follows: One third part thereof to the School Fund of said county, and the other two thirds to the General Fund.

Dividends,  
issues, and  
profits.

Conditions of  
subscription

SEC. 17. The subscription of stock authorized by virtue of the provisions of this Act, shall be made by said Board of Supervisors, on the books of said company, upon the express condition that the said county shall not be liable for any of the debts or liabilities of said company beyond the amount so subscribed; and this provision, as to the liability of said county, shall be a part of and be expressly stipulated in all contracts made by said company for the construction of said turnpike road, and in case said company should fail or refuse to make such stipulation in all of their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover of said company any previous payments that may have been made thereon at the time of such failure or refusal. And the said county shall never make any other or further subscription to the capital stock of said company than that provided for by this Act.

SEC. 18. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXIV.—*An Act for the Relief of the Enlisted Men of the California Volunteers in the service of the United States.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Relief Fund  
created.

SECTION 1. A sum not exceeding six hundred thousand dollars is hereby appropriated and set aside to constitute a separate Fund, to be known as the "Soldiers' Relief Fund," for the purpose of paying a compensation to the soldiers of the companies of California Volunteers raised in this State for the service of the United States, to aid in repelling invasion, suppressing insurrection, enforcing the laws, and protecting the public property, in addition to the pay allowed them by the United States. All liabilities created by this Act shall be paid out of said Fund.

Persons  
entitled to  
relief.

SEC. 2. There shall be paid out of the Fund created and set apart by the first section of this Act, to each and every enlisted soldier of the companies of California Volunteers raised or hereafter to be raised in this State for the service of the United States, to aid in repelling invasion, suppressing insurrection, enforcing the laws, and preserving and protecting the public property, from the time of their enlistment to the time of their discharge, the sum of five dollars per month; *provided*, that this provision shall not apply to any soldier who may be drafted or enlisted as a substitute for any person drafted into the service of the United States.

SEC. 3. No money shall be drawn out of the "Soldiers' Relief Fund," herein provided for, except as is provided for in section four of this Act.

Muster roll.

SEC. 4. The Captains or commanding officers of companies of California Volunteers shall, after each and every muster, file

in the office of the Adjutant-General of this State a complete muster roll (duly certified) of their companies, from the date of their enlistment, noting desertions, discharges, and dismissals, and stating the causes of such discharges and dismissals from the service. No non-commissioned officer or private shall be entitled to the benefit of this Act who shall not obtain an honorable discharge from the service, and no money shall be drawn from the Fund hereby authorized and set apart until he has been honorably discharged the service; *provided*, however, that the monthly amount hereby appropriated may be drawn by such enlisted married men as have families depending upon them for support, who shall have power to allot the whole or a portion of the same for the support of their families. The amount of pay thus allotted shall be paid to the person to whom the same is legally allotted, upon the following certificate of the Adjutant-General of this State, (with seal of office attached,) being indorsed thereon, namely: "I hereby certify that \_\_\_\_\_ is a \_\_\_\_\_ in company \_\_\_\_\_ regiment, California Volunteers, \_\_\_\_\_ and that he is entitled to the benefit of the Act entitled an Act for the relief of the enlisted men of the California Volunteers in the service of the United States, approved April \_\_\_\_\_, eighteen hundred and sixty-three, and that this allotment is made according to law." After the term of enlistment shall have been served, or an honorable discharge granted to any enlisted man, a certified copy of his final statement shall be transmitted to the Adjutant-General of this State, who shall certify on the back of the same the amount due under this Act to the person discharged, and the Controller shall draw his warrant upon the Treasurer of State for the amount so certified, payable out of the Fund hereby created; *provided*, that in case a volunteer be discharged for disability that existed at the time of his enlistment, he shall not be entitled to the benefit of this Act.

Certificate.

Sec. 5. To enable all concerned to avail themselves of the benefits of this Act, muster-out rolls of the respective companies of California Volunteers shall be duly filed in the Adjutant-General's office of this State, and a certified copy thereof filed in the office of the Controller of State.

Muster-out rolls.

Sec. 6. For the purpose of carrying into effect the provisions of this Act, and providing for the Fund created by section one of this Act, the Treasurer of the State of California shall cause to be prepared bonds of the State, to the amount of six hundred thousand dollars, in sums of five hundred dollars each, redeemable at the office of the Treasurer of the State, on the first day of July, one thousand eight hundred and eighty-three. The said bonds shall bear interest, payable semi-annually, at the rate of seven per cent per year from the date of their issue, which interest shall be due and payable at the office of the Treasurer of State, on the first days of January and July, of each year; *provided*, that the first payment of interest shall not be made sooner than the first day of January, one thousand eight hundred and sixty-four. The said bonds shall be signed by the Governor, and countersigned by the Controller, and indorsed by the Treasurer of State, and shall have the seal of state affixed thereto. And such bonds shall be issued from time to time, as

Bonds.

Interest.

they may be required for use. The expense of preparing such bonds shall be audited as a claim against the "Soldiers' Relief Fund," created by this Act.

Coupons.

SEC. 7. Coupons for the interest shall be attached to each bond, consecutively numbered, and signed by the Treasurer of State, and it shall be the duty of the Controller and Treasurer of the State, each, to keep a separate record of all such bonds as may be issued, showing the number, date, and amount of each bond, and to whom the same was issued.

Demands to be audited.

SEC. 8. All demands against the Soldiers' Relief Fund shall be audited by the Board of State Examiners, in like manner as other claims against the State are or may be directed to be audited.

Bonds to be sold.

SEC. 9. The Treasurer of State shall sell and dispose of said bonds for gold and silver coin of the United States, from time to time, as may be necessary to provide for the payment of liabilities against the said Soldiers' Relief Fund, in the following manner: He shall publish notice for thirty days in two daily papers of the City of Sacramento, and in two daily papers of the City of San Francisco, inviting sealed proposals for the purchase of said bonds; the notice to state the time and place of receiving bids, the amount of bonds to be disposed of, and that no bids will be received for the purchase of a less sum than two thousand dollars, nor for a greater rate of discount than fifteen cents on the dollar of the par value thereof, and that the payments for the same must be made in gold and silver coin of the United States. Parties proposing to purchase bonds offered as aforesaid, must state, in writing, the amount they propose to purchase, and the rate per cent they are willing to pay in gold and silver coin as aforesaid; each proposal to be accompanied with a responsible guarantee that the bidder will take the amount of bonds proposed and pay for the same on delivery of the bonds, if his bid is accepted, in accordance with the terms of his bid. No bids shall be received for a less sum than two thousand dollars, nor for any fractional part thereof, and the said bonds shall not be sold or negotiated by the Treasurer at a greater discount than fifteen cents on the dollar of the par value thereof. The Treasurer shall, immediately upon the closing of said bids, or as soon thereafter as convenient, open the whole of the bids or proposals in the presence of the Governor and Controller, and the Governor, Controller, and Treasurer shall proceed to consider such proposals, and shall accept such as propose to purchase the said bonds for the smallest discount, such discount not, in any case, to be greater than hereinbefore limited. Upon the acceptance of any bid, and notification by the Treasurer to the bidder, such bidder shall forthwith pay to the Treasurer the amount of the purchase money for the bonds proposed to be purchased, in gold and silver coin of the United States; upon receiving the same, the Treasurer shall deliver to such purchaser the bonds so purchased. All moneys received by the Treasurer from the sale of bonds as herein proposed, shall be placed by the Treasurer to the credit of the said Soldiers' Relief Fund.

Bids forfeited.

SEC. 10. If any bidder whose bid shall be accepted shall fail to pay the money and accept the bonds, as provided in the last preceding section, he shall forfeit all right to his bid, and shall,

with his guarantees, be liable to an action by the Treasurer of State, for the benefit of said Fund, for any damages resulting from such failure to comply with the conditions of his bid in accepting the bonds and paying over the purchase money.

SEC. 11. For the payment of the principal and interest of <sup>Tax levied.</sup> the bonds issued under this Act, there shall be levied and collected annually, until the final payment or redemption of the same, and in the same manner as other State revenue is or may be directed by law to be levied and collected, a tax of two cents for the year A. D. eighteen hundred and sixty-three, and annually thereafter, four cents on each hundred dollars of taxable property in the State, in addition to the taxes for general State purposes, and the fund derived from this tax shall be set apart and applied to the payment of the interest accruing on the bonds herein provided for, and the final redemption of the principal of said bonds; and the faith of the State of California is hereby pledged for the payment of the bonds issued by virtue of this Act, and the interest thereon, and if necessary, to provide other and ample means for the payment thereof.

SEC. 12. Whenever, on the first day of January or July, one <sup>Redemption</sup> thousand eight hundred and sixty-four, or upon the first day of <sup>of bonds.</sup> January or July in any subsequent year, there shall remain a surplus, after the payment of the interest as hereinbefore provided, of ten thousand dollars or more, in the Fund created by the eleventh section of this Act, it shall be the duty of the Treasurer to advertise in two daily newspapers published in English in each of the cities of San Francisco and Sacramento, for sealed proposals for the surrender of bonds issued under the provisions of this Act. He shall state in such advertisement the amount of money on hand applicable to the redemption of bonds, and he shall accept such proposals, at rates not exceeding par value, as may redeem the greatest number of bonds, until the amount of cash on hand for redemption is exhausted.

SEC. 13. Full and particular account and record shall be kept by the Treasurer of the condition of the Funds collected in accordance with the provisions of this Act, open at all times to the inspection of the Governor and Controller, and of any committee appointed by the Legislature, or either branch thereof.

SEC. 14. It shall be the duty of the Treasurer of this State to make arrangements for the payment of the interest of the said bonds when the same falls due; and in the event that the said Interest Fund should be insufficient, the said Treasurer shall make up the deficiency from the General Fund; and in the event of the insufficiency of the General Fund, 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 credit of the State; and in case there should at any time be in the Fund created by this Act for the payment of said interest and the redemption of said bonds, any surplus moneys not needed for the payment of said interest or the redemption of any bonds, it shall be the duty of the Treasurer of State to transfer such surplus moneys to the General Fund of this State. Said bonds shall be redeemed and <sup>Interest, how paid.</sup>

the interest paid in the gold and silver coin of the United States.

SEC. 15. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXV.—*An Act to regulate Fees in Office in the County of Contra Costa.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. In the County of Contra Costa, such fees are allowed to the officers herein named for their services rendered in discharging the duties imposed on them by law, as herein provided, and such officers may lawfully demand and receive the same, and no more :

FEEs OF THE CLERK OF THE DISTRICT COURT.

Clerk of  
District  
Court.

SEC. 2. For entering each suit on the Clerk's register of actions, and making the necessary entries therein during the progress of the trial, for each folio, twenty cents.

For issuing every writ or process, under seal, fifty cents.

For each subpoena, for one or more witnesses, twenty-five cents.

For filing each paper, twenty-five cents.

For entering every motion, rule, order, or default, twenty-five cents.

For entering every discontinuance, dismissal, or non-suit, twenty-five cents.

For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, twenty-five cents.

For calling and swearing every jury, fifty cents.

For receiving and entering each verdict of a jury, fifty cents.

For entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty-five cents.

For filing judgment roll, twenty-five cents.

For entering judgment on judgment docket, twenty-five cents.

For entering satisfaction of judgment, fifty cents.

For administering every oath, or affirmation, twenty-five cents.

For certifying every oath, or affirmation, twenty-five cents.

For copy of any proceeding, record of paper, for each folio, twenty cents.

For every certificate, under seal, fifty cents.

For searching the files of each year in his office, (but not to charge suitors or Attorneys,) fifty cents.

For issuing every commission to take testimony, fifty cents.

For taking down testimony of witnesses during the trial, for



each folio, twenty cents; to be paid by the party requiring the same.

For issuing every execution, or other final process, fifty cents.

For issuing every decree, or order of sale of mortgaged property, fifty cents.

For issuing writ of injunction, or attachment, fifty cents.

For entering judgment by confession, the same fees as in other cases of entering judgment.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents.

For taking each bond required by law, fifty cents; for taking justification thereto, fifty cents.

For acknowledgment of deed, or other instrument, including all writing and the seal, for the first name thereto, one dollar, and each additional name, twenty-five cents.

When the Court is sitting as a Court of criminal jurisdiction, he shall receive for the trial of each issue, when the charge is misdemeanor, three dollars.

He shall receive no other fees for any service whatever in a criminal action or proceeding, except for copies of papers, for each folio, twenty cents.

For the trial of each issue, when the charge is felony, five dollars.

#### FEEES OF CLERK OF COUNTY COURT.

SEC. 3. For filing all papers sent on appeal from Justices' Courts, in each cause, and making the necessary entries concerning the same, two dollars. Clerk of County Court.

For all other services, the same fees as are allowed in the District Court for similar services.

#### FEEES OF CLERK OF COURT OF SESSIONS.

SEC. 4. The Clerk shall receive the same fees as are allowed the Clerk of the District Court in criminal cases. Clerk of Court of Sessions.

#### FEEES OF CLERK OF PROBATE COURT.

SEC. 5. For issuing letters testamentary or of administration, fifty cents. Clerk of Probate Court.

For certificate of appointing Appraisers or Guardians, fifty cents.

For writing and posting notices, when required, for each copy, fifty cents.

For recording wills, per folio, twenty cents.

For all other services, the same as are allowed the Clerk of the District Court for similar services.

For notices given by publication, in addition to the cost of publication, fifty cents.

#### FEEES OF COUNTY RECORDER.

SEC. 6. For recording any paper, instrument, or notice, when required, for each folio, twenty cents. County Recorder.

For copies of any record or paper, per folio, twenty cents.

County  
Recorder.

For filing or receiving every instrument for record, and making the necessary entries therein, twenty-five cents.

For making, in the several indexes required, all the entries required of the filing and recording any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents.

For every certificate under seal to copies of papers or records in his office, when required, fifty cents.

For every entry of discharge of mortgage on margin of records, fifty cents.

For searching records and files of each year in his office, when required, fifty cents.

For abstract or certificate of title, when required, for each conveyance or incumbrance certified, twenty-five cents.

For recording every town plat, for every course, fifteen cents.

Figures and lettering plats and maps, per folio, fifty cents.

For taking and writing acknowledgments, including seal, for the first signature, one dollar, and for each additional one, twenty-five cents.

For filing and entering a minute of certificate of Sheriff's sale, fifty cents.

For filing and entering a minute of certificate of tax sale, fifty cents.

For recording marriage certificate, one dollar.

For filing and keeping each paper not required to be recorded, and indorsing same, if required, twenty-five cents.

SEC. 7. The Justices of the Peace, severally, in civil cases, shall be allowed, in any action before them, for all services required to be performed by them before trial, three dollars.

For the trial and subsequent proceedings, including all affidavits, swearing witnesses and jury, and the entry of a final judgment, five dollars; *provided*, that in case judgment is entered by default, five dollars only shall be charged for all services in the cause.

For making up and transmitting transcripts, and all papers on appeal, including justification of sureties, approving bonds, etc., two dollars.

For taking depositions, per folio, twenty cents.

For issuing commission to take testimony, one dollar.

For issuing search warrant, one dollar.

For celebrating marriage, and returning certificate thereof to the Recorder, five dollars.

For all services and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars.

For taking bail after commitment in criminal cases, one dollar.

For entering judgment by confession, and only on affidavit, as required in the District Court, three dollars.

For services as Associate Justice of the Court of Sessions, four dollars per day.

For copies of papers filed in his office, per folio, twenty cents.

SEC. 8. All laws and parts of laws inconsistent with the foregoing are hereby repealed.

CHAP. CCCCXVI.—*An Act to authorize the Board of Supervisors of the County of Yolo to issue certain Bonds, and to provide for the payment of the Principal and Interest thereof.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of Yolo County are hereby authorized and empowered to issue bonds of said county to an amount not to exceed eighteen thousand dollars; said bonds issued under this Act to be styled "Yolo County Tule Road Bonds," to be issued in sums not less than fifty nor more than five hundred dollars, and made payable at the office of the County Treasurer of said county on the first day of January, eighteen hundred and seventy-four, bearing interest at the rate of ten per cent per annum, with coupons attached for said interest, payable at the office of said County Treasurer: Coupon Number One, for the amount of interest from date of bond till January first, eighteen hundred and sixty-five, payable on said last mentioned day; and the balance of the coupons for one year's interest each, being payable successively on the first day of January thereafter, until said bonds mature; the bonds to be signed by the President of the Board of Supervisors, attested by the Clerk of said Board, and countersigned by said County Treasurer.

SEC. 2. Said Board of Supervisors shall have power, at their discretion, to dispose of the whole or any portion of said bonds that they may deem proper to issue under the first section of this Act, for the purpose of constructing a county road from the west end of the Sacramento and Yolo Bridge, across the tule lands, in a westerly course, to the house of — Enos, near the western boundary of said tule lands in said County of Yolo, being the same road petitioned for by the citizens of the county, and located by said Board of Supervisors. Said bonds to be applied and disposed of in the manner specified in the third section of this Act, and not otherwise.

SEC. 3. At any time when the aggregate amount of money subscribed by individuals as donation to said county for the purpose of assisting in the construction of said road, shall, in the opinion of said Board of Supervisors, amount to a sum equal to two thirds of the estimated cost of the same, the said Board shall proceed in a legal manner to let contracts for the building of said road, and shall pay for said work two thirds of the amount out of said subscription, and the remaining one third by means of said bonds; all expenses of obtaining the right of way, and superintending the building of said road, shall be paid, two thirds out of said subscription, and the other one third by means of said bonds; *provided*, that a Superintendent may be appointed by said contributors, and the amount of his pay fixed by them, not to exceed four dollars per day for the time actually employed; and, *provided*, further, that the county bonds provided to be issued and paid by the provisions of this section, shall not be so issued or paid until the entire amount of individual sub-

scriptions herein required shall have been paid and expended on the construction of said road.

SEC. 4. It shall be the duty of the County Treasurer and Clerk of the Board of Supervisors, each to keep a correct record of all bonds issued under the provisions of this Act, showing the number, date, amount of each, and to whom issued.

**Interest tax.** SEC. 5. For the payment of the interest on and the principal of said bonds, the Board of Supervisors are hereby authorized and empowered to levy, at any time prior to the first Monday in March, eighteen hundred and sixty-four, and annually thereafter, at the time of assessing State and county taxes, to cause to be levied, assessed, and collected, a sum not to exceed ten cents on each one hundred dollars value of property subject to taxation in said county, to be styled "The Tule Road Interest Tax;" and all the moneys collected from said source shall constitute a separate Fund, pledged for the payment of the interest on said bonds; *provided*, that after the first of January in each year, until the year eighteen hundred and sixty-nine, the balance remaining in said Fund, after paying the annual interest on said bonds, may be transferred by the order of the Board of Supervisors to the County Road Fund.

SEC. 6. For the payment of the principal of said bonds the Board of Supervisors shall, at the time of levying taxes, in the year eighteen hundred and sixty-nine, and annually thereafter, until said bonds are paid, levy, in addition to the tax authorized to be levied in section five of this Act, a sum which, together with that in said fifth section, shall not exceed twenty cents on each one hundred dollars value of property subject to taxation in said county, to be styled "The Tule Road Interest and Sinking Fund Tax;" and all the moneys collected from such source shall constitute a separate Fund, pledged for the payment of the interest and principal of said bonds; and it shall be the duty of the County Treasurer, on the first day of January, eighteen hundred and seventy, and annually thereafter, to set apart a sufficient sum of money out of said Fund for the payment of the interest due on said bonds, and immediately thereafter give notice, by publication for two weeks in some newspaper printed in the county, stating the amount of money remaining in said Fund, and inviting sealed proposals from the holders of said bonds for their surrender; said proposals to be opened at the time specified in said notice, and the proposals which shall offer to surrender said bonds at the largest rate of discount shall be accepted by said Treasurer, and he shall receive and cancel so much of said bonds as said Funds will redeem, and shall make a full entry of said redemption in his record of said bonds; and upon the final redemption of all said bonds, any money remaining in said Fund shall be transferred to the County Road Fund.

SEC. 7. This Act shall be in force from and after its passage.

CHAP. CCCXVII.—*An Act to create and organize a Fire Department for the Town of Jackson.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Fire Department of the Town of Jackson Officers. shall consist of a Chief Engineer, two Assistant Engineers, a President, Vice President, Secretary, Treasurer, a Board of Delegates, a Board of Trustees, and such organized companies as are at present in the Department, with power to increase their number to four, in such manner as hereinafter provided.

SEC. 2. There shall be an election, annually, on the first Monday in May, for Chief Engineer and First and Second Assistant Engineers. Said election to be called by the President of the Board of Delegates of the Fire Department, by giving twenty days notice in one newspaper published in said Town of Jackson; and if the President of said Board should fail to call such election within the stated time, it shall be lawful for the Vice President of said Board to call an election therefor, by giving ten days notice in such newspaper, as above described. The polls shall be held at such place as the Board of Delegates may designate, and shall be kept open from four o'clock, P. M., until seven in the evening, under the inspection of three Judges appointed by the Board of Delegates, each from a different company, who shall have power to administer oaths and affirmations at said election. The person receiving the highest number of votes for Chief Engineer, shall be declared elected, the person receiving the highest number of votes for First Assistant Engineer, shall be First Assistant Engineer, and the person receiving the highest number of votes for Second Assistant Engineer, shall be Second Assistant Engineer. When a vacancy occurs in the office of Chief Engineer, the President of the Board of Delegates of the Fire Department shall call an election as heretofore provided; and in case the President of said Board should fail to do so, it shall be the duty of the Vice President of said Board to call an election as heretofore provided, to fill such vacancy; but when a vacancy occurs in the office of First Assistant Engineer, the officer next below in rank shall take the vacant office, and an election shall be ordered, as above set forth, to fill the vacancy in the lower office. All contested elections for Engineer shall be decided by a vote of the Board of Delegates. The election term for each Engineer shall be for one year, or until his successor is elected and qualified. Election.

SEC. 3. Each and every company, at its stated meeting, in the month of April in every year, shall elect two of its members as delegates to the Board of Delegates of the Fire Department of Jackson, which Board shall consist of two representatives from each fire company, who shall be sworn to faithfully discharge the duties of their office. They shall have power to elect and define the duties of a President, Vice-President, Secretary, Treasurer, a Board of Trustees of the Charitable Fund of the Department, and such other officers as they may from Board of Delegates.

time to time deem necessary. They shall have power to make all laws for the government of the Fire Department, and laws made by them shall be binding on every company and member of the Department. Any Engineer, company officer, or member of the Department, who shall violate any of said laws, or who shall refuse to obey the lawful orders of the Chief or other Engineer, shall, upon complaint, be tried by the Board, and if found guilty, be censured, suspended, removed from office, or expelled from the Fire Department, as the judgment of the Board may direct. They shall have power to summon any member of the Department to attend and testify in any case when an officer or member of the Department is charged with having broken its laws; and every officer or member of the Department who shall disobey such summons, may be suspended or expelled from the Department, as the judgment of the Board may direct. They shall examine the returns and declare the result of all Engineers' elections, and give them their certificates of office; and said Chief and Assistant Engineers shall be ex-officio Fire Wardens of the town, and the Secretary shall be ex-officio Clerk of the Board of Trustees of the Charitable Fund of the Department.

SEC. 4. The President and Secretary of the Board of Delegates of the Fire Department shall, in all business relating thereto, have power to administer oaths and affirmations.

Officers.

Fire companies.

SEC. 5. The officers of a company shall consist of a Foreman, and at least one Assistant Foreman, a Secretary, and a Treasurer. It shall require at least fifteen persons, not under twenty-one years of age, to compose a company, all of whom must have signed the constitution of the same previous to their petition for admission; and they shall forward a copy of their constitution, together with the names of their officers and men, and their residences, the situation in which they wish to locate, and a petition for admission into the Fire Department, to the President of the Board of Delegates, which officer shall thereupon lay the same before the Board for their action, and whose duty it shall be to determine whether such addition is required by the Department. Whenever the Board, by a majority vote of all its members, shall decide to receive such company so making application for admission into the Fire Department, it shall be the duty of the Secretary of the Board to enroll the names of the members of such company, and to notify them in a written notice, addressed to the Foreman of the same, of their admission into the Fire Department, whereupon such company shall be entitled to all the privileges of other companies of the Department.

Disbanding of companies.

SEC. 6. Whenever an engine or hook and ladder company, by reasons of deaths, resignations, or expulsions, shall have reduced its roll to less than fifteen active certificate members, and a hose company to less than ten active certificate members, it shall be the duty of the Secretary to notify the Chief Engineer, and the Foreman of such company, of the fact; and it shall be the duty of the Chief Engineer to report the condition of such company to the Board of Delegates, at their first regular meeting, and the Board shall then declare whether such company shall be disbanded, or continue in the Fire Depart-

ment, to be decided by a majority vote of the members composing the same.

SEC. 7. The Chief Engineer shall report to the Board of Delegates quarterly, in the months of September, December, March, and June, the number, location, and condition of cisterns, hydrants, fire engines, and other fire apparatus, and the state of the fire company houses, and all property in the town in the keeping of the said Department, together with any other information and such recommendation as he may deem proper.

Chief Engineer to report.

SEC. 8. The Chief Engineer, the President, and Secretary of the Board of Delegates of the Fire Department of the Town of Jackson, are hereby authorized and empowered to sign all certificates of persons who are entitled to exempt certificates, in accordance with the provisions of an Act of the Legislature, entitled an Act to exempt firemen from militia service and jury duty, passed March twenty-fifth, one thousand eight hundred and fifty-three.

Exempt certificates.

SEC. 9. All laws and parts of laws in conflict with this Act are hereby repealed.

SEC. 10. This Act shall take effect and be in force from and after the first day of May, A. D. one thousand eight hundred and sixty-three.

CHAP. CCCCXVIII.—*An Act to authorize the Board of Supervisors of the County of Calaveras to take and subscribe Fifty Thousand Dollars to the Capital Stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be the duty of the Board of Supervisors of the County of Calaveras to order an election to be held in said county, at the general election for the election of representatives for the year eighteen hundred and sixty-three, for the purpose of submitting to the qualified electors of said county the proposition for said Board of Supervisors to take and subscribe fifty thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, by which a railroad communication shall be formed between Stockton and Copperopolis.

Election.

SEC. 2. It shall be the duty of the Board of Supervisors to cause notice of at least twenty days to be published in one or more newspapers printed and published in the said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. The ballots to be used shall have written or printed thereon the following words: "Subscription of fifty thousand dollars to the Stockton and

Ballots.

Copperopolis Railroad Company." Every ballot in favor of said proposition shall have the word "Yes," written or printed thereon, and every ballot against the said proposition shall have the word "No," written or printed thereon. Said election shall be conducted in the same manner as other elections for county officers, and sealed returns shall be made of the votes cast on said proposition within ten days after the said election, and in the same manner as provided in the case of the election of county officers, to the Clerk of said county, of the number of voters voting "Yes," and the number voting "No;" which returns shall, on said tenth day, or as soon thereafter as practicable, be opened and counted in the same manner as the returns of the votes for county officers, and when so opened and counted, the result thereof shall be declared officially by the said Board of Supervisors.

Returns  
of election.

Subscription

SEC. 3. If at the said election a greater number of the electors of said county voting upon said proposition shall vote "Yes," than shall vote "No," then, and in that event, is the Board of Supervisors of said county, in the name of said county, hereby authorized, empowered, and directed, immediately after the result of said election is so officially declared, to take and subscribe, for the use, benefit, and advantage of said county, to the capital stock of the Stockton and Copperopolis Railroad Company, a corporation duly organized under the laws of this State on the eighth day of January, A. D. one thousand eight hundred and sixty-three, for the purpose mentioned in section one of this Act, stock to the amount of fifty thousand dollars, and therefor to pledge the faith of said county for the payment of the same, in the manner hereinafter provided.

SEC. 4. The said subscription shall be made by a committee of two members of said Board of Supervisors, to be appointed by an order of said Board for that purpose, and who shall perform that duty immediately thereafter.

SEC. 5. The said subscription shall be made, and so received, conditioned to be paid in the bonds of said county, issued as hereinafter directed, and not otherwise, and for such subscription said bonds shall be received at par, dollar for dollar.

Issuance of  
bonds.

SEC. 6. The said Board of Supervisors of said county, from time to time, as the payment of said subscription to such capital so subscribed shall be required to be made by the Board of Directors of said railroad company, not exceeding at any one time, however, an instalment of ten per cent upon the amount of said subscription, in the same manner and upon the same terms as other stockholders, shall by order direct the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, who for that purpose, in addition to their other duties as such officers, and their successors in office, shall constitute a Board of Commissioners, to be styled the Loan Commissioners of said county, as such Loan Commissioners, to issue bonds in the sum of five hundred, and one thousand dollars, in equal proportions, for such amount of such subscription to said capital stock as said Board of Supervisors may direct; said bonds shall draw interest at the rate of seven per cent per annum from the date of their issue, and the principal thereof shall be made pay-

Interest.



able on a specified day, to be named in the bonds, which shall be fifteen years after the date of their issue, at the office of the Treasurer of said county; the interest accruing on said bonds shall be due and payable semi-annually, so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day, to be named in the coupons, at said Treasurer's office, as before provided for the payment of the principal of said bonds. Said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, as such officers, and ex-officio Loan Commissioners, and when so signed, shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same, as such Clerk, in the presence of a quorum of such Board at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by such Clerk; and upon the countersigning of said bonds, it shall be the duty of said Board of Supervisors to cause the seal of said county to be affixed to each bond, and appoint a committee of two of their number to deliver said bonds to the said railroad company to whom the same shall be issued; and it shall be the duty of such committee to take a receipt from the Secretary of said railroad company for the bonds so delivered by them, setting forth the number, dates, and amounts of the bonds so delivered, and report the same to the Board of Supervisors.

Signatures  
to bonds.

Sec. 7. Coupons for the interest shall be attached to each bond so that the coupons may be removed without mutilation to the bond; said coupons shall be signed by said "Loan Commissioners." When any interest shall be paid upon bonds issued under the provisions of this Act, the County Treasurer shall detach the coupons for interest then due and paid, and deliver the same to the Clerk of said county, taking his receipt therefor, whose duty it will be to write the word "cancelled" across said coupons, and file the same in his office, and make a report at the next meeting of the Board of Supervisors.

Coupons.

Sec. 8. The bonds issued from time to time in payment of such stock subscription, by virtue of the provisions of this Act, and at least an equal amount of other funds that may be obtained by said company from other stockholders, or otherwise, or that may be furnished and supplied by the contractors who are or may be engaged in the construction of said road for said company, shall be expended from time to time, as such bonds are required to be issued, in actual construction of that portion of said company's road situated in the said County of Calaveras, to the extent and amount of graduation, and a full preparation of said road for the superstructure thereof; and thereafter the said company may lay out and expend any balance or overplus of said bonds, if any there should be after the graduation of said road in said county as before stipulated, on any portion of said road that they, the said company, may see proper, so that the same is applied in the construction and completion of said road. It shall be the duty of the Secretary and Chief Engineer of said company, from time to time, as the said bonds are re-

Moneys to  
be expended  
in the county

quired to be issued, to make report, under oath, in writing, and lay the same before the Board of Supervisors, of the progress of the work, and the amount thereof done and performed, as near as the same can be ascertained, on said road, and in each county through which the same is or shall be located; and if, after the issuance of such bonds in payment of the first instalment of ten per cent on such subscription, there should be at any time any failure or refusal in the expenditure of said bonds, with other funds, in the mode and manner provided by this section, in the construction of said road, then and in that event the said Board of Supervisors may, at their option, withhold any further payment on such subscriptions, and shall not thereafter be liable for any future calls for assessments thereon; and if so declared by said Board of Supervisors, the said subscription shall be held void and of no effect, and the said company shall be liable to said county for any amounts that have been previously paid on such subscription at the time of such failure or refusal, recoverable at law in any Court having jurisdiction.

**Interest tax.** SEC. 9. It shall be the duty of the said Board of Supervisors, previous to the making out and delivery of the original assessment roll, as corrected by the Board of Equalization, to the Tax Collector of the county, in each year to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued hereunder; and previous to the making and delivery of said roll of said county in the year A. D. eighteen hundred and sixty-four, and for every year thereafter until the said bonds issued under this Act shall be paid and liquidated, the said Board shall, should it be necessary, levy a tax, not exceeding ten cents on the one hundred dollars worth of taxable property of said county, for the purpose of raising a Fund for the liquidation of said bonds, which shall be styled a "Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected shall be paid in to the County Treasurer, who shall account for and deliver the same over to the said "Loan Commissioners," to be by them applied as follows:

*First*—The Interest Tax, to the payment of interest falling due on said bonds.

*Second*—The "Loan Fund," to the redemption of said bonds, as hereinafter provided.

**Surplus of interest tax.** SEC. 10. If there shall be collected, as such interest tax, in any one year, a sum greater than is required to pay the annual interest on said bonds issued hereunder, then the said Loan Commissioners shall pass over such surplus into the Loan Fund.

**Payment of interest.** SEC. 11. It shall be the duty of the said Loan Commissioners to make arrangements for the payment of interest on said bonds when the same falls due, at least thirty days before the time of payment, and in the event the Interest Fund is insufficient, the said Treasurer shall draw on the Common or General Fund of said county for such purpose, and deliver the same to said Commissioners, and in the event that those Funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the

payment of said interest and the protection of the faith of said county.

SEC. 12. Whenever, at any time, there shall be in said Loan Fund a sum of money amounting to three thousand dollars, or upwards, the said Commissioners shall advertise in a public newspaper, published in said county, for a space of four weeks, for sealed proposals for the redemption of said bonds, and ten days from the expiration of the time for such publication the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Loan Fund then on hand shall extend, such bonds, presented under said proposals, as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be more than the par value thereof; *and, provided*, should there be no proposals made for less than par value, then the payment of said Loan Fund on hand shall be made on said bonds, according to the number of their issue, of which the said Commissioners shall give four weeks notice of the number of the bonds to be paid, after which time such bonds shall cease to draw interest; and, *provided*, whenever there may be sufficient moneys in such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of said Commissioners to advertise for the space of four weeks for the redemption of the outstanding bonds issued under this Act; after which time said bonds shall cease to draw interest. Any moneys remaining in said Loan Fund after the redemption of said bonds, shall be, by the said Commissioners, paid over to the County Treasurer, to be by him held subject to the order of said Board of Supervisors.

Surplus in  
Loan Fund.

Proviso.

SEC. 13. Whenever any bonds shall have been paid and redeemed by the Commissioners, they shall mark on the same, "cancelled," over their signatures as Commissioners, and immediately deliver the same to the County Clerk, taking his receipt therefor, and the said Clerk, upon the receipt of such cancelled bonds, shall file the same in his office.

Cancellation  
of bonds.

SEC. 14. The County Clerk shall open with the said Commissioners an "Interest Tax Account," and a "Loan Fund Account," and shall balance and settle the same quarterly, on the first Monday of April, July, October, and January, of each year.

Duty of  
County  
Clerk.

SEC. 15. The said Commissioners, and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall, in all things herein required of them, be subject to all the liabilities and penalties to which they are subjected in the performance of any other of the duties of their respective offices, and they shall, when the fees or salary is not fixed by law for the services herein required, be allowed by the Board of Supervisors a reasonable compensation therefor, to be paid by said county, as other fees and salaries are paid, not to exceed five dollars per day; and the said Board of Supervisors may, and they are hereby fully authorized so to do, to require of each of said Commissioners such bonds and security for the performance of their duties herein required of them, as they, the said Board of Supervisors, shall deem proper; *provided*, however, that the penal sum of such bonds to each of said Commissioners shall not exceed five thousand dollars. The said Commissioners shall,

Liabilities of  
officers.

Compensation.

Proviso.

when so required, execute the said bonds in the same manner as other official bonds are executed, and to be approved by said Board of Supervisors, and filed in the office of the County Clerk.

Powers of Supervisors

SEC. 16. The said Board of Supervisors shall have authority to authorize a committee of any one or more of their number, or any other person, to cast all votes representing the capital stock so subscribed by them, and they shall, by order made for that purpose, have full power to sell, transfer, and assign the said capital stock, or any part thereof, so taken by them under the provisions of this Act, whenever, on submission to the qualified voters of said county, at any county or general election, of a proposition to sell the same, a majority of the votes cast thereat shall approve of such sale.

Surplus.

SEC. 17. The Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all of the dividends, issues, and profits, arising from such subscription to said capital stock, and shall set apart and transfer the same, together with the taxes that may be paid by said company to said county from time to time to the said Loan Fund, to be applied by the said Loan Commissioners to the payment of the interest on the bonds issued as herein provided, and the redemption of the principal thereof in the manner provided by section twelve of this Act; and after the full payment of said bonds, and the interest on the same, the said dividends, issues, and profits, arising from such stock subscription, shall be applied as follows: One third thereof to the School Fund of said county, and the remaining two thirds to the General Fund.

Conditions of subscription

SEC. 18. The subscription of stock authorized by virtue of the provisions of this Act, shall be made by said Board of Supervisors on the books of said company upon the express condition that the said county shall not be liable for any of the debts or liabilities of said company beyond the amount subscribed; and this provision as to the liability of said county shall be a part of and expressly stipulated in all contracts made by said company for the construction and equipment of said road, and in case the said company shall fail or refuse to make such stipulation in all their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover from said company any previous payments that may have been made thereon at the time of such failure or refusal. And the said county shall never make any other or further subscription to the capital stock of said company than that provided for by this Act.

SEC. 19. This Act shall be taken and deemed a public Act and shall be in force and take effect from and after its passage.

CHAP. CCCCXIX.—*An Act to authorize the Board of Supervisors of the County of Tuolumne to take and subscribe Fifty Thousand Dollars to the Capital Stock of the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be the duty of the Board of Supervisors of the County of Tuolumne to submit to the qualified electors of said county, at the next general election, the proposition for said Board of Supervisors to take and subscribe the sum of fifty thousand dollars to the capital stock of the Stockton and Copperopolis Railroad Company, by which a railroad communication shall be formed between Stockton and Copperopolis. Election.

SEC. 2. It shall be the duty of the said Board of Supervisors to cause notice, of at least twenty days, to be published in one or more newspapers printed and published in the said county, stating the proposition to be submitted to the said electors, and the time and manner of voting thereon. It shall be the further duty of said Board of Supervisors to cause ballots to be prepared, with the words "Subscription of fifty thousand dollars to the Stockton and Copperopolis Railroad Company" printed thereon. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against said proposition shall have the word "No" written or printed thereon. Said election shall be conducted in the same manner as other elections for county officers, and sealed returns shall be made of the votes cast on said proposition, by the same parties, at the same time, and in the same manner, as provided by law for the returns of votes cast for the election of county officers, which said returns shall be opened and canvassed at the same time and in the same manner as the returns of votes cast for county officers, and when so canvassed, the result of the balloting on said proposition shall be declared officially by the Board of Supervisors, and shall by them be caused to be entered upon the records of the Board. Ballots.  
Returns of election.

SEC. 3. If, at the said election, a greater number of the electors of said county voting upon the said proposition shall vote "Yes," than shall vote "No," then, and in that event, is the Board of Supervisors of said county hereby authorized, empowered, and directed, immediately after the result of said election is so officially declared, to take and subscribe, for the use, benefit, and advantage of said county, to the capital stock of the Stockton and Copperopolis Railroad Company, a corporation duly organized under the laws of this State on the eighth day of January, A. D. one thousand eight hundred and sixty-three, for the purpose mentioned in section one of this Act, stock to the amount of fifty thousand dollars, and therefor to pledge the faith of said county for the payment of the same, in the manner hereinafter provided. Subscription

SEC. 4. The said subscription shall be made by a committee of two members of said Board of Supervisors, to be appointed by an order of said Board, and who shall perform that duty immediately thereafter.

SEC. 5. The said subscription shall be made, and so received, conditioned to be paid in the bonds of said county, issued as hereinafter directed, and not otherwise, and for such subscription said bonds shall be received at par, dollar for dollar.

Insurance  
of bonds.

SEC. 6. The said Board of Supervisors of said county, from time to time, as the payment of said subscription to such capital so subscribed shall be required to be made by the Board of Directors of said railroad company, not exceeding at any one time, however, an instalment of ten per cent upon the amount of said subscription, in the same manner and upon the same terms as other stockholders, shall, by order, direct the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, who for that purpose, in addition to their other duties as such officers, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Loan Commissioners" of said county, as such Loan Commissioners, to issue bonds, in the sum of five hundred, and one thousand dollars, in equal proportions, for such amount of such subscription to said capital stock as said Board of Supervisors may direct. Said bonds shall draw interest at the rate of seven per cent per annum from the date of their issue, and the principal thereof shall be made payable on a specified day, to be named in the bonds, to wit: upon the first day of June, one thousand eight hundred and seventy-eight, at the office of the County Treasurer of said county. The interest accruing on said bonds shall be due and payable semi-annually, so long as such bonds are outstanding and unpaid, and shall be made payable on a specified day, to be named in the coupons, at said Treasurer's office, as before provided for the payment of the principal of said bonds. Said bonds shall be signed by the Chairman of said Board of Supervisors, the Auditor, and Treasurer of said county, as such officers and ex-officio Loan Commissioners, and when so signed shall be presented by the Chairman of said Board of Supervisors to the Clerk of said county, who shall countersign the same, as such Clerk, in the presence of a quorum of such Board, at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date, and amount of each bond so countersigned by such Clerk, and upon the countersigning of said bonds, it shall be the duty of said Board of Supervisors to cause the seal of said county to be affixed to each bond, and appoint a committee of two of their number to deliver said bonds to said railroad company to whom the same shall be issued; and it shall be the duty of such committee to take a receipt from the Secretary of said railroad company for the bonds so delivered by them, setting forth the number, dates, and amounts of the bonds so delivered, and report the same to the Board of Supervisors.

Interest.

Signatures  
to bonds.

Coupons.

SEC. 7. Coupons for the interest shall be attached to each bond, so that the coupons may be removed without mutilation

to the bond. Said coupons shall be signed by the said Loan Commissioners. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupon for the interest then due and paid, and deliver the same to the Clerk of said county, taking his receipt therefor, whose duty it shall be to write the word "cancelled" across said coupons, and file the same in his office, and make a report thereof at the next meeting of the Board of Supervisors.

SEC. 8. The bonds issued from time to time in payment of such stock subscription by virtue of the provisions of this Act, and at least an equal amount of any other funds that may be obtained by said company from other stockholders, or otherwise, or that may be furnished and supplied by the contractors who are or may be engaged in the construction of said road for said company, shall be expended from time to time, as said bonds are required to be issued, in the actual construction of that portion of said company's road, situated in the counties of San Joaquin and Stanislaus, to the extent and amount of the graduation and full preparation of said road for the superstruction thereof; and thereafter the said company may lay out and expend any balance or overplus of said bonds, if any there should be after the graduation of said road in said counties, as before stipulated, on any portion of said road that they, the said company, may see proper, so that the same is applied in the construction and completion of said road. It shall be the duty of the Secretary and Chief Engineer of said company, from time to time, as the said bonds are required to be issued, to make reports, under oath, in writing, and lay the same before the said Board of Supervisors, of the progress of the work, and the amount thereof done and performed, as near as the same can be ascertained, on said road, and in each county through which the same is or shall be located; and if, after the issuance of such bonds, in payment of the first instalment of ten per cent on such subscription, there should be at any time any failure or refusal in the expenditure of said bonds with the other funds, in the mode and manner provided by this section in the construction of said road, then, and in that event, the said Board of Supervisors may, at their option, withhold any further payment on such subscription, and shall not thereafter be liable for any further calls for assessments thereon; and if so declared by said Board of Supervisors, the said subscription shall be held void and of no effect, and the said company shall be liable to said county for any amounts that may have been previously paid on such subscription at the time of such failure or refusal, recoverable at law in any Court having jurisdiction.

Money to be expended in the county.

SEC. 9. It shall be the duty of said Board of Supervisors, previous to making out and delivering of the original assessment roll, as corrected by the Board of Equalization, to the Tax Collector of the county, in each year to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued hereunder, and previous to the making out and delivery of said roll of said county in the year A. D. eighteen hundred and sixty-four, and

Interest tax

for every year thereafter until the said bonds issued under this Act shall be paid and liquidated, the said Board shall, should it be necessary, levy a tax, not exceeding ten cents on the one hundred dollars worth of taxable property of said county, for the purpose of raising a Fund for the liquidation of said bonds, which shall be styled a "Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected, shall be paid in to the County Treasurer, who shall account for and deliver the same over to the said Loan Commissioners, to be by them applied as follows:

*First*—The Interest Tax, to the payment of the interest falling due on said bonds.

*Second*—The Loan Fund, to the redemption of said bonds, as hereinafter provided.

**Furplus of interest tax.** SEC. 10. If there shall be collected, as such interest tax, in any one year, a sum greater than is required to pay the annual interest on said bonds issued hereunder, then the said Loan Commissioners shall pass over such surpluses into said Loan Fund.

**Payment of interest.** SEC. 11. It shall be the duty of said Loan Commissioners to make arrangements for the payment of the interest on said bonds when the same falls due, at least thirty days before the time of payment, and in the event said Interest Fund is insufficient, the said Treasurer shall draw on the Common or General Fund of said county for such purpose, and deliver the same to said Commissioners; and in the event that those Funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of said county.

**Surplus in Loan Fund.** SEC. 12. Whenever, at any time, there shall be in said Loan Fund a sum of money amounting to three thousand dollars, or upwards, the said Commissioners shall advertise in a public newspaper, published in said county, for the space of four weeks, for sealed proposals for the redemption of said bonds, and ten days from the expiration of the time for such publication the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Loan Fund then on hand shall extend, such bonds, presented under said proposals, as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and, *provided*, should there be no proposals made for less than par value, then the payment of said Loan Fund on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give four weeks notice of the number of the bonds to be paid, after which time such bonds shall cease to draw interest; and, *provided*, whenever there may be sufficient moneys in such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of said Commissioners to advertise in like manner, for the space of four weeks, for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw interest. Any moneys remaining in said Loan Fund after the redemption of said bonds, shall be by the said Commissioners

**Proviso.**



paid over to the County Treasurer, to be by him held subject to the order of the Board of Supervisors.

SEC. 13. Whenever any bonds shall have been paid and redeemed by the said Commissioners, they shall mark the same "cancelled," over their signatures as Commissioners, and immediately deliver the same to the County Clerk, taking his receipt therefor, and the said Clerk, upon the receipt of such cancelled bonds, shall file the same in his office. Cancellation of bonds.

SEC. 14. The County Clerk shall open with the said Commissioners an "Interest and Tax Account," and a "Loan Fund Account," and shall balance and settle the same quarterly, on the first Mondays of April, July, October, and January, of each year. Duty of County Clerk.

SEC. 15. The said Commissioners, and all other officers herein specified, for the performance of their duties under the provisions of this Act, shall, in all things herein required of them, be subject to all the liabilities and penalties to which they are subjected on the performance of any other of the duties of their respective offices, and they shall, where the fees or salary is not fixed by law for services herein required, be allowed by the Board of Supervisors a reasonable compensation therefor, to be paid by said county as other fees and salaries are paid; and the said Board of Supervisors may, and they are hereby fully authorized so to do, require of each of said Commissioners such bonds and security for the performance of their duties herein required of them as they, the said Board of Supervisors, shall deem proper; *provided*, however, that the penal sum of such bonds to each of said Commissioners shall not exceed five thousand dollars. The said Commissioners shall, when so required, execute the said bonds in the same manner as other official bonds are executed, and to be approved by the said Board of Supervisors, and filed in the office of the County Clerk. Liabilities of officers.

SEC. 16. The said Board of Supervisors shall have authority to authorize a committee of any one or more of their number, or any other person, to cast all votes representing the capital stock so subscribed by them, and they shall, by order made for that purpose, have full power to sell, transfer, and assign the said capital stock, or any part thereof, so taken by them, under the provisions of this Act, whenever, on submission to the qualified voters of said county, at any county or general election, of a proposition to sell the same, a majority of the votes cast thereat shall approve of such sale. Compensation.

SEC. 17. The Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all of the dividends, issues, and profits arising from such subscription to said capital stock, and shall set apart and transfer the same, together with the taxes that may be paid by said company to said county, from time to time, to the said Loan Fund, to be applied by the said Loan Commissioners to the payment of the interest on the bonds, as herein provided, and the redemption of the principal therefor, in the manner provided by section twelve of this Act; and after the full payment of said bonds, and the interest on the same, the said dividends, issues, and profits arising from such stock subscription shall be applied as follows: One third part thereof to Powers of Supervisors.

Surplus.

the School Fund of said county, and the remaining two thirds to the General Fund.

Conditions of  
subscription

SEC. 18. The subscription of stock authorized by virtue of the provisions of this Act, shall be made by said Board of Supervisors on the books of said company on the express condition that the said county shall not be liable for any of the debts or liabilities of said company beyond the amount so subscribed; and this provision as to the liability of said county shall be a part of and expressly stipulated in all contracts made by said company for the construction and equipment of said road; and in case the said company shall fail or refuse to make such stipulation in all their said contracts, then the said Board of Supervisors shall have power to declare the said subscription void and of no effect, and may recover from said company any previous payments that may have been made thereon, at the time of such failure or refusal. And the said county shall never make any other or further subscription to the capital stock of said company than that provided for by this Act.

SEC. 19. This Act shall be taken and deemed a public Act and shall be in force and take effect from and after its passage.

CHAP. CCCCXX.—*An Act to provide for the Reclamation of Salt Marsh and Tide Lands.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Petition for  
reclamation  
required.

SECTION 1. All parties holding certificates of purchase for Salt Marsh and Tide Lands belonging to this State, any portion of which is subject to overflow by high tides, and purchased under any Act that has been or may hereafter be passed for the sale of the same, and who are desirous of reclaiming the said lands, shall file with the Clerk of the District Court in the county in which the land or the largest part thereof is situated, a petition, asking for the benefits conferred by this Act, and setting forth the location and quantity of the land by section, township, range, and meridian, as surveyed by the County Surveyor, based upon the township exteriors, or other public lines of the United States surveys, (accompanied by a plat of the same,) an abstract of the title thereof, under what Act originally purchased, and that it is the intention of the petitioner or petitioners, within the term of three years, to reclaim the same, or that the lands have been reclaimed previous to the date of the passage of this Act.

On filing  
petition and  
statement  
work may  
commence.

SEC. 2. Whenever the holders of certificates of purchase or patents, representing one half of any large body of Salt Marsh and Tide Lands, described in section one of this Act, which may be reclaimed by one general system of reclamation, desire to reclaim such tract, they shall file the certificate as required in section one of this Act, together with a statement of the

quantity of land in the whole tract, the amount represented by the patents and certificates of purchase of the petitioners, the amount not represented, and, if possible, the names of the owners thereof. The petitioners may then proceed with their works of reclamation upon such plan as they may adopt, assessing the cost thereof, as the progress of the work requires, upon each holder of any land within the tract, in the proportion which the number of acres so held by him bears to the whole tract, which assessment shall be due as soon as levied, and shall be a lien upon the land, and be collectable in any Court of competent jurisdiction, by any Agent whom the petitioners may appoint for the purpose.

SEC. 3. The Clerk of the District Court in the proper county shall keep a book of record, setting forth the date of petition, the name or names attached thereto, the numbers of the certificates of purchase of the land sought to be reclaimed, the location of the land by section, township, range, and meridian, with reference to the United States surveys, the title, from whom acquired, and under what Act the location was originally made, together with a brief abstract of the proceedings had thereon in the District Court.

Record book  
to be kept.

SEC. 4. At any time within the period of three years after filing said petition, if the lands have been reclaimed, the petitioners, or petitioner, or a majority of them, their assigns, or legal representatives, may file with the Clerk of said District Court an affidavit, setting forth that the petition mentioned in section one has been filed, with the date thereof, and that the lands described therein have been reclaimed within three years of the filing of said petition, giving an accurate description of the method of reclamation, the length and size of levees, ditches, etc., and the cost of same. They shall also file the affidavit of the County Surveyor, or his Deputy, and two or more reliable land owners of the county in which the proceedings are had, setting forth that they know the lands described in the petition, that they have examined the works of reclamation since completion, and that they regard them as sufficient to protect the lands inclosed or drained by them from overflow, and that, to the best of their judgment, the lands so reclaimed will no longer be subject to inundation by high tides, to which they had hitherto been subjected. They shall also declare that they have not, directly or indirectly, any interest in the lands so reclaimed. The Clerk shall thereupon enter the same on the docket of said Court, for a hearing at the next term thereof, which cause shall be heard, unless a postponement becomes necessary from sickness or inability of the Judge of said Court. The petitioner shall cause a notice to be published in some weekly newspaper published in the county in which the lands, or the greater portion thereof, named in the petition are situated, setting forth the material facts in the petition, the time and place of hearing the petition, and notifying all parties interested that if they fail to appear and resist the prayer of the petitioner, their rights will be barred.

Affidavit  
required  
that reclama-  
tion is  
complete.

SEC. 5. Upon the hearing of said cause, the petitioner or petitioners shall prove that the previous sections of this Act have been complied with, that the interest due the State, to the date

of filing the petition, has been paid, and, by the testimony of the witnesses named in section four, that the land has been reclaimed, and describing the mode or method thereof. Lands shall be deemed and held to have been reclaimed, within the meaning of this Act, four fifths of each tract of which (as represented by a certificate of purchase or a patent) shall have been, by the construction of good and sufficient levees or ditches, either or both, secured against inundation by high tides, to which they have hitherto been subjected.

Reclamation described.

SEC. 6. Upon a decree being entered by the District Judge to the effect that it appears, from the records and evidence, that the petitioner or petitioners have complied with the previous sections of this Act, and that the land has been reclaimed, the petitioner or petitioners shall be entitled to a certified copy thereof, together with the copy of the affidavit of the method and cost of reclamation, which shall be filed with the Register of the State Land Office.

SEC. 7. Whenever the decree provided for in section six of this Act has been obtained, if the State has received payment in full for any land embraced in the tract reclaimed, the lawful owner of the certificate of purchase or patent for such land shall be entitled to receive from the State, in such manner as the Legislature may provide, eighty per cent of the principal so paid in full for such land.

Interest suspended.

SEC. 8. During the term of three years from the date of the filing of the petition, the payment of the annual interest shall be suspended, and should the decree mentioned in section six of this Act be filed with the proper officer within three and a half years, then no payment of the interest so suspended shall be required; but if no such decree should be filed, then the said suspended interest shall be due in three and a half years from the date of filing of said petition; and should such interest not be paid within thirty days from the time it shall so become due, together with the next annual interest, in advance, as required by law, the certificate of purchase upon which the said interest has become due shall be annulled in the manner prescribed by law.

Petitioner released.

SEC. 9. Upon filing the certified copy of the decree, and a receipt from the County Treasurer for the interest due up to the filing of said petition with the Register of the State Land Office, the Register shall make an entry in his books to the effect that the State releases the petitioner or petitioners from the payment of the eighty per cent due on the principal, and all interest that may have accrued from and after the date of filing the said petition with the Clerk of the District Court, and issue to the owner of the said certificate of purchase a certificate for a patent to the effect that, it appearing from the decree of the District Court of the district in which the lands are situated, that the provisions of this Act have been complied with, the party is entitled to a patent for the land therein described, and as soon thereafter as the same can be lawfully done, a patent shall be issued by the Governor to the owner of the said certificate of purchase.

Benefits to purchasers under different Acts.

SEC. 10. The holders of certificates of purchase for lands under different Acts relating to Swamp and Overflowed Lands, who may have reclaimed the land mentioned therein previously

to the passage of this Act, shall be entitled to all the benefits thereof upon filing in the proper District Court the proofs of reclamation required by sections four and five, and obtaining the decree required by section six of this Act.

SEC. 11. Whenever the cost of reclamation of any tract of Salt Marsh and Tide Land, as provided by this Act, shall be less than eighty cents per acre, the owner or owners thereof shall be entitled to a credit upon such purchases of only the cost of such reclamation, and the balance shall be due and payable within three and a half years from the date of filing the petition named in section one of this Act; and if the lands have been paid for in full, the owner or owners thereof shall be entitled to receive from the State only the cost of such reclamation. Money over cost of reclamation

SEC. 12. The Clerk of the Court in which any proceedings shall be had under the provisions of this bill, shall be entitled to receive for all services performed by him in such proceeding, including the entry and copy of decree to be rendered, the sum of ten dollars for each single petition, and one dollar for each and every petitioner when two or more are joined in the same petition. Clerk's fees.

SEC. 13. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

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CHAP. CCCCXXI.—*An Act to amend an 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.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

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 provided in this Act.

SEC. 2. Section two hundred of said Act is amended so as to read as follows:

Section 200. In an action to recover the possession of personal property, judgment for the plaintiff may be for the possession, or the value thereof, in case a delivery cannot be had, and damages for the detention. If the property has been delivered to the plaintiff, and the defendant claim a return thereof, judgment for the defendant may be for a return of the property, or the value thereof, in case a return cannot be had, and damages for taking and withholding the same. In an action on a contract or obligation in writing, for the direct payment of money, made payable in a specified kind of money or currency, judgment for the plaintiff, whether the same be by default or after verdict, may follow the contract or obligation, and be made payable in the kind of money or currency specified therein; and in Specific contracts.

an action against any person for the recovery of money received by such person in a fiduciary capacity, or to the use of another, judgment for the plaintiff, whether the same be by default, or after verdict, may be made payable in the same kind of money or currency so received by such person.

SEC. 3. Section two hundred and ten of said Act is amended so as to read as follows :

Writ of  
execution.

Section 210. The writ of execution shall be issued in the name of The People, sealed with the seal of the Court, and subscribed by the Clerk, and shall be directed to the Sheriff, and shall intelligibly refer to the judgment, stating the Court, the county where the judgment roll is filed, and if it be for money, the amount thereof, and the amount actually due thereon, and if made payable in a specified kind of money or currency, as provided in section two hundred of this Act, the execution shall also state the kind of money or currency in which the judgment is payable, and shall require the Sheriff, substantially as follows :

Judgment,  
how satisfied

*First*—If it be against the property of the judgment debtor, it shall require the Sheriff to satisfy the judgment, with interest, out of the personal property of such debtor, and if sufficient personal property cannot be found, then out of his real property; or if the judgment be a lien upon real property, then out of the real property belonging to him on the day when the judgment was docketed; or if the execution be issued to a county other than the one in which the judgment was recovered, on the day when the transcript of the docket was filed in the office of the Recorder of such county, stating such day, or any time thereafter.

*Second*—If it be against real or personal property in the hands of the personal representatives, heirs, devisees, legatees, tenants of real property, or Trustees, it shall require the Sheriff to satisfy the judgment, with interest, out of such property.

*Third*—If it be against the person of the judgment debtor, it shall require the Sheriff to arrest such debtor and commit him to the jail of the county until he pay the judgment, with interest, or be discharged according to law.

*Fourth*—If it be issued on a judgment made payable in a specified kind of money or currency, as provided in section two hundred of this Act, it shall also require the Sheriff to satisfy the same in the kind of money or currency in which said judgment is made payable, and the Sheriff shall refuse payment in any other kind of money or currency; and in case of levy and sale of the property of the judgment debtor, he shall refuse payment from any purchaser at such sale in any other kind of money or currency than that specified in the execution. The Sheriff collecting money or currency in the manner required by this Act, shall pay to the plaintiff or party entitled to recover the same, the same kind of money or currency received by him, and in case of neglect or refusal so to do, he shall be liable on his official bond to the judgment creditor in three times the amount of the money so collected.

*Fifth*—If it be for the delivery of the possession of real or personal property, it shall require the Sheriff to deliver the possession of the same, particularly describing it, to the party enti-

tled thereto, and may, at the same time, require the Sheriff to satisfy any costs, damages, rents, or profits, recovered by the same judgment, out of the personal property of the person against whom it was rendered, and the value of the property for which the judgment was rendered, to be specified therein if a delivery thereof cannot be had; and if sufficient personal property cannot be found, then out of the real property, as provided in the first subdivision of this section.

SEC. 4. Section two hundred and eleven of said Act is amended so as to read as follows :

Section 211. When a writ of execution is issued on a judgment recovered against two or more persons, in an action upon a joint contract, in which action all the defendants were not served with summons, or did not appear, it shall direct the Sheriff to satisfy the judgment out of the joint property of all the defendants, and the individual property only of the defendants who were served or who appeared in the action. In other respects, the writ shall contain the directions specified in subdivisions one and four of the last section.

SEC. 5. Section two hundred and twenty-one of said Act is amended so as to read as follows :

Section 221. Before the sale of property on execution, notice thereof shall be given as follows :

*First*—In case of perishable property, by posting written notice of the time and place of sale in three public places of the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

*Second*—In case of other personal property, by posting a similar notice in three public places in the township or city where the sale is to take place, not less than five nor more than ten days successively.

*Third*—In case of real property, by posting a similar notice, particularly describing the property, for twenty days successively, in three public places of the township or city where the property is situated, and also when the property is to be sold, and publishing a copy thereof once a week for the same period in some newspaper published in the county, if there be one.

*Fourth*—When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section shall state the kind of money or currency in which bids may be made at such sale, which shall be the same as that specified in the judgment.

SEC. 6. Section two hundred and twenty-nine of said Act, as amended by section three of an Act entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, passed May fifteenth, one thousand eight hundred and sixty-two, is amended so as to read as follows :

Section 229. Upon a sale of real property, the purchaser shall be substituted to and acquire all the right, title, interest,

Certificate  
of sale.

and claim, of the judgment debtor thereto; and when the estate is less than a leasehold of two years unexpired term, the sale shall be absolute. In all other cases, the property shall be subject to redemption, as provided in this Chapter. The officer shall give to the purchaser a certificate of sale containing:

*First*—A particular description of the real property sold.

*Second*—The price bid for each distinct lot or parcel.

*Third*—The whole price paid.

*Fourth*—When subject to redemption, it shall be so stated. And when the judgment, under which the sale has been made, is made payable in a specified kind of money or currency, the certificate shall also state the kind of money or currency in which such redemption may be made, which shall be the same as that specified in the judgment. A duplicate of such certificate shall be filed by the officer in the office of the Recorder of the county.

SEC. 7. Section three hundred and forty-nine of said Act is amended so as to read as follows:

Appeal.

Section 349. If the appeal be from a judgment or order directing the payment of money, it shall not stay the execution of the judgment or order, unless a written undertaking be executed on the part of the appellant, by two or more sureties, stating their places of residence and occupation, to the effect that they are bound in double the amount named in the judgment or order, that if the judgment or order appealed from, or any part thereof, be affirmed, the appellant shall pay the amount directed to be paid by the judgment or order, or the part of such amount as to which the judgment or order shall be affirmed, if affirmed only in part, and all damages and costs which shall be awarded against the appellant upon the appeal. When the judgment or order appealed from is made payable in a specified kind of money or currency, the undertaking required by this section shall be drawn and made payable in the same kind of money or currency specified in such judgment.

SEC. 8. Section two hundred and thirty-three of said Act is amended so as to read as follows:

Tender  
of money.

Section 233. The payments mentioned in the last two sections may be made to the purchaser or redemptioner, as the case may be, or for him, to the officer who made the sale. When the judgment under which the sale has been made is payable in a specified kind of money or currency, said payments shall be made in the same kind of money or currency, and a tender of the money shall be equivalent to payment.

SEC. 9. Section five hundred and ninety-four of said Act, as amended by section fifty of an Act entitled 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, passed May fifteenth, eighteen hundred and fifty-four, is amended so as to read as follows:

Judgment.

Section 594. Upon a verdict, the Justice shall immediately render judgment accordingly. When the trial is by the Justice, judgment shall be entered immediately after the close of the trial, if the defendant has been arrested and is still in custody, in other cases it shall be entered within four days after the close of the trial. If the action be on a contract against two or more defendants, and the summons is served on one or more,



but not on all, the judgment shall be entered up only against those who were served, or have voluntarily appeared, if the contract be a several or a joint and several contract; but if the contract be a joint contract only, the judgment shall be entered up against all the defendants, but shall only be enforced against the joint property of all, and the individual property of the defendants served, or who have voluntarily appeared in the action. In an action on a contract or obligation in writing for the direct payment of money, made payable in a specified kind of money or currency, judgment for the plaintiff, whether the same be by default or after verdict, may follow the contract or obligation, and be made payable in the kind of money or currency specified therein.

Sec. 10. This Act shall be in force and take effect from and after its passage.

CHAP. CCCCXII.—*An Act to ratify and confirm a certain Ordinance passed by the Common Council of the City of Oakland, and approved by the Mayor of said City, November twentieth, eighteen hundred and sixty-one.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. WHEREAS, The Common Council of the City of Oakland passed an ordinance, approved by the Mayor, on the twentieth day of November, A. D. one thousand eight hundred and sixty-one, which ordinance is in the words and figures following, to wit:

“AN ORDINANCE CONCERNING THE SAN FRANCISCO AND OAKLAND RAILROAD.

“*The Council of the City of Oakland do ordain as follows:*

“SECTION 1. The right of way along Seventh street, from its easterly limits to or near its junction with Market street, and from thence in a straight line to the western boundary of the city, which line is represented on a map filed with the Clerk of the Council, and marked ‘San Francisco and Oakland Railroad Company, Exhibit B,’ is hereby granted and released to the San Francisco and Oakland Railroad Company, for the purpose of laying a single or double railroad track, and the necessary side tracks, along said street and line, and running cars and carrying passengers and freight thereon; said main track or tracks shall not be laid nearer than fifteen feet to the line of the sidewalk on either side, and shall be made to conform to the grade of the street, and to present a level surface with the street at each street crossing.

“SEC. 2. The said company shall have the privilege of erecting upon Seventh street, at or near its intersection with Broadway, a platform or depot, for the shelter of passengers and

Ordinance. baggage, according to the dimensions and in a location designated upon a map filed with the Clerk of the Council, and marked 'San Francisco and Oakland Railroad Company, Exhibit A.'

"SEC. 3. For and in consideration of promoting the construction of said railroad, and the advantages accruing to the City of Oakland therefrom, and in consideration of one dollar, and upon the condition that the said San Francisco and Oakland Railroad Company shall, within three years from this date, complete said road and bridge upon the line designated on the aforesaid map, marked Exhibit B, the use of that portion of the overflowed land situated at the western terminus of the said projected road, and bounded by the main land on the east, and on the north and south by two parallel lines, each two hundred and fifty feet distant from the centre line of said bridge, and extending from the main land to the western limits of the city, is hereby granted and released to said company for the term of fifty years, and for such further time as the corporate franchise of said company shall be extended; and the Mayor of the city is hereby authorized to make, execute, and deliver to said company a conveyance, on the conditions aforesaid, of the same; *provided*, that if, at any future time, the City of Oakland shall lay out and establish a public street within the limits of said tract, and parallel with and adjoining said bridge, or crossing the said road at any point not occupied by the buildings of said company, said company shall claim no damages therefor.

"Passed Nov. 14th, 1861.

"(Signed:)

E. GIBBONS,

"Pres't Council.

"Approved Nov. 20th, 1861.

"(Signed:)

J. P. M. DAVIS,

"Mayor of the City of Oakland."

Preamble

AND, WHEREAS, In pursuance of the aforesaid ordinance, the Mayor of the said City of Oakland did, on the twenty-fifth day of November, A. D. one thousand eight hundred and sixty-one, execute a deed, which said deed is in the words and figures following, to wit:

"WHEREAS, On the 14th day of November, A. D. 1861, the Common Council of the City of Oakland passed an ordinance entitled 'An Ordinance concerning the San Francisco and Oakland Railroad,' which was afterwards duly approved by the Mayor of said city, on the 20th day of November, A. D. 1861, which said ordinance is in the words and figures following, to wit:

" 'AN ORDINANCE CONCERNING THE SAN FRANCISCO AND OAKLAND RAILROAD.

" 'The Council of the City of Oakland do ordain as follows:

" 'SECTION 1. The right of way along Seventh street, from its easterly limits to or near its junction with Market street, and from thence in a straight line to the western boundary of the city, which line is represented on a map filed with the Clerk of the Council, and marked "San Francisco and Oakland Railroad

Company, Exhibit B," is hereby granted and released to the San Francisco and Oakland Railroad Company, for the purpose of laying a single or double railroad track, and the necessary side tracks, along said street and line, and running cars and carrying passengers and freight thereon. Said main track or tracks shall not be laid nearer than fifteen feet to the line of the sidewalk on either side, and shall be made to conform to the grade of the street, and to present a level surface with the street at each street crossing. Ordinance.

"Sec. 2. The said company shall have the privilege of erecting upon Seventh street, at or near its intersection with Broadway, a platform or depot, for the shelter of passengers and baggage, according to the dimensions and in a location designated upon a map filed with the Clerk of the Council, and marked "San Francisco and Oakland Railroad, Exhibit A."

"Sec. 3. For and in consideration of promoting the construction of said railroad, and the advantages accruing to the City of Oakland therefrom, and in consideration of one dollar, and upon the condition that the said San Francisco and Oakland Railroad Company shall, within three years from this date, complete said road and bridge upon the line designated on the aforesaid map, marked Exhibit B, the use of that portion of the overflowed land situated at the western terminus of the said projected road, and bounded by the main land on the east, and on the north and south by two parallel lines, each two hundred and fifty feet distant from the centre line of said bridge, and extending to the western limits of the city, is hereby granted and released to said company for the term of fifty years, and for such further time as the corporate franchise of said company shall be extended; and the Mayor of the city is hereby authorized to make, execute and deliver to said company a conveyance, on the conditions aforesaid, of the same; *provided*, that if, at any future time, the City of Oakland shall lay out and establish a public street within the limits of said tract, and parallel with and adjoining said bridge, or crossing the said road at any point not occupied by the buildings of said company, said company shall claim no damages therefor.

"Passed Nov. 14th, 1861.

"(Signed:)

E. GIBBONS,

"Pres't Council.

"Approved Nov. 20th, 1861.

"(Signed:)

J. P. M. DAVIS,

"Mayor of the City of Oakland."

"AND WHEREAS, By the said ordinance, the Mayor of said city is authorized to make, execute, and deliver to said railroad company a conveyance of the tract of land mentioned in said ordinance on the conditions therein set forth; now, therefore, by virtue of the authority vested in me by said ordinance, for and in behalf of said City of Oakland, in consideration of promoting the construction of said railroad, and the advantages to accrue to said City of Oakland therefrom, and in the further consideration of one dollar, and upon the conditions that said railroad company shall, within three years from this date, complete said railroad and bridge upon the line designated upon a Ordinance

Ordinance. certain map, copies of which are on file in the archives of said city, and in the office of County Recorder of Alameda County, marked 'San Francisco and Oakland Railroad Company, exhibit B,' I, J. P. M. Davis, the Mayor of said city, do grant and release to the San Francisco and Oakland Railroad Company the use of all that portion of the overflowed land situated at the western terminus of the said projected road, and bounded by the main land on the east, and on the north and south by two parallel lines, each two hundred and fifty-feet distant from the centre line of said bridge, and extending from the main land to the western limits of said city, as will more particularly appear by reference to said map marked B, as aforesaid. To have and to hold the above described premises unto the said San Francisco and Oakland Railroad Company, for the use of said railroad, for the term of fifty years from the date hereof, and for such further time as the corporate franchise of said company shall be extended, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any way appertaining. But if, at any time, the City of Oakland shall lay out and establish a public street within the limits of said tract, and parallel to and adjoining said bridge, or crossing said road at any point not occupied by the buildings of said company, said company shall claim no damages therefor.

"In witness whereof, I have hereunto set my hand and caused the corporate seal of said city to be affixed, this twenty-fifth day of November, A. D. eighteen hundred and sixty-one.

"(Signed.)

J. P. M. DAVIS, [SEAL.]

"Mayor of the City of Oakland."

{ SEAL OF THE  
CITY OF OAKLAND. }

Ordinance  
confirmed.

*Be it, therefore, enacted,* That the said ordinance, and deed executed in pursuance thereof, above named and recited, be and the same are hereby ratified and confirmed, and declared legal and valid, according to the terms and conditions therein named; *provided,* that the rates of toll on said wharf, if any shall ever be charged, shall be regulated from time to time, and be under the control of the Common Council of the City of Oakland; *provided,* that nothing herein contained shall prejudice or in any manner affect the rights, either legal or equitable, of any private person not a party to the deed hereinabove recited; *provided,* that the rights and franchises herein granted shall not continue for a longer period than fifty years.

CHAP. CCCCXXXIII.—*An Act to authorize the Oakland and San Antonio Steam Navigation Company to build and maintain a Wharf and Ferry Landing in the City and County of San Francisco.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Oakland and San Antonio Steam Navigation Franchise.  
Company are hereby authorized to construct and maintain a wharf and ferry landing, commencing at a point on the easterly line of East street, seventy feet from the southerly line of Market street; thence running southerly, along the easterly line of East street, sixty feet, extending into the Bay of San Francisco three hundred and sixty feet, at right angles to the line of East street, and to be not more than twenty feet wide at the extreme end extending into the bay, diminishing regularly in width on both sides from East street to the outer end of said wharf; and to drive a row of three or more piles, commencing at a point on the easterly line of East street, not to exceed forty feet southerly from the most southerly portion of said wharf, on the line of East street, extending out into the bay, at right angles to East street, two hundred and fifty feet; *provided*, that at the expiration of twelve years the franchise hereby granted shall terminate, and the structures and appurtenances belonging thereto shall revert to and vest in the State of California.

SEC. 2. The Oakland and San Antonio Steam Navigation Monthly rents.  
Company shall pay to the Treasurer of the City and County of San Francisco, as other wharf rents are paid, such monthly rent for the franchise hereby granted as the Board of Supervisors of the City and County of San Francisco shall from time to time determine, not to exceed the sum of one hundred dollars per month for the first five years from the time of commencing to use said wharf and landing place; *provided*, that Proviso.  
from and after the organization of any Board of Commissioners hereafter constituted by law, for the control and management of the water front and wharves of the City and County of San Francisco, the monthly rental provided for in this section shall be payable to the said Commissioners, in lieu of the Treasurer of said city and county.

SEC. 3. No tolls shall be exacted for the transit of freight of any kind, or for passengers, over said wharf, to and from the ferry boats of said company.

SEC. 4. Nothing in this Act shall be construed to authorize Conditions.  
any obstructions of the navigation of the Bay of San Francisco, or the use of the franchise hereby granted for any other purpose than those herein named.

SEC. 5. No rights granted by this Act shall interfere with any general wharf system, or city front improvement system, that may hereafter be adopted, but shall be in subordination to such general system and to the controlling power thereof.

SEC. 6. If, at any time, the Board of Supervisors of the City

City and  
county may  
purchase.

and County of San Francisco, or the government, or other Agents of any general wharf system, or city improvement system, shall desire to purchase said wharf, they shall have the power to do so by giving the owners of said wharf sixty days notice, and paying for said wharf, exclusive of the franchise, such sum as may be fixed by three Commissioners, one to be appointed by said Board, one by the owners of said wharf, and one to be chosen by the two Commissioners thus selected.

SEC. 7. The said wharf shall be commenced within six months and finished within one year from and after the passage of this Act, otherwise the franchise hereby granted shall be null and void.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXXIV.—*An Act to grant the right to construct a Wooden or Iron Railroad from the Slate Range Mountains, in the County of San Bernardino, to Kern River, in the County of Tulare.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Franchise.

SECTION 1. It shall be lawful for James Hitchens, J. S. Clapp, Peter Dean, Joseph W. Sumner, Harvey S. Brown, Enoch M. Hadden, O. W. Childs, William H. Clarke, Joseph Caldwell, F. D. Kohler, J. W. Freeman, their associates and assigns, to construct a single or double track wooden or iron railroad, and keep in repair and use the same, by running thereon cars propelled by steam or other motive power, for the convenient and profitable use thereof, and by such route as may be deemed most advantageous and convenient, between the Slate Range Mountains, in the County of San Bernardino, and Kern River, via Walker's Pass, in the County of Tulare; and they shall have the right to levy and collect passage and freight on said cars for the period of twenty-five years.

Rights of  
company.

SEC. 2. The said parties, and their assigns, shall have the right of way over and along the route of said road, and after the survey and location thereof, no other railroad shall be constructed within two miles on either side thereof, unless authorized by a special Act of the Legislature; and they shall have all the right to enter upon and occupy private lands necessary to the location of said road, and to take and use any timber, rock, earth, or other material necessary to the construction thereof, within fifteen miles on either side or end thereof; *provided*, that the use and occupation of any private lands along the route of said road shall be acquired as provided in the general law for the incorporation of railroad companies.

SEC. 3. Said parties shall have the right to construct said road parallel with and as near as practicable to any public or county road, or any incorporated wagon road, along the route thereof; *provided*, that said railroad, where it may run parallel

with or across any public or county road, shall be so constructed as not to obstruct travel thereon.

SEC. 4. Said parties shall have the right to the use of all springs of water on the line of the proposed road, and at the terminus thereof, on Kern River, shall be entitled to the privilege of the use of the water thereof for the working of machinery for mining purposes, within the space of two miles on either side thereof. Same.

SEC. 5. Said grantees, their associates and assigns, shall have the right to continue said road to such point in Tulare Valley as they may select, at any time within three years from the passage of this Act, and all the rights and privileges herein granted shall attach to such further addition of the aforesaid road.

SEC. 6. This Act shall take effect and be in force from and after its passage.

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CHAP. CCCCXXV.—*An Act concerning Estrays in certain counties in this State.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Any person finding an estray horse, mare, mule, jack, jenny, or any estray cattle, sheep, hogs, or goats, or any number of them, upon his farm, or other inclosed premises, may post notices containing a description of the place of the finding such estrays, with all visible marks and brands upon them, as follows: one notice upon the school-house door of the School District wherein the estrays are found, and upon the door of the nearest Post Office, and file another with the Recorder of the county where the estrays are found; and in case the mark or brand of the owner or owners of the estrays is recorded in the office where the notice is filed, then the Recorder shall, within three days after the filing of the notice, deposit a copy thereof in the Post Office, with the postage paid thereon, addressed to the owner or owners of the stock, or, if owned by a company, to the President or Managing Agent of such company, at his or their place of residence. The fee of the Recorder shall be twenty-five cents for filing the notice, and fifty cents for serving a copy thereof, as required by this section. Notice of taking up.  
Duty of Recorder.

SEC. 2. If the owner of the animals posted by virtue of this Act, fails to appear within twenty days thereafter, and prove his property, and pay damages to the taker up, as follows: for sheep, ten cents each, for hogs and goats, fifty cents each, and for all other stock, one dollar each, also, the fees of the Recorder, then the finder of such estray may give notice to some Constable of the county of the posting of such estray. Damages, etc

SEC. 3. The Constable notified shall immediately proceed to

**Sale of estrays.** sell such estray at public sale, in conformity with the law concerning sales on execution, except the notice of the sale of horses, mares, jacks, mules, and jennies, shall not be less than twenty days; *provided*, the owners of estrays may, at any time before sale, retake them by paying the aforesaid damages and such costs as may accrue to the officer.

**Fees.** SEC. 4. The Constable making such sale shall be entitled to the same fees as are provided by law for sales on execution.

**Surplus.** SEC. 5. The Constable making such sales shall pay the surplus in his hands, if any remain after payment of costs and damages as above prescribed, to the owner, if he demand the same within three months after sale, and if not, then he shall pay such surplus to the County Treasurer, and it shall become a part of the School Fund.

SEC. 6. No sale made by virtue of this Act shall be valid unless the provisions of section one, in regard to notices, be fully complied with.

SEC. 7. Stock mentioned in this Act, escaping from the lands of the owners or keepers into an adjoining farm or inclosure, shall not be considered estrays under the provisions of this Act.

SEC. 8. In case above ten estrays belonging to one man are posted at one time, then the damages for all above that number shall be one half of that specified in section two of this Act.

**Applicable to certain counties.**

SEC. 9. This Act shall apply only to the Counties of Napa, San Mateo, Klamath, Del Norte, Marin, Humboldt, Mendocino, Lake, Alameda, Calaveras, Sutter, Siskiyou, and Contra Costa. It shall also apply to the Counties of Yolo, Solano, Butte, and San Joaquin, except so much thereof as relates to hogs.

SEC. 10. All Acts and parts of Acts in conflict with the provisions of this Act, so far as they apply to counties therein named, are hereby repealed.

CHAP. CCCCXXVI.—An Act to amend an Act entitled an Act to regulate the Settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, and the Act of May twentieth, eighteen hundred and sixty-one, amendatory thereof.

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one hundred and eighty-six of said Act, as amended by the Act of May twentieth, eighteen hundred and sixty-one, is hereby amended so as to read as follows:

**Sales by Executors or Administrators.**

SEC. 186. When any sale is made by an Executor, or Administrator, pursuant to the provisions of this Chapter, of land subject to any mortgage, or other lien, which is a valid claim against the estate of the deceased, the purchase money shall be applied, after paying the necessary expenses of the sale, first to the payment and satisfaction of the mortgage or lien, and the residue in course of administration; such application of the purchase



money to the satisfaction of the mortgage or lien, shall be made without delay, and the land shall remain subject to such mortgage or lien until the purchase money shall have been actually so applied; *provided*, however, that when it shall be shown to be necessary, the Court may direct that sufficient of such purchase money may be retained to meet such portion of the family allowance and charges and expenses of administration as may properly be required from the holder of such claim; such reservation of a portion of the purchase money shall not prevent the discharge of the mortgage or lien; and no lien against any estate shall be affected by the Statute of Limitations, pending the proceedings for the settlement of such estate; and, *provided*, further, that said purchase money, or so much thereof as may be sufficient to pay such lien or liens, with interest, and any lawful costs and charges thereon, may be paid into the Probate Court, to be received by the Clerk thereof, whereupon the lien or liens upon the land shall cease, and the purchase money shall be paid over by the Clerk of the Court without delay, in payment of the expenses of the sale and in satisfaction of the debt or debts upon which such mortgage, or other lien or liens, was or were given, and the balance shall thereupon at once be returned to the Executor or Administrator, unless for good cause shown, after notice to the Executor or Administrator, the Court shall otherwise direct.

Satisfaction  
of liens, etc.

Proviso.

CHAP. CCCXXVII.—*An Act concerning Official Fees in the County of Tehama.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Such annual salaries are allowed as, in this section provided, to the officers in this section named, in the County of Tehama, for all services rendered in the discharge of the duties now or that may hereafter be imposed on them by law, and such salaries shall be in full for all services rendered by them, respectively, chargeable to said county, to wit: County Clerk, including all services, ex-officio and otherwise, as Clerk of the District Court, County Court, Probate Court, Board of Supervisors, Canvassers, and Equalization, Auditor, Recorder, and in all other capacities, one thousand five hundred dollars. Sheriff, including services, ex-officio and otherwise, as Jailor, and in all capacities, one thousand dollars. District Attorney, twelve hundred dollars, and also ten per cent, as now provided by law, on forfeited recognizances. This section shall not apply to civil suits, except so far as the county may be chargeable with any costs or expenses, nor to criminal actions wherein all costs and expenses have been actually collected from the plaintiff or defendant.

County  
Clerk.

Sheriff.

District  
Attorney.

SEC. 2. The provisions of an Act to regulate fees in office in certain counties in this State, passed April twenty-eighth,

eighteen hundred and fifty-seven, with subsequent amendments thereto, are hereby made applicable to Tehama County, except so far as is otherwise provided in this Act.

**Act repealed** SEC. 3. An Act supplementary to an Act to regulate fees of office, approved April tenth, eighteen hundred and fifty-five, approved April eighth, eighteen hundred and fifty-nine, is hereby repealed.

**Restrictions upon Board of Supervisors.** SEC. 4. The Board of Supervisors of Tehama County are hereby prohibited from allowing any demands or accounts not expressly authorized by law, or from allowing upon any demands or accounts a greater amount than expressly is authorized by law. For any violation of the provisions of this section, each member of said Board of Supervisors voting for such allowance, (or being present at the time of such allowance, and not recording his vote against such allowance,) shall forfeit double the sum so allowed, which may be recovered by any tax payer of the said county, by action in any Court of competent jurisdiction in the county, with costs. Of the sum so recovered, one half shall go to the county, the remainder to the person bringing the action.

**Charging illegal fees.** SEC. 5. If any officer shall demand, accept, or take, more or other compensation from said county than so provided for in this Act, he shall be deemed guilty of misdemeanor, and upon conviction thereof, shall be forthwith removed from office, and fined in any sum not exceeding one thousand dollars, or be imprisoned in the County Jail not more than three months, or by both such fine and imprisonment.

**Penalty.** SEC. 6. No allowance from said county shall be made to deputy officers or assistants under any name.

**County Clerk.** SEC. 7. The County Clerk of Tehama County, shall be ex-officio County Recorder and County Auditor, and all acts performed by the Clerk as such Recorder and Auditor, ex-officio and otherwise, during his present term, are hereby legalized and confirmed, and shall have the same effect as if performed by a duly elected County Recorder and County Auditor.

**Acts legalized.** SEC. 8. Section six of an Act to authorize the Board of Supervisors of Tehama County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved May twentieth, eighteen hundred and sixty-one, is hereby repealed.

SEC. 9. This Act shall take effect and be in force from and after the first day of March, eighteen hundred and sixty-four.

CHAP. CCCCXXVIII.—*An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section three hundred and ninety-one of said Act is hereby amended so as to read as follows :

Section 391. All persons, without exception, otherwise than Witnesses. as specified in this Chapter, may be witnesses in any action or proceeding. Facts which have heretofore caused the exclusion of testimony, may still be shown, for the purpose of affecting its credibility.

SEC. 2. Section three hundred and ninety-two of said Act is hereby amended so as to read as follows :

Section 392. No person shall be disqualified as a witness in any action or proceeding on account of his opinions on matters of religious belief, or by reason of his interest in the event of the action or proceeding as a party thereto, or otherwise; but the party or parties thereto, and the person in whose behalf such action or proceeding may be brought or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence, either *viva voce*, or by deposition, or upon a commission, in the same manner and subject to the same rules of examination as any other witness, on behalf of himself, or either or any of the parties to the action or proceeding.

SEC. 3. Section three hundred and ninety-three of said Act is hereby amended so as to read as follows :

Section 393. No person shall be allowed to testify under the provisions of section three hundred and ninety-two, where the adverse party, or the party for whose immediate benefit the action or proceeding is prosecuted or defended, is the representative of a deceased person, when the facts to be proved transpired before the death of such deceased person; and nothing contained in said section shall affect the laws in relation to the attestation of any instrument required to be attested; nor shall anything contained in said section render any person who, in a criminal proceeding, is charged with the commission of any public offence, competent or compellable to give evidence therein for or against himself.

SEC. 4. Section four hundred and seventeen of said Act is hereby amended so as to read as follows :

Section 417. No action to obtain a discovery under oath, in aid of the prosecution or defence of another action or proceeding, shall be allowed, nor shall any examination of a party be had on behalf of the adverse party, except in the manner provided by this and the foregoing Chapter. Action to obtain discovery, etc.

SEC. 5. Section four hundred and twenty of said Act is hereby amended so as to read as follows :

Section 420. If an adverse party refuse to attend and testify

Adverso  
party failing  
to testify.

at the trial, or to give his deposition before trial, or upon a commission, when required, his complaint or answer may be stricken out, and judgment be taken against him; and he may be also, in the discretion of the Court, proceeded against as in other cases for a contempt.

SEC. 6. Sections four hundred and eighteen, four hundred and twenty-one, four hundred and twenty-two, and four hundred and twenty-three, of said Act, and the Acts amondatory thereof, are hereby repealed.

CHAP. CCCXXIX.—*An Act to fix the Salaries of Judicial Officers, and provide for the Payment of the same.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Supremo  
Judges.

SECTION 1. The Supreme Judges of this State shall each receive an annual salary of six thousand dollars.

District  
Judges.

SEC. 2. The District Judges of this State shall each receive an annual salary of five thousand dollars, except the District Judges of the Fourth and Twelfth Judicial Districts, who shall each receive an annual salary of six thousand dollars.

County  
Judges.

SEC. 3. The County Judges of this State shall receive, respectively, the annual salaries in this section provided, payable as provided by law :

In the County of San Francisco, five thousand dollars.

In the County of Sacramento, three thousand five hundred dollars.

In the counties of El Dorado, Nevada, Placer, San Joaquin, Tuolumne, Butte, and Mariposa, three thousand dollars.

In the counties of Amador, Calaveras, Los Angeles, Sierra, Yuba, Trinity, and Tehama, twenty-four hundred dollars.

In the counties of Alameda, Solano, Sonoma, Sutter, Plumas, Shasta, and Siskiyou, twenty-one hundred dollars.

In the County of Mono, two thousand five hundred dollars.

In the County of Santa Clara, two thousand dollars.

In the Counties of Marin, Fresno, Napa, and Mendocino, eighteen hundred dollars.

In the County of Tulare, two thousand dollars.

In the Counties of Contra Costa and Yolo, fifteen hundred dollars.

In the Counties of Colusa, Monterey, Santa Barbara, Merced, and Stanislaus, twelve hundred dollars.

In the Counties of Del Norte, Humboldt, Klamath, Lake, Santa Cruz, San Diego, San Mateo, and San Luis Obispo, one thousand dollars.

Probate  
Judge.

The Probate Judge of the City and County of San Francisco shall receive a salary of five thousand dollars per annum, to be paid in the same manner as the salary of County Judges is paid.

SEC. 4. The salaries of the Supreme and District Judges shall be paid out of the State Treasury. The salaries of County Judges shall be paid out of the County Treasury of their respective counties. Salaries, how payable.

SEC. 5. The Controller of State shall audit, monthly, the salaries of the Justices of the Supreme Court, and District Judges, and draw his warrant on the Treasurer of State in favor of each for the proportionate amount of his salary, which shall be due and payable on the last day of each month in every year. Duty of Controller.

SEC. 6. The County Auditor of each county shall audit, monthly, the salary of the County Judge of his county, and draw his warrant on the County Treasurer in favor of such Judge for the proportionate amount of his salary, which shall be due and payable on the last day of each month in every year. County Auditor.

SEC. 7. This Act shall take effect on and after the first day of January, eighteen hundred and sixty-four, and all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CCCCXXX.—*An Act to amend an Act entitled an Act concerning the Office of Secretary of State, passed May fifteenth, eighteen hundred and fifty-four, and other Acts amendatory thereof.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section three of the above entitled Act is hereby amended so as to read as follows:

Section 3. The Secretary of State shall reside and keep his office at the seat of government, which office shall be open for the transaction of business every day in the year except Sunday, New Year's Day, Fourth of July, Christmas Day, Thanksgiving Day, and the days on which the General Election and Special Judicial Election are held, from the hour of ten o'clock in the forenoon, until the hour of four o'clock in the afternoon. He shall not leave the State without leave of absence from the Legislature, or by permission from the Governor of the State when the Legislature is not in session. Official days and office hours.

SEC. 2. Section fifteen of the above entitled Act is hereby amended so as to read as follows:

Section 15. During the month of December of each legislative year, it shall be the duty of the Secretary of State to advertise for proposals for the translation into the Spanish language of such laws as may be authorized by the Legislature, in accordance with the law in force on that subject; the proposals which may be received shall be opened on the first Monday in February of the same year in the presence of a joint committee of both Houses of the Legislature, who shall, within ten days thereafter, award the contract to the lowest competent bidder; but not more than one dollar per folio of one hundred words shall Duty as to translation of laws into Spanish.

be paid for translating, preparing the index, and correcting the proof sheets for the printer, all of which must be done by the translator within three months from the time when he shall have been furnished with the copy by the Secretary of State. The Spanish laws shall be distributed in the same manner as is provided for the distribution of the laws printed in English, to the Counties of San Diego, San Bernardino, Los Angeles, Santa Barbara, San Louis Obispo, Monterey, Santa Clara, Contra Costa, Alameda, Marin, and Sonoma, and one copy shall also be sent to each of the District Judges of the First, Third, and Seventh Districts. Before entering on his duties, the Translator shall take and subscribe an oath for the faithful and correct translation of the laws and joint resolutions as herein ordered, and give bond, with two good and sufficient sureties, in the sum of five thousand dollars penalty, to be approved by the Secretary of State, conditioned for the entire, correct, and complete translation and service to be done as herein provided; and his account for such services when certified by the Secretary of State, shall be audited by the Controller, and be paid by the Treasurer of State.

Distribution of laws.

State Translator, oath, etc.

CHAP. CCCCXXXI.—*An Act to amend an Act entitled an Act to define the Senatorial and Assembly Districts of this State, and to apportion the Representation thereof, approved May eighteenth, eighteen hundred and sixty-one.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section twenty-nine of the above entitled Act is hereby amended so as to read as follows :

Election of State Senators.

Section 29. At the next general election in this State there shall be elected, in the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, Eleventh, Fourteenth, Seventeenth, Eighteenth, Nineteenth, Twenty-Second, Twenty-Fifth, Twenty-Sixth, Twenty-Seventh, and Twenty-Eighth Districts, one Senator each; and in the Twelfth, Thirteenth, Fifteenth, Sixteenth, Twentieth, and Twenty-First Districts, two Senators each; also, in the Twenty-Third District, two Senators, one of whom shall be elected by the County of Yuba, and one by the Counties of Yuba and Sutter, jointly; and in the Twenty-Fourth District, two Senators, one of whom shall be elected by the County of Butte, and one by the Counties of Butte and Plumas, jointly; and in the Eighth District, five Senators, four of whom shall be elected in San Francisco County, and one by the Counties of San Francisco and San Mateo, jointly.

SEC. 2. Section thirty of the above entitled Act is hereby amended so as to read as follows :

Section 30. At the Legislature which convenes on the first Monday of December, in the year one thousand eight hundred and sixty-three, the Senate shall, in conformity with section

six, Article Four, of the Constitution, divide the Senators by lot, Allotment. as equally as may be, into two classes, which allotment shall be made as follows: The Senators from the nineteen districts wherein one Senator is elected in each, shall be allotted so that nine shall belong to the first class; the Senators from each of the eight districts wherein two Senators are elected, shall be so allotted that one from each shall belong to the first class; and the Senators from the Eighth District, wherein five Senators are elected, shall be so allotted that three shall belong to the first class. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one half of the whole number of Senators shall be elected every two years.

SEC. 3. Section thirty-one of the above entitled Act is hereby amended so as to read as follows:

Section 31. There shall be elected at the general election in Election. the year one thousand eight hundred and sixty-five, and every two years thereafter, a number of Senators corresponding with the number of Senators whose term of office shall expire on the first Monday of December following said election.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. CCCCXXXII.—*An Act conferring further powers on the Board of Levee Commissioners of the City of Sacramento.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The present Board of Levee Commissioners of Powers. the City of Sacramento, and their successors in office, shall, in addition to any other powers granted to them, also have power to dredge, or in any other manner deemed expedient to clear the channel of the American or Sacramento Rivers, or either or both of them, or to change the channel of either or both of said rivers in front of or along the City of Sacramento, either in whole or in part, as said Board may see proper; and said Board is hereby given the power to build any dam, boom, weir, wharf, jetty, or other matter or thing, either in the County of Yolo or in the County of Sacramento, or in part in each of said counties, as in the opinion of said Board may be necessary and proper to keep the channel of the Sacramento, in front of the City of Sacramento, free and open for the navigation of first class steamboats; and said Board may cut or dig any canal, ditch, slough, or outlet, in either of the aforesaid counties, and may use all other means and appliances whatever to accomplish such purpose and maintain said river in such condition.

SEC. 2. For the purpose of enabling the aforesaid Board to exercise the powers granted in the first section of this Act, it is hereby authorized to enter upon, take, and condemn, for public use, in the manner provided in the Act of April ninth, eighteen

hundred and sixty-two, entitled an Act concerning the construction and repair of levees in the County of Sacramento, and the mode of raising revenue therefor, so much of any private property, either real or personal, either in Sacramento or Yolo County, as may, in the judgment of said Board, be required for a perfect accomplishment and fulfilment of its powers under the first section of this Act; and said Board is hereby authorized to take and use any land belonging to the State which may be necessary to carry into full effect the provisions of this Act; and, *provided*, further, that all immediate and actual damages that may accrue against private property by the construction of said booms, wharfs, and jetties, shall be paid according to and in the manner provided in this Act.

Duties of Board.

SEC. 3. If the Board determine to exercise the powers granted by this Act, they shall make an estimate of the amount of money required for the purpose, and transmit said estimate to the Board of Trustees of the City of Sacramento, who shall thereupon levy a tax on all the taxable property in the City of Sacramento sufficient to raise said sum; *provided*, however, said tax shall not exceed twenty-five cents on each one hundred dollars of taxable property; and, *provided*, further, that said Board of Commissioners may appropriate to the purposes of this Act any other funds under their control.

Tax.

SEC. 4. The tax levied under the provisions of this Act shall be levied upon the assessment roll of the then current year, and be collected upon said roll in the same manner as other city taxes.

SEC. 5. This Act shall take effect immediately.

CHAP. CCCCXXXIII.—*An Act granting the Right of Way and to encourage the Construction of a Line of Telegraph from San Francisco to Unionville, in Nevada Territory.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Right of way granted.

SECTION 1. The right and privilege to construct and put in operation a line of telegraph from the City of San Francisco to the Town of Unionville, in Nevada Territory, by way of Napa City, Nevada City, Virginia City, Carson City, and Dayton, is hereby granted to John B. Watson and his assigns, with right of way over any lands belonging to this State, and on or along any streets, roads, or highways, and across any streams within this State; *provided*, they do not obstruct the same; and no person shall be allowed within this State to locate, or construct, or run any telegraph line, or any portion thereof, within half a mile of the line or route selected by the said Watson or his assigns, except that when within half a mile of any incorporated city, the proprietors of any similar line of telegraph may enter said city and depart therefrom, making their station therein



within twenty yards of the station of the said Watson or his assigns; *provided*, that said grantee, or his assigns, shall, within fifteen months from the time this Act takes effect, construct and put in operation a telegraph line from the City of San Francisco to the Town of Unionville, by way of the places aforesaid; *provided*, also, that this Act shall not prohibit the construction of local side lines, but other lines shall not be constructed nor offices established within this State so as to do business, directly or indirectly, between the places aforesaid; but side lines may establish offices in said places for the transmission of dispatches to and from the main line. This line shall be bound to do the business of side lines, and to transmit all dispatches, in the order in which they are received, under the penalty of one hundred dollars, to be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order; *provided*, Proviso. however, that an arrangement may be made with the proprietors or publishers of newspapers for the transmission of intelligence of general and public interest out of its order; and, *provided*, further, that preference may be given to Sheriffs, and other civil officers, for the transmission of intelligence for the detection and capture of criminals; and, *provided*, that the owners of this line shall, at all times, conform to the present law of the State concerning telegraph companies, so far as relates to the transmission of messages; *provided*, that nothing herein contained shall be so construed as in anywise to affect the lines of the California State Telegraph Company, or any other lines already established.

SEC. 2. From and after three years from the completion of Conditions. said telegraph line, the said Watson and his assigns shall pay to the Treasurer of State three per cent of the net proceeds of said line, which payment shall be made on the first Monday of May in each year.

SEC. 3. All messages on public business shall be sent by the State over said line to any of the places aforesaid free of charge.

SEC. 4. This Act is passed and the privileges herein named Reservations are granted upon the express condition that this Act may at any time be altered, amended, or repealed by the Legislature, and all the privileges herein granted absolutely abolished and annulled, without any reclamation for damages on the part of the said grantee or his assigns.

CHAP. CCCCXXXIV.—*An Act to grant the Right of Way for a Line of Telegraph from San Francisco to Crescent City.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The right to construct and put in operation a line Franchise. of telegraph from the City of San Francisco to Crescent City, by way of Petaluma, Santa Rosa, Healdsburg, Ukiah City, and Eureka, is hereby granted to John B. Watson and his assigns,

with right of way over any lands belonging to this State, and on or along any streets, roads, or highways, and across any streams; *provided*, they do not obstruct the same; and no person shall be allowed to locate, or construct, or run any telegraph line, or any portion thereof, within a half a mile of the line or route selected by the said Watson or his assigns; *provided*, that the said grantee or his assigns shall, within fifteen months from the time when this Act takes effect, construct and put in operation a line of telegraph from the City of San Francisco to Eureka, by way of Petaluma, Santa Rosa, Healdsburg, and Ukiah City, and shall, within ten months thereafter, extend said line from Eureka to Crescent City; *provided*, also, that this Act shall not prohibit the construction of local side lines; but no other line shall be constructed nor offices established so as to do business, directly or indirectly, between the places aforesaid; but side lines may establish offices in said places for the transmission of dispatches to and from the main line. This line shall be bound to do the business of side lines, and to transmit all dispatches in the order in which they are received, under the penalty of one hundred dollars, to be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order; *provided*, however that an arrangement may be made with the proprietors or publishers of newspapers for the transmission, for the purpose of publication, of intelligence of public and general interest out of its order; and, *provided*, further, that preference may be given to Sheriffs and other officers for the transmission of intelligence for the detection and capture of criminals; and the owners of this line shall at all times conform to the present law of the State concerning telegraph companies, so far as relates to the transmission of messages; *provided*, that nothing herein contained shall be so construed as in anywise to affect the lines of the California State Telegraph Company, or any other existing lines of telegraph.

SEC. 2. From and after three years from the completion of said telegraph line, the said grantee and his assigns shall pay to the Treasurer of State three per cent of the net proceeds of said line, which payment shall be made on the first Monday of May of each year.

Reservations SEC. 3. From and after seven years this Act may be altered, amended, or repealed, by the Legislature, and all the privileges herein named absolutely revoked and annulled.

SEC. 4. The State may send its messages over said line to any of said places on public business free of charge.

CHAP. CCCCXXXV.—*An Act to amend an Act to provide for the Collection of the Taxes on Personal Property in the City and County of San Francisco, approved May ninth, eighteen hundred and sixty-two.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section seven of said Act is hereby amended so as to read as follows :

Section 7. In seizing and selling property in accordance with section six of this Act, the Tax Collector shall be governed by his judgment as to the quantity necessary to satisfy the taxes due, and costs; and should the quantity taken by him prove more than necessary for the purpose named, the portion remaining unsold may be left at the place of sale, at the risk of and subject to the order of the person or persons delinquent, and all proceeds of sales, over and above the amount due for taxes and costs, shall be returned by the Tax Collector to the person or persons on whose account the sale was made; and in case said person or persons cannot be found, or shall decline to receive said balance, then the Tax Collector shall deposit the amount with the County Treasurer, subject to the order of said person or persons; and if the same be not demanded within six months from the date of deposit, then the Treasurer shall pay the same into the County Treasury. And in case no visible personal property can be found, or when the property of an incorporated company shall be assessed, and the owner or owners of such personal property or such incorporated companies do not pay said taxes on or before the first Monday of August of each year, it shall be the duty of the Tax Collector to commence an action against the owner or owners of such personal property, and such incorporated company or companies, in any Court in said city and county having jurisdiction, for the amount of taxes against said personal property, or against said incorporated companies; and if judgment shall be obtained against the defendants in said actions, ten per cent over and above the amount due shall be taxed and added to the costs against the defendants, for Attorney's fees, and all other costs of prosecution; said ten per cent to be paid into the Urgent Necessity Fund of said city and county; and it is hereby made the duty of the District Attorney of said city and county to prosecute said actions when required by the Tax Collector.

Sale of property for taxes.

Costs.

CHAP. CCCCXXXVI.—*An Act to revise an Act entitled an Act to regulate Fees in Office, approved April tenth, eighteen hundred and fifty-five, and to legalize the acts of certain Officers in the County of Calaveras for certain purposes.*

[Approved April 27, 1863.]

Preamble. WHEREAS, By the passage of an Act, approved April twenty-fifth, eighteen hundred and sixty-two, entitled an Act to repeal an Act entitled an Act to regulate the fees of certain officers in Calaveras County, approved May twentieth, eighteen hundred and sixty-one, without an express clause revising the Act repealed by said Act of eighteen hundred and sixty-one, and in conflict therewith, such officers have since been demanding and collecting fees under the Act named in the title hereof, under misapprehension of their authority so to do; Therefore,

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Fees  
legalized and  
confirmed.

SECTION 1. All bills and charges, collected and outstanding, for fees and official services rendered by the Clerk of the county, and of the District, County, and other Courts, and by all other officials of Calaveras County entitled to charge and collect fees for official services under and by virtue of and prescribed by the Act mentioned in the title hereof, from the twenty-fifth day of April, eighteen hundred and sixty-two, to the date of the approval of an Act entitled an Act to regulate fees of certain officers in the County of Calaveras, approved April thirteenth, eighteen hundred and sixty-three, are hereby legalized and confirmed, and each of said officers is hereby authorized and empowered to collect by process of law, or otherwise, any and all such fees, outstanding and unpaid, for official services rendered between the dates last above mentioned, as fully and completely as if the said Act of eighteen hundred and fifty-five were in force and effect at the time such charges and services were made and rendered; *provided*, all such charges are in accordance with and authorized by said law.

SEC. 2. This Act shall not be construed to affect or conflict in any manner with the Act entitled an Act to regulate fees of certain officers in the County of Calaveras, approved April thirteenth, eighteen hundred and sixty-three, and named in section one of this Act.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCCXXXVII.—*An Act to grant the right to construct a Bridge across the Albion River near its mouth.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. James Hall, and such persons as he may associate Franchise. with him, are hereby authorized to construct and maintain a public toll bridge across the Albion River, near its mouth, at or near the place now occupied by said James Hall as a ferry, in Mendocino County; and shall have and they are hereby granted the right of way across said river, with all the privileges, immunities, and franchises thereunto belonging, upon condition that he and his associates shall, within nine months from the passage of this Act, incorporate themselves under the laws of this State regulating corporations and providing for the incorporation of bridge companies, and adopt the name of the "Albion River Bridge Company," and fulfil the other conditions of this Act.

SEC. 2. Said company are granted the right of way across Conditions. said river for twenty-five years; *provided*, they commence the construction of said bridge within nine months and complete the same within two years from the passage of this Act, otherwise the right to build said bridge to cease; and said company shall at all times keep said bridge in passable order, and be responsible for all damage arising to any person or property crossing said bridge, for neglect or failure so to do.

SEC. 3. Said bridge shall be built in a substantial manner and of durable materials, and shall have a draw or opening of sufficient width to admit any vessel that may wish to pass the same, and said company shall at all times keep said draw or opening in a good working condition, and allow any vessel or boat to pass at any time they may wish. Said company shall be liable for any damages that may accrue by neglect or inattention to the duties as prescribed, to be recovered by an action in any Court of competent jurisdiction; and at the expiration of ten years from the completion of said bridge, the County of Mendocino shall have the right to purchase said bridge at a valuation, to be fixed by three Appraisers, one to be selected by said company, one by the Board of Supervisors of the county aforesaid, and one by the two Appraisers heretofore mentioned, after which purchase the right to collect tolls shall cease.

SEC. 4. Said company, from and after the completion of said bridge, shall be authorized to collect such tolls as the Board of Supervisors aforesaid may fix annually, and such rates of toll shall be posted in a conspicuous place at each end of said bridge; and they may by like notice limit the speed of travel on said bridge to a walk; and for each violation of said rules in relation to speed, may recover judgment in any Court of competent jurisdiction for any damage thereby occasioned.

CHAP. CCCCXXXVIII.—*An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section forty-two of said Act is hereby amended so as to read as follows:

Defendant  
may answer.

Section 42. The defendant may answer, which answer shall be verified:

*First*—That the taxes have been paid before suit.

*Second*—That the taxes, with costs, have been paid since suit, or that such property is exempt from taxation under the provisions of section four of this Act.

*Third*—Denying all claim, title, or interest in the property assessed, at the time of assessment.

*Fourth*—That the land is situate in and has been duly assessed in another county, and the taxes thereon paid.

*Fifth*—Fraud in the assessment, or fraud in failing or neglecting to comply with the provisions of this Act, by which fraud the party or property assessed has suffered injury; *provided*, however, that the acts herein required between the assessment and the commencement of suit, shall be deemed directory merely, and no other answer shall be permitted; and, *provided*, further, that in all suits now pending for the collection of taxes under the provisions of this Act, the defendant shall be allowed to interpose the defence allowed by the fourth subdivision of this section; and, *provided*, further, that if any such suit has proceeded to judgment, and such judgment remains wholly unsatisfied, the defendant shall be entitled to have such unsatisfied judgment re-opened for the purpose of setting up the defence allowed by the fourth subdivision of this section, and shall be entitled to avail himself of such defence as fully as he may by due course of pleading in suits hereafter to be commenced; and, *provided*, further, that in case a judgment shall be re-opened under the provisions of this section, and the defence allowed by the fourth subdivision thereof shall be unsuccessfully interposed, such re-opening shall not have the effect to change the date of such judgment; but the same, and the liens thereby created, shall stand as if the said judgment had not been re-opened.

SEC. 2. This Act shall take effect and be in force from and after the date of the passage thereof.

CHAP. CCCCXXXIX.—*An Act to authorize the County Auditor of Tulare County to issue Bonds to aid in the Construction of a Wagon Road.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The County Auditor of the County of Tulare is hereby authorized, upon the order of the Board of Supervisors thereof, to issue the bonds of said county for any amount not exceeding twenty-five thousand dollars: Said bonds shall be signed by the County Auditor, and countersigned by the County Treasurer of said county, shall be of the denomination of five hundred dollars each, shall bear interest at the rate of ten per cent per annum, and shall be made payable, as near as may be, in equal instalments, in three, five, and seven years from the date of their issue. Bond to be issued.

SEC. 2. Said bonds, when so issued, shall only be used by the Board of Supervisors as a loan to aid in the construction of a wagon road from Tulare Valley to or near the Forks of Kern River, over what is known as McFarlane's Pass, and for that purpose said Board of Supervisors may loan said bonds on such terms as they may deem most advisable. Loan.

SEC. 3. Said Board may order said bonds to be issued with coupons attached thereto, and the interest made payable thereon annually or semi-annually, in their discretion, at the office of the County Treasurer, or such other place as they may designate, which coupons shall be duly numbered, and express thereon the amount of interest due each year, when and where payable, and shall be signed by the County Auditor, and countersigned by the Treasurer, in the same manner as the bonds are required to be signed. Coupons.

SEC. 4. It shall be the duty of the Board of Supervisors to keep a record of the number, denomination, and amount, of all bonds issued, showing the date of issue, to whom issued, and the number of each bond.

SEC. 5. Before any of the bonds hereby authorized to be issued are delivered, the Board or Supervisors shall take from the party or parties who are to receive them, a good and sufficient bond of indemnity, conditioned that they will be appropriated to the uses and purposes of their issue, with such other conditions as may by them be deemed necessary to protect the interests of the county. Bond of indemnity.

SEC. 6. In addition to the taxes now authorized by law to be levied in the County of Tulare, the Board of Supervisors are hereby authorized to levy and have collected by the proper officers, such additional tax as they may deem necessary, to be called "The Road Bond Tax," to meet the requirements of this Act. The manner of levying and collecting said tax shall be the same as that provided by law for levying and collecting State and county taxes; *provided*, that for the present year, the same Tax authorized.

may be levied and assessed at a special meeting of the Board of Supervisors of said county, to be held for that purpose.

Bonds and  
coupons  
cancelled.

SEC. 7. Whenever the County Treasurer shall pay any coupons or bonds under the provisions of this Act, he shall cancel the same, and preserve the said cancelled coupons and bonds, and keep a record thereof, giving the number, date, and amount of each, and from whom received, and shall write across said coupons or bonds the words "cancelled by me," and sign his name thereto as Treasurer.

SEC. 8. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXL.—*An Act to grant the right to construct a Wagon Road in Tulare County.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Franchise.

SECTION 1. Peter Goodhue, John McFarlane, their associates and assigns, are hereby authorized to construct and keep in repair a good wagon road from Deer Creek, near the ranch of McGahey & Wingfield, to or near the Forks of Kern River, in Walker's Pass, in Tulare County, and have and enjoy all the rights, privileges, and immunities thereto appertaining, and shall have the right of way, and the right to collect tolls thereon, which are hereby granted to them, their associates and assigns, for the term of twenty years, and the State enters into these covenants, and makes these grants, and guarantees these rights and privileges, upon express condition that they and their associates shall incorporate themselves under the general law for the incorporation of wagon road companies, and upon the further condition that within one year from the passage of this Act the said grantees, their associates and assigns, shall commence and within two years complete said wagon road.

Conditions

SEC. 2. The said grantees, their associates and assigns, shall have the right to enter upon and occupy private lands necessary to the location of said road, and to take and use any timber, rock, earth, or other material necessary to the construction thereof, as provided by the Act of May twelfth, eighteen hundred fifty-three, authorizing the formation of corporations for the construction of plank or turnpike roads.

SEC. 3. Said grantees shall have the right to construct said road within five miles on either side of the pack trail now in process of completion by them from Linns Valley to the Forks of Kern River, and no other toll road shall be constructed within said limits during the continuance of this franchise unless public convenience require it.

SEC. 4. The said road shall be constructed of sufficient width to admit of the passage of the largest sized teams, and shall be at all seasons in condition for travel by the heaviest freight, lumber, or other heavily laden wagons.



SEC. 5. The said grantees, their associates and assigns, upon the completion of said road, shall report to the Board of Supervisors of Tulare County, at a regular meeting, or at a special meeting to be called for that purpose, the number and location of gates erected thereon, and the amount of money expended in the location and construction of said road, verified by the oath of their Secretary or Treasurer, and thereupon said Board of Supervisors shall, from time to time, establish the rates of toll to be collected upon said road, and they may establish different rates of toll for different portions of the year, *provided*, such rates shall not be so reduced as to produce an income of less than fifteen per cent per annum upon the cost of constructing said road, over and above the expenses of collection and keeping said road in repair; and the said Board of Supervisors shall have power to examine the books and papers of said company, and take testimony, as in civil actions, for the purpose of ascertaining the cost of constructing and keeping said road in repair.

Board of Supervisors to regulate tolls.

SEC. 6. At any time after the expiration of five years from the completion of said road, the owners thereof shall sell, transfer, and convey the same to the County of Tulare, upon the payment to them by said county the original cost of location and construction thereof.

County may purchase.

SEC. 7. Said grantees, their associates and assigns, shall have the right to continue said road to Owen's Lake at any time within three years from the passage of this Act, and all the rights and privileges herein granted shall attach to such further addition of the aforesaid road; *provided*, the Board of Supervisors of Tulare County shall have the right to direct the location of said addition, and no such addition shall be constructed without the consent of said Board of Supervisors.

Franchise extended.

SEC. 8. This Act shall take effect from and after its passage.

CHAP. CCCCXLI.—*An Act to authorize Nathan H. Stinson, his associates, and his and their assigns, to build a Wharf at the foot of Solano Street, in the City and County of San Francisco.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Nathan H. Stinson, and such persons as he may associate with himself, and his and their assigns, are hereby authorized to construct a wharf at the foot of Solano Street, in the City and County of San Francisco, and thence outwardly, in a direct line with said street, into the Bay of San Francisco to a point where the water is ten feet deep at low tide; *provided*, that said wharf shall be commenced within one year and completed within three years from and after the passage of this Act.

Franchise.

**State's right released.** SEC. 2. All the right of the State of California to the overflowed lands, for a distance of one hundred and forty feet on each side of said wharf, is hereby released to said Nathan H. Stinson, his associates, and his and their assigns, for a period of twelve years from and after the passage of this Act for the purposes of said wharf; said space of one hundred and forty feet shall be used exclusively as open slips or docks for the accommodation of shipping.

**Tolls.** SEC. 3. The said Nathan H. Stinson, his associates, and his or their assigns, shall have the exclusive right to collect tolls and wharfage on said wharf for the period of twelve years from and after the passage of this Act, the rates thereof to be regulated by the State Harbor Commissioners.

SEC. 4. Said wharf shall be so constructed as not to obstruct the navigation of the Bay of San Francisco.

**Title to revert to State.** SEC. 5. At the expiration of twelve years after the passage of this Act, the title to said wharf shall revert to the State of California, and at any time after the completion of said wharf, the State Harbor Commissioners may purchase the same for said State Harbor Commissioners, by paying the value of said wharf, the value to be ascertained by three Commissioners, one of whom shall be appointed by said State Harbor Commissioners, and one by the owners of said wharf, and one by the two thus appointed.

**Ten per cent to State.** SEC. 6. Ten per cent of the gross receipts of said wharf, after the same shall have been completed two years, shall be paid to the State Harbor Commissioners.

**Manner of payment.** SEC. 7. For the purpose of ascertaining the amount due the State Harbor Commissioners, the said Commissioners shall have free access to the books of said wharf company, and between the first and tenth of each and every month from the time the owners of said wharf shall become liable to pay the ten per cent aforesaid, they shall pay in to the State Harbor Commissioners the amount of said per centage remaining due, the correctness of the amount to be verified by the oath of the person having the charge of the books and accounts of said company.

SEC. 8. The foot of Solano street, as mentioned in this Act, shall be understood and construed to mean the point where said street intersects the high water line.

SEC. 9. Nothing in this Act shall be so construed as to interfere with any system of general water front improvement that may be made to include said wharf; that no wharf shall be constructed under and by virtue of the provisions of this Act that shall in any way or manner whatever obstruct or interfere with the full and free enjoyment of any franchise heretofore granted by the Legislature of this State, nor within four hundred feet of any such franchise heretofore granted as aforesaid.

CHAP. CCCCXLII.—*An Act supplementary to an Act entitled an Act to provide for the Government of the Common Schools in the City of Sacramento, approved April twenty-sixth, eighteen hundred and sixty-two.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Education shall, after the year eighteen hundred and sixty-three, annually, on or before the first day of February, make and report to the Board of Trustees a statement in detail of the receipts and expenditures for school purposes in the city during the year then last past, and shall at the same time make and furnish a detailed statement of the probable amount of money that will be required during the current year, and the purposes for which it is required, and also an estimate of the amount that will be received by the city from the State and county for school purposes.

Duty of Board of Education.

SEC. 2. Upon receiving the estimate of moneys needed, as provided in section one, the Board of Trustees shall, at the time of levying other city taxes, levy a direct special school tax, which, after making proper allowances for delinquencies, will produce a sum that (taken with the estimated amount to be received from the State and county) will make the amount required by the Board of Education; *provided*, however, that in no case shall such special school tax exceed twenty-five cents on the one hundred dollars; *provided*, further, that so much of any Act as provides that any portion of the general city revenues shall be paid into a School Fund is hereby repealed, said repeal to take effect the day the first levy of the special school tax is made under the provisions of this section, and thereafter the per centage of city revenues that the law theretofore provided should go to the School Fund, shall be paid, one half into the General Fund, and the remainder into the Salary Redemption Fund; *provided*, that no taxes shall be levied or collected under the provisions of sections one and two of this Act, unless a majority of the qualified electors of the City of Sacramento, voting at the general election to be held in the year eighteen hundred and sixty-three, shall vote in favor of levying said taxes.

School tax to be levied.

SEC. 3. On the day that is or may be provided by law for the election of the City Board of Trustees, in the year eighteen hundred and sixty-three, the electors shall vote "School Tax of ten cents on the one hundred dollars—Yes," or "School Tax of ten cents on the one hundred dollars—No;" and if a majority of those voting on the question vote "Yes," then the Board of Trustees shall, at the time of making their levy of other taxes for the year eighteen hundred and sixty-three, levy a special school tax of ten cents on the one hundred dollars, which tax shall be collected and paid into the Treasury for the School Fund; but if a majority of those voting on the proposition vote "No," then no further proceedings shall be had under this section.

Conditions.

Rate bills.

SEC. 4. The Board of Education of the City of Sacramento may, in its discretion, levy rate bills in said city in the same manner as Boards of Trustees are authorized to levy rate bills, and it may graduate such rate bills in accordance with the grade of the school the pupil is attending; *provided*, such rate bill shall not exceed fifty cents per month for any pupil attending a Primary School; one dollar per month for any pupil attending an Intermediate School; one dollar and fifty cents per month for any pupil attending a Grammar School; nor two dollars and fifty cents per month for any pupil attending the High School; and every rate bill determined upon by said Board shall be levied and collected in the manner prescribed by law for the levy and collection of rate bills ordered by Board of Trustees. The Board of Education is hereby authorized to elect its School Marshal annually, at such time as it deems proper.

SEC. 5. This Act shall take effect immediately, and all Acts and parts of Acts conflicting with its provisions are hereby repealed.

CHAP. CCCCXIII.—*An Act to provide for the Division of Yolo County into Assessment Districts, for the election of District Assessors, and to define their Duties, Liabilities, and Compensation.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Assessment Districts.

SECTION 1. It shall be the duty of the Board of Supervisors of Yolo County, at their next regular meeting after the passage of this Act, to divide the county into four districts, to be known as Assessment Districts Number One, Two, Three, and Four, and by order entered on their minutes, define the boundaries thereof.

Election of Assessors.

SEC. 2. At the next general election for county officers, there shall be elected, in the County of Yolo, an Assessor for each of the districts defined by the Board of Supervisors, in compliance with the provisions of section one of this Act, who shall be a qualified elector of the district in which he shall be a candidate, and shall only be voted for and elected by the electors of such district. The election for said District Assessors, the returns, canvass, and other particulars relating thereto, shall conform to the requirements of law concerning other county or township officers, and be subject to the same rules. The District Assessors shall take possession of their offices and occupy them for the same term as is now provided by law for the County Assessor.

Bond.

SEC. 3. Before entering upon the duties of their respective offices, the District Assessors aforesaid shall each execute a bond in favor of The People of the State of California, in the penal sum of two thousand dollars, to be approved by the County Judge of said county, conditioned for the faithful performance

of all the duties which now are or hereafter may be required of them by law.

SEC. 4. Each District Assessor shall enter upon, perform, make returns of, and complete the assessment of the real, personal, and mixed property, within his district, in the same manner, within the same time, and subject to the same rules, as is now required by law concerning the County Assessor. Duties of Assessors.

SEC. 5. In addition to the duties heretofore required to be performed by the County Assessor, it shall be the duty of the said District Assessors to collect and account for the State poll tax of all persons within their respective districts who are required by law to pay the same, and shall be subject to the same rules, be possessed of the same power, receive the same compensation, settle in the same manner, and at the same times, and be liable to the same penalties for neglect or malfeasance, as is now provided by law concerning the Sheriff of Yolo County as Collector of said poll tax. The Assessor shall have, and it is hereby made his duty to examine, under oath or affirmation, any employer or his Agent, touching the name or names, residence, or property, of any person or persons in the employ or service of said employer or Agent, who is liable to pay poll tax.

SEC. 6. It shall be the duty of the Board of Supervisors, when they meet in each year as a Board of Equalization, to have administered to each District Assessor, (by their Clerk, or some other person authorized to administer oaths,) an oath or affirmation that he has used due diligence in the performance of all the duties required of him by law; that he has not omitted or neglected to assess any property owned or held within his district; that the valuations on his roll represent the true cash value of all property returned (or if there be exceptions, specifying the same); that the time for which he has charged was actually and necessarily employed in the discharge of his official duties; and that he has used due diligence, and made every effort which he lawfully might, to collect the poll tax of each person liable to pay the same in his district; the Board may also scrutinize the acts of said officers, ask any other and further questions as they may deem pertinent, and hear and examine any charges of dereliction or neglect which may be preferred by a citizen or property holder of either of said districts against either of said officers, and after such examination, and satisfying themselves of the time necessarily and properly employed, shall allow each of said officers compensation for each day so employed, at a rate not exceeding seven dollars per day; *provided*, that the aggregate sum so allowed to all of said Assessors shall not exceed the sum of fourteen hundred dollars, exclusive of the fees allowed by law for the collection of poll tax. Duty of Board of Supervisors

CHAP. CCCCXLIV.—*An Act amendatory of an Act supplemental to an Act concerning Public Ferries and Toll Bridges, passed April twenty-eighth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplemental thereto, approved April fourteenth, eighteen hundred and sixty-two.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Supervisors  
to have  
power to  
license toll  
bridges and  
ferries.

Section 1. The Board of Supervisors of each county in this State shall have power to grant a license to construct a toll bridge across any stream, not navigable, in their county, and for using and maintaining such bridge for a period not exceeding twenty years, or to grant a license to keep, use, and maintain a public ferry across any river or stream, for a period not exceeding ten years; and said Board shall have power to prescribe the rates of toll, and change the same from year to year, as in their discretion may seem proper; but previous to the first day of January, eighteen hundred and seventy-three, they shall not fix said rates so low as to make the net income less than twenty per cent per annum upon a fair valuation of such bridge or ferry and franchise; and thereafter, not less than ten per cent per annum upon such valuation, which shall be made at the time in each year when the tolls are fixed. Said Board shall have the power to authorize and maintain fords across any stream so bridged, as near to any such toll bridge as in the discretion of said Board the public convenience may require. All the provisions of the Act to which this Act is supplemental, except that which limits to one year the time for which a license may be granted for a toll bridge, shall apply to grants made under this Act. Said valuation, in case of a disagreement as to the amount of the same, shall be determined by three Commissioners, one of whom shall be chosen by said Board of Supervisors, one by the owners of said bridge, and the third to be selected by the two thus chosen. At any time after the expiration of five years from and after the granting of any such license or franchise, the person or persons to whom the same shall have been granted shall be required to sell, transfer, and convey said bridge, together with the appurtenances thereto belonging, to the county from whose Supervisors said license or franchise may have been obtained, upon a demand being made to that effect by said Board of Supervisors, and upon the payment or tender to said person or persons of the appraised value thereof, with ten per cent added, exclusive of the value of the franchise. On the purchase of the said bridge, it, together with the franchise, shall vest in said county. Said appraisement shall be made by five Commissioners, to be chosen in the following manner: The Board of Supervisors of said county shall appoint two Commissioners, and notify the grantees or their assigns of such appointment, who, within ten days after the receipt of such notice, shall appoint two Commissioners, and notify said Board

thereof; the four Commissioners so appointed shall select a fifth; but in case of their inability to agree upon such fifth Commissioner within ten days, he shall be appointed by the County Judge of said county. In case of the failure of the grantees or their assigns to appoint Commissioners on their part, as above provided, or in case of their refusal to act, the County Judge shall have the power of appointing them. Said Commissioners shall make their appraisal and present their report within thirty days after the completion of the commission, and file the same in the office of the Board of Supervisors. A majority of said Commissioners shall constitute a quorum, and the award of the majority shall be final and binding upon said grantees, if the said report be approved by said Board of Supervisors; and upon such approval, the amount of the award shall be paid by the Treasurer of the county to the grantees or their assigns, within sixty days after the filing of said award. And the said Board of Supervisors shall have the further power to prescribe rules and regulations governing the amount of weight or number of animals that may be drove or driven on any such bridge at any one time; and any person refusing to comply with said rules and regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine, not less than ten nor more than five hundred dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXLV.—*An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section thirty-nine of said Act is amended so as to read as follows:

Section 39. The District Attorneys of the several counties of this State are hereby authorized and directed, immediately after the expiration of the time specified in section thirty-eight of this Act, to commence actions in the name of 'The People of the State of California against the person so delinquent, and against the real estate and improvements assessed so delinquent, or against the owner, owners, or claimants thereof, whether known or unknown. Such action may be commenced in the county where such assessment is made, before any Court of competent jurisdiction in said county; and such jurisdiction shall be determined solely by the amount of delinquent tax sued for, without regard to the location of the land as to the township, or the residence of the person as to town, township, county, or State.

Delinquent  
taxes, and  
how col-  
lected.

SEC. 2. Section forty of said Act is amended so as to read as follows:

Complaint. Section 40. For the purpose of the collecting or enforcement of any tax levied or assessed against any real estate, or any improvement on real estate, in making up the complaint therefor it shall not be necessary to follow the description of the property as made in the assessment roll, and the description in the complaint shall be deemed sufficient if it can be ascertained therefrom what land and improvements, or either, is intended. The complaint in all actions against the person and against the real estate and improvements assessed, so delinquent, may be as follows:

STATE OF CALIFORNIA, }  
County of ———. }

The People of the State of California vs. A. B., and the real estate and improvements in ——— (describing them.)

Title of Court.

The People of the State of California, by X. Y., District Attorney of the County of ———, complain of A. B., and also the following real estate and improvements, (description of property,) and for cause of action say: That between the first Monday in March and the first Monday of ———, A. D. 18—, in the County of ———, in the State of California, O. P., then and there being County Assessor of said county, (or O. P., then and there being Township Assessor in and for said county, as the case may be,) did duly assess and set down upon an assessment roll all the property, real and personal, in said county, (or in said township, as the case may be,) subject to taxation; and that said assessment roll was afterwards submitted to the Board of Equalization of said county, and was by said Board duly equalized, as provided by law; that said A. B. was then and there owner of, and that there was duly assessed to him, the above described real estate, improvements upon real estate, and certain personal property; and that upon such property there has been duly levied, for the fiscal year A. D. 18—, a State tax of ——— dollars, and a county tax of ——— dollars, amounting in the whole to ——— dollars, all of which is due and unpaid, of which amount ——— dollars was duly assessed and levied against the real estate, and ——— dollars against the improvements aforesaid; wherefore said plaintiffs pray ——— judgment against said A. B. for the sum of ——— dollars, (the whole of said tax,) and separate judgment against said real estate and improvements for the sum of ——— dollars, (the tax thereon,) and for such other judgment as to justice belongs, and for all costs subsequent to the assessment of said taxes, and of this action.

X. Y., District Attorney, County of ———.

*Provided*, that if the property be assessed to an unknown owner, then any fictitious name may be inserted to represent such owner as defendant.

SEC. 3. This Act shall take effect and be in force from and after its passage.



CHAP. CCCCXLVI.—*An Act to amend an Act entitled an Act to prohibit Gaming, approved March seventh, eighteen hundred and sixty.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section one of an Act entitled an Act to prohibit gaming, approved March seventh, eighteen hundred and sixty, is hereby amended so as to read as follows :

Section 1. Each and every person who shall deal, play, or carry on, open, or cause to be opened, or who shall conduct, either as owner or employé, whether for hire or not, any game of faro, monte, roulette, lansquenet, rouge et noir, rondo, or any banking game played with cards, dice, or any other device, whether the same be played for money, checks, credit, or any other representative of value, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than one hundred dollars, and not more than one thousand dollars, and shall be imprisoned in the County Jail until such fine, together with the costs of prosecution, to be taxed against the defendant, shall be paid; *provided*, such imprisonment shall not exceed one year. All notes, bills, bonds, mortgages, or other securities or conveyances, the consideration for which shall be for money, or things of value, won by playing at any of said games, shall be void and of no effect as between the parties to the same, and as to all persons, except as to holders in good faith who received them without notice of the illegality of such contract or conveyance. Any person losing money, or anything of value, at or on any of said games, shall have a cause of action to recover from the dealer or player winning the same, or proprietor for whose benefit such game was played or dealt, or such money won, the amount of the money or the value of the thing so lost, as so much money had and received by such player, dealer, or proprietor for whose benefit said money was won, to the use of the person losing the same; *provided*, suit is commenced for such recovery within six months after such loss; and such cause of action shall accrue to any creditor, surety, assignee, or legal representative of such loser. It shall be the special duty of each and every Sheriff, Chief of Police, and other Police Officer, Constable, and District Attorney, to inform against and diligently prosecute any and all persons whom they shall have reasonable cause to believe are offenders against this Act; and for refusal or wilful neglect so to do upon reasonable information, he shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine not less than fifty dollars, nor more than five hundred dollars; and in case any Police Officer, who holds his office by the appointment of any Board of Commissioners or Supervisors, or by any similar appointment, is found to be guilty of such neglect or refusal, the Court before which he is tried and convicted shall declare his office vacant, and he shall not be permitted to again act as such Police Officer for the term of one year after such conviction.

Penalty.

Duty of officers.

CHAP. CCCXLVII.—An Act to confer further Powers upon the Board of Supervisors of the City and County of San Francisco.

[Approved April 27, 1863.]

*The People of the State of California, represented in the Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County of San Francisco shall have power, by regulation or order :

License.

*First*—To license and regulate all such callings, trades, and employments, as the public good may require to be licensed and regulated, and as are not prohibited by law. And all licenses granted in pursuance of the provisions of this Act, or the powers therein delegated, shall be signed by the Auditor of said city and county.

Auditor to sign licenses.

*Second*—To authorize the Auditor of said city and county to deliver, from time to time, to either the Treasurer or to the License Collector, as many of such licenses as may be required, and to sign the same, and charge them to the officer receiving them, specifying in the charge the business and amounts named in the licenses and class of licenses.

Power of Collector.

*Third*—To regulate and compel the payment to the County Treasurer, of all moneys received by any License Collector or Deputy License Collector. And to fix the amount of the bonds to be required from such License Collector or Deputy.

Board to appoint Collector and Deputies.

*Fourth*—To appoint, instead of the present License Collectors, one person as Collector of Licenses, whose salary shall not exceed one hundred and seventy-five dollars per month, and two persons as Deputy Collectors of Licenses, whose salaries shall not exceed one hundred and twenty-five dollars per month each, the amount of each such salary to be fixed by the said Board of Supervisors; which said Collector of Licenses and Deputy Collectors of Licenses shall have and exercise the same powers as Police Officers in serving processes or summonses and in making arrests; also, shall have and exercise the power to administer such oaths and affirmations as shall be necessary in the discharge and execution of their official duties. The said Board of Supervisors shall have power to make all needful rules and by-laws regulating the official conduct or duty of said persons who shall be appointed Collector of Licenses and Deputy Collectors of Licenses, and alter or amend the same from time to time, in such manner as they may deem proper.

Acts repealed.

SEC. 2. Subdivision ninth of section one of an Act entitled an Act to confer further powers upon the Board of Supervisors and Auditor and Treasurer of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned, approved the twenty-third day of April, eighteen hundred and fifty-eight, and all Acts or parts of Acts conflicting with this Act, are hereby repealed.

SEC. 3. Subdivision fourteenth of section seventy-four of an Act entitled an Act amendatory of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved

the nineteenth day of April, eighteen hundred and fifty-six, and of an Act amendatory and supplementary thereof, approved the eighteenth day of April, eighteen hundred and fifty-seven, and of an Act amendatory thereof, approved the twenty-eighth day of March, eighteen hundred and fifty-nine, and supplementary to said Acts, is hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXLVIII.—*An Act to amend an Act entitled an Act concerning Roads and Highways in the County of Mendocino, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section six of said Act entitled an Act concerning roads and highways in the County of Mendocino, approved May seventeenth, eighteen hundred and sixty-one, is hereby amended so as to read as follows, to wit:

Section 6. All able bodied men between the ages of twenty-one and fifty years, in said county, are hereby made liable to work the roads in their respective districts, not less than one nor more than two days, at the option of the Board of Supervisors, or may commute by paying to the Overseer one dollar and a half for each day liable to work the road. The Overseer shall have the right to demand of any employer of working men in his district a complete and correct list of the names of the men employed by him, and any such employer refusing or neglecting to give such list, when demanded of him by the Overseer, shall be liable to pay a fine of not less than ten nor more than fifty dollars, to be recovered by action before a Justice of the Peace, in the name of the Overseer. Before proceeding to work the road, the Overseer shall notify the road hands, verbally or in writing, three days or more before the day fixed for working the road. In his notice he shall distinctly state the proper time and place for the road hands to assemble, and may also state the kind of work to be done, and shall require them to bring the tools or implements to be used in working the road. If, on the day appointed to work the road, any person having been notified by the Overseer, or by some person for him, shall fail to appear at a reasonable hour in the morning, or appearing, shall fail or refuse to work in a diligent manner, such person shall forfeit and pay the sum of three dollars for every day so failing or refusing to work; such sum to be recovered by action before a Justice of the Peace, in the name of the Overseer. And in suits to recover such amounts, or to recover any fine or forfeit under this Act, the Overseer shall be a competent witness. A reasonable excuse may exempt any road hand from the liability to pay for failing to appear, or work

Who to labor on roads.

Employés.

Penalty.

when appearing, but such person shall be required to work the full time herein prescribed.

CHAP. CCCCXLIX.—*An Act to authorize Caleb S. Hobbs, and others, to build a Wharf on the New Potrero, in the City and County of San Francisco.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Franchise.

SECTION 1. Caleb S. Hobbs, and "The Pacific Glass Works," and their assigns, are hereby authorized to build and maintain a wharf in the City and County of San Francisco, at the foot of Tennessee street, and near the northeastern extremity of the Potrero Nuevo, and to extend the same into the Bay of San Francisco as far as may be necessary, but not exceeding the distance that will give ten feet of water at the termination of said wharf at low tide; *provided*, that said wharf shall be commenced within six months and completed within eighteen months from and after the passage of this Act; and, *provided*, further, that said wharf shall not be wider than said Tennessee street.

State's right  
relinquished

SEC. 2. All the right of the State of California to the overflowed lands for a distance of one hundred and forty feet on each side of said wharf is hereby released for the purposes of said wharf to said Caleb S. Hobbs, and the Pacific Glass Works, and their assigns, for the period of twelve years from and after the passage of this Act; *provided*, that the space on each side for said distance of an hundred and forty feet shall remain free from obstruction, and be used as public slips for the accommodation and benefit of the general commerce of the city and State; and, *provided*, further, that nothing herein contained shall interfere with any rights, possessory or otherwise, to the said lands lying within one hundred and forty feet on either side of said wharf.

Proviso.

Conditions.

SEC. 3. The said Caleb S. Hobbs, and the Pacific Glass Works, and their successors and assigns, shall, as provided in section one of this Act, construct a wharf of sufficient dimensions to accommodate the commerce and trade of the neighborhood, and shall, from time to time, as the business may require, enlarge the same, and keep the same in good repair. They may collect only such wharfage and toll as may be directed by the Board of Supervisors of said city and county.

SEC. 4. Nothing in this Act shall be construed to authorize any obstruction of the navigation of the Bay of San Francisco, or of Mission Creek, or the use of the franchise hereby granted for any other purposes than those herein named.

Rights to  
revert to  
State.

SEC. 5. From and after the expiration of the twelve years herein named, said rights herein mentioned are granted to and shall vest and remain in the State of California.

SEC. 6. No rights granted by this Act shall interfere with any general wharf system, or city front improvement system, that may hereafter be established in pursuance of law.

SEC. 7. If, at any time, the Board of Supervisors of the City and County of San Francisco, or the government of said city and county, or the authorized Agents for the control of any general wharf system, or city front improvement system, shall desire to purchase said wharf, they shall have power to do so by giving the owners of said wharf sixty days previous notice, and paying for said wharf such sum as may be fixed by three Commissioners, one to be appointed by such Board, one by the owner of said wharf, and one chosen by the two Commissioners thus selected, with ten per cent to be added to the value thus fixed.

State may purchase wharf.

SEC. 8. This Act shall take effect immediately from and after its passage, and any failure to fulfil its requirements shall subject the grantees herein to forfeiture of the franchise, and of all rights and privileges acquired under and by virtue of this Act.

CHAP. CCCCL.—*An Act concerning Teachers of Common Schools in this State.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. No certificate of qualification shall be granted by the State Board of Examination, or by any County Board of Examination, to any Teacher, or person proposing to become such, unless such Teacher or person shall have first taken and subscribed the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be,) that I will faithfully support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, that I will bear true faith, allegiance, and loyalty to the said Constitution and Government, and that I will, to the extent of my ability, teach those under my charge to love, reverence, and uphold the same, any law or ordinance of any State Convention or Legislature, or any rule or obligation of any society or association, or any decree or order from any source whatsoever, to the contrary notwithstanding; and further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever; and I do further swear (or affirm, as the case may be,) that I will support the Constitution of the State of California."

Oath

SEC. 2. The oath or affirmation proscribed in the first section of this Act, may be administered by the State Superintendent of Public Instruction, or by the County Superintendent of Public Schools of the county where the Teacher or person taking the oath or affirmation proposes to teach, or by any officer authorized to administer oaths, and the certificate thereof shall be filed in the office of the Recorder of said county; and no warrant for the compensation of any Teacher shall be drawn on or paid from the School Fund in the Treasury of any county, unless the certificate of the oath or affirmation of such Teacher has

Who to administer oath.

been filed with the Recorder of such county, as required by this Act.

SEC. 3. Any officer whose duty it is to draw warrants for the salary of Teachers, or any Treasurer whose duty it is to pay such warrants, who shall either draw or pay any warrants for the salary of any Teacher, before the oath provided for in section one of this Act is filed with the Recorder, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the County Jail for a period of not less than thirty days nor more than sixty days.

SEC. 4. This Act shall take effect from and after its passage.

CHAP. CCCCLI.—*An Act making Appropriations for Deficiencies in the Appropriations made for the Fourteenth Fiscal Year, ending on the thirtieth day of June, eighteen hundred and sixty-three.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriations.

SECTION 1. The following sums of money are hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the objects herein named, to wit:

For postage and expressage in Controller of State's office, ten hundred dollars.

For Salary of Clerk for War Board, one hundred dollars.

For salary of Clerks in Adjutant-General's office, eighteen hundred dollars.

For inspecting troops, arms, and expressage on official documents, three hundred and fifty dollars.

For salary of Porter in the office of Adjutant-General, one hundred and forty-four dollars.

For cleaning and cartage of arms in office of Adjutant-General, three hundred and fifty dollars.

For transportation of arms to and from companies, by Adjutant-General, six hundred and thirty-six dollars.

For postage in the office of the Adjutant-General, three hundred dollars.

For carpet, pigeon-holes, and desk, in the office of Adjutant-General, one hundred and sixty-two dollars.

For postage in Adjutant-General's office during the thirteenth fiscal year, twenty-four dollars.

For gas, coal, furniture, labor, etc., furnished the State and State officers by the Secretary of State, nine hundred and ninety-eight dollars.

For rent of State Library rooms, two hundred dollars.

For contingent expenses of State Library, one hundred dollars.

For stamps, stationery, repairs, box rent, express envelops, etc., for Supreme Court, two hundred and eight dollars.

For postage and expressage in Superintendent of Public In-  
struction's office, two hundred dollars. Appro-  
priations.

For postage and contingent expenses in State Treasurer's  
office, two hundred dollars.

For posting and cancelling coupons in State Treasurer's office,  
three hundred dollars.

For sundries furnished Supreme Court rooms, by Kelly, Mott  
& Co., from October thirteenth, eighteen hundred and sixty-one,  
to January eighteenth, eighteen hundred and sixty-two, eighty-  
seven dollars.

For State printing in office of State Printer, ten thousand  
dollars.

For the State Reform School, two thousand dollars.

For transportation of prisoners to the State Prison, twenty-  
five thousand dollars.

For salary of Expert to the Board of Examiners, six hundred  
dollars.

For postage and expressage in Surveyor-General's office, two  
hundred and fifty dollars.

For seal for Surveyor-General, thirty dollars.

For copying United States Township Maps for County Sur-  
veyors and State Locating Agents, two hundred and fifty dollars.

For postage and expressage in State Land Office, three hun-  
dred dollars.

For Porter in Surveyor-General's office, one hundred and fifty  
dollars.

For Porter in State Land Office, one hundred and fifty dollars.

For incidental expenses of Supreme Court, two hundred and  
eight dollars.

For the purchase of the twenty-first volume of the Supreme  
Court Reports, two thousand dollars; *provided*, three hundred  
copies be furnished the State before the first day of July, A. D.  
eighteen hundred and sixty-three.

For printing, paper, repairing of dies, and Stamp Clerks, for  
carrying out the provisions of the Stamp Law, three thousand  
dollars.

For salary of Messrs. Daly, Marsh, Witbeck, Kimball, Cum-  
mings, and Smith, for one month and ten days, each, at one hun-  
dred and fifty dollars per month, twelve hundred dollars.

For stationery, lights, fuel, etc., for the use of the State, to be  
distributed by the Secretary of State, two thousand dollars.

The sum of twenty-seven thousand two hundred and thirty  
dollars and seventy-eight cents, to provide for the deficiency in  
expenditures of the State Insane Asylum.

The sum of one thousand eight hundred and ninety-one dollars  
and ninety cents, for interest money paid by Trustees of the Deaf,  
Dumb, and Blind Institution on money hired to meet the current  
expenses for said Institution for the year eighteen hundred and  
sixty-two.

Sec. 2. This Act to take effect from and after its passage.

CHAP. CCCCLIII.—*An Act to authorize the Board of Supervisors of the City and County of San Francisco to grant the right to lay down Gas Pipes in the Streets of said City and County, subject to certain restrictions and requirements.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Board may  
grant  
franchise.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized to grant the right to lay down gas pipes in and through the streets of the City and County of San Francisco, and through said pipes to supply gas for the use of said city and county and the inhabitants thereof, for the term of fifty years, subject to the provisions of this Act.

Conditions.

SEC. 2. In consideration of the rights thus granted by said Board to any grantees, said grantees, their associates or assigns, within ten months shall commence and prosecute the work in good faith, and within two years from the date of the grant thus made shall have erected the necessary buildings and apparatus for the manufacture of at least fifty thousand cubic feet of gas in each twenty-four hours, and shall have laid down at least two miles of main gas pipe through the public streets of the City and County of San Francisco, and supply gas through the same; within four years from the date of the grant thus made, the said grantees, and their associates and assigns, shall have laid down three additional miles of street main pipes, and shall at all times thereafter during the continuance of the franchise privileges thus granted, supply gas through the same for the use of the City and County of San Francisco and their inhabitants; *provided*, that said grantees shall not charge more than five dollars for each one thousand cubic feet of gas.

SEC. 3. Said streets or ways in which said pipes may be laid shall be placed in the same good order and condition as they were at the time of being disturbed, at the cost of said grantees, associates, or assigns, subject to the approval of the Superintendent of Streets and Highways, and to his satisfaction.

SEC. 4. If, under the privileges granted by authority of this Act, any injury shall be done to any water pipes, gas pipes, sewers, or drains, belonging to other parties, the amount of said injury, including losses of water or gas, shall be assessed by the Superintendent of Public Streets and Highways, and paid by the parties causing such injury, their associates and assigns; and the assessment of said Superintendent of Streets and Highways shall be final and conclusive as to the amount of damages to be paid.

SEC. 5. Under the provisions of this Act, such grantees, and their associates and assigns, shall not erect any work or apparatus for the manufacture of gas within the district bounded on the North by Francisco street, on the west by Larkin and Ninth streets, and on the south by Brannan street; *provided*, that nothing in this Act shall authorize the grantees herein named, or their associates or assigns, to build or maintain any works or erections which shall be a nuisance.



SEC. 6. For the faithful performance of the terms of any <sup>Bond</sup> such grant, on the part of the grantees, their associates and <sup>required.</sup> assigns, they shall execute within twenty days from the date of such grant, a bond to The Treasurer of the City and County of San Francisco, in the sum of thirty thousand dollars, with two or more sureties, to be approved by the County Judge of said City and County, and shall file the same in the office of said Treasurer, and upon the forfeiture of said bonds it shall be the duty of the Attorney of said city and county to bring an action for the amount thereof, and upon recovery, to have the amount of said bond, with costs of suit, paid into the Treasury of said city and county; and in case said bond shall not be executed, approved, and filed, as provided in this Act, or in case of the non-performance of any of the terms and conditions of this Act, or of any grant made under this Act, by such grantees, and their associates or assigns, required to be performed, their franchises thus granted shall utterly cease and determine; *provided*, <sup>Further</sup> that no franchise or privilege shall be claimed or held under <sup>conditions.</sup> any grant made by authority of this Act unless entirely new buildings and furnaces for the manufacture of gas shall be erected, and new main gas pipes for the conveyance of the gas shall be laid down, wholly unconnected with any gas building now standing, or gas pipes which are now or may be hereafter laid down by any other gas company, and unless said building and main pipes be kept and maintained entirely unconnected with any gas building heretofore erected or main gas pipes laid down heretofore, or which may be hereafter erected or laid down by any other gas company; and, *provided*, that any violation or infringement of the provisions of this proviso shall work a forfeiture of all rights, franchises, and immunities, herein granted, and such franchises, rights, and immunities, shall, ipso facto, cease and determine, all the said property and rights shall vest in the city, and it shall be and is hereby made the duty of the City and County of San Francisco to commence and prosecute proceedings for the enforcement thereof.

CHAP. CCCCLIII.—*An Act to amend an Act entitled an Act for the erection of a Building for a State Reform School, and for the regulation of the same, approved April eighteenth, eighteen hundred and sixty.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eighteen of said Act is hereby amended so as to read as follows:

Section 18. After the proclamation shall have been made, as provided in section seventeen of this Act, when any boy or youth, between the age of eight and sixteen years, shall be convicted of any offence known to the laws of this State, and pun- <sup>Youth may be sentenced to Reform School.</sup>

ishable by imprisonment, other than such as may be punishable by imprisonment for life, the Court, (or Justice, as the case may be,) before whom such conviction shall be had, may at their discretion, sentence such boy or youth to the State Reform School, or to such punishment as is now provided by law for the same offence; and if the sentence shall be to the Reform School, then it shall be in the alternative to the State Reform School, or to such punishment as would have been awarded if this Act had not passed. And the Sheriff or other peace officer, in the execution of an order from any Court having competent jurisdiction, shall be allowed by the Supervisors of the County in which the order is made, a sum sufficient to cover the actual necessary expenses incurred, and three dollars per day for all time necessarily consumed in the execution of said order.

SEC. 2. This Act to take effect from and after its passage.

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CHAP. CCCCLIV.—*An Act to amend Section Eighty-Two of an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eighty-two of said Act is amended so as to read as follows:

Peddler's  
license.

Section 82. Every travelling merchant, hawker, or peddler, who shall carry a pack and vend wares, goods, or merchandise, of any kind, shall pay, for each license, five dollars per month; and every such travelling merchant, hawker, or peddler, who shall use a wagon, boat, or other water craft, or one or more animals, for the purpose of vending any wares or merchandise of any kind, or wines, fermented liquors, or spirituous liquors, shall pay for each license, fifteen dollars per month; *provided*, that nothing in this section shall be so construed as to apply to the agricultural productions of this State. The Auditor shall issue to the Tax Collector the licenses contemplated in this section, which licenses so issued shall authorize the holders of the same to vend goods, wares, and merchandise, as set forth, in the county where such licenses are obtained. And it is hereby made the duty of every Justice of the Peace, Constable, Sheriff, Tax Collector, and peace officer, to demand the license of any such peddler, or hawker; and if such person be found not to have a license, as directed by law, the person so offering any goods or wares for sale shall be guilty of misdemeanor, and on conviction, shall be fined in any sum of not less than fifty nor more than one hundred dollars. The moneys collected under the provisions of this section shall be paid into the County Treasury for county purposes.

CHAP. CCCCLV.—*An Act amendatory of and supplemental to an Act to organize Townships, and regulate their power and duties, and submit the same to a Vote of the People, approved May fifteenth, eighteen hundred and sixty-two, and other Acts amendatory thereof.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. When an election is ordered to be held in the various townships of those counties in which said law shall be in force, the Justices of the Peace shall appoint for each election precinct in their respective townships, from the qualified electors of such township, one Inspector and two Judges, who shall constitute a Board of Judges of Election. In case said Board be not appointed for any precinct by the Justices of the Peace, as specified in this section, the electors present on the morning of the day of election, may appoint a Board of Judges for such precinct; *provided*, that after the first election held under said Act the Board of Trustees shall appoint the Judges of Election.

Inspectors  
and Judges  
of elections.

SEC. 2. As soon as the polls are closed the Judges shall count the ballots and make out the certificates in the same manner as is provided by the general election laws of this State, and shall transmit the same to the Justices of the Peace of the proper township, who shall, within six days after the election, meet as a Board, and issue certificates of election to the person having the highest number of votes for any designated office; *provided*, that after the first election the returns shall be made to and the certificates of election issued by the Board of Trustees.

Election  
returns.

SEC. 3. This Act shall take effect immediately.

CHAP. CCCCLVI.—*An Act to authorize the construction and maintenance of a Wharf in Contra Costa County.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The association known as the California Copper Smelting Works, their successors or assigns, are hereby authorized to construct and maintain a wharf in Contra Costa County, at a point where the land of the said California Copper Smelting Works fronts on the San Joaquin River, east of the town of Antioch, and west of the point known as the Fuller Point.

Franchise.

SEC. 2. The said California Copper Smelting Works, and associates and assigns, are hereby authorized to use for the purposes aforesaid a strip of land, not exceeding four hundred feet, along the river front, extending into the river far enough, without obstructing the navigation of the same, to accommodate

Conditions.

the draft of such vessels as the commerce of the district may require.

**Conditions.** SEC. 3. The construction of the wharf hereby authorized shall be commenced within six months after the passage of this Act, and the term of privilege shall be for twenty-five years; the rates of wharfage and dockage being subject to regulation, from time to time, by the Board of Supervisors of the County of Contra Costa.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAPTER CCCCLVII.—*An Act granting the right to construct and maintain a Bridge across the Cosumnes River, in the County of Sacramento.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

**Franchise.** SECTION 1. The right to construct, maintain, have, and enjoy a public toll bridge across the Cosumnes River, in the County of Sacramento, at or near Michigau Bar, is hereby granted for twenty-five years, to James Atkin, and such associates and assigns as may be connected with or hold under him; *provided*, however, that nothing in this Act shall in anywise release the said parties from paying to the County of Sacramento a license for maintaining said bridge and collecting tolls thereon.

**Tolls.** SEC. 2. The parties holding the franchise granted under this Act, may collect such tolls as the Supervisors of the County of Sacramento may or shall annually fix and determine; *provided*, however, the rate of tolls fixed shall not be so low as to prevent the owners of the franchise receiving eighteen per cent per annum on the money actually invested; and, *provided*, further, that no ferry or toll bridge shall be licensed within one mile of the bridge mentioned in this franchise.

**County may purchase bridge.** SEC. 3. The County of Sacramento may, at any time after the expiration of ten years, take possession of the bridge and franchise herein mentioned, upon payment to the owners thereof of such sum as an arbitration, consisting of one person appointed by the Supervisors, one person appointed by the owners of the franchise, and one other person appointed by such two appointed, may determine the bridge to be worth; *provided*, that in case the first two Arbitrators cannot agree upon the third, the County Judge shall appoint the third; and, *provided*, further, that the action of a majority of the Arbitrators shall be final.

SEC. 4. This Act shall take effect immediately.

CHAP. CCCCLVIII.—*An Act to enable Jesus Maria Soto and Mariano Soto to sell and convey or make partition of their Real Estate, and removing their disability from nonage.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Jesus Maria Soto and Mariano Soto, minors, respectively of the ages of twenty years and of eighteen years, children of Barbara Castro de Soto and her now deceased husband, Francisco Soto, are hereby severally authorized and empowered to make partition of any real estate belonging to them, or in which they may be interested as joint tenants, or tenants in common with other person or persons, and to sell and convey such real estate, and to execute, acknowledge, and deliver their respective deed or deeds therefor, with the same force and effect, in all respects, as if they had arrived at the full age of majority, their disability from nonage being hereby removed; but no deed of partition or conveyance of any such interest or estate so executed by them, or either of them, shall be effectual to convey the estate of said minors, or either of them, until the same shall have been submitted to and approved by their mother, the said Barbara Castro de Soto, and the District Judge of the Judicial District, or the Probate Judge of the county, in which the lands so partitioned or conveyed are situated.

SEC. 2. The approval of their mother, the said Barbara Castro de Soto, shall be in writing, and subscribed and acknowledged by her, and the approval of said District Judge, or of said Probate Judge, shall be in writing, and subscribed by him; and it shall be the duty of the County Recorder of the county in which the lands so partitioned or conveyed are situated, in recording said deed or deeds, also to record as parcel thereof the said approval of said Barbara Castro de Soto, and the said approval of said District Judge, or of said Probate Judge, and such record shall impart notice to all persons in the premises as fully as is or may be prescribed by law in any other case.

CHAP. CCCCLIX.—*An Act to amend an Act entitled an Act conferring certain powers upon Guardians of Insane Persons, passed March twenty-seventh, eighteen hundred and fifty-eight.*

[Approved April 27, 1863.]

*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 conferring certain powers upon Guardians of insane persons, passed March twenty-seventh, eighteen hundred and fifty-eight, is hereby amended so as to read as follows :

Guardian  
may sell  
property  
in certain  
cases.

Section 1. Whenever any minor or insane person shall have any claim for lands derived from Spanish or Mexican authorities, and such claim shall have been rejected by the Commissioners to ascertain and settle private land claims in the State of California, the Guardian of such minor or insane person, appointed or to be appointed by the Probate Court or Judge, shall have power to employ Counsel on behalf of such minor or insane person, and on such terms as he may deem to the best interest of his ward, to prosecute such claim on appeal before the District Court, or the Supreme Court of the United States; and for that purpose he may sell and convey such portion of the land so claimed as may be necessary therefor, and to meet any necessary expenses that may be incurred in the prosecution of such claim. The deed of conveyance by the Guardian shall be approved by the County Judge of the county in which the land is situated, by his approval, in writing, indorsed thereon, and shall be effectual to pass the estate of the said minor or insane person in and to the land so conveyed; *provided*, that any contract so made with Counsel for the prosecution of any such appeal shall be first approved by the Judge of the County Court of the county in which the land lies, upon petition duly presented for that purpose by the Guardian; and, *provided*, further, no sale of land for the purpose aforesaid shall take place without a similar approval by the County Judge aforesaid, upon a like petition of the Guardian.

CHAP. CCCCLIX.—*An Act to amend an Act entitled an Act to provide for the formation of Corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section sixteen of said Act is hereby amended so as to read as follows:

Stockholders  
shall be  
credited for  
money paid  
for company

Section 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. In any such action, whether joint or several, it shall be competent for the defendant or defendants, or any or either of them, on the trial of the same, to offer evidence of the payment by him, or them, or any or either of them, of any debts or liabilities of such corporations, and upon proof of such payment, the same shall be taken into account and credited to the party or parties making such payment, and judgment shall not be rendered against the party or parties defendant proving such payment for a sum exceeding the amount of his or their proportion of the debts and liabilities of such incorporations, after deducting therefrom the sums prov-

on to have been paid by him, them, or any or either of them, on account thereof.

SEC. 2. This Act shall take effect and be in force from and after its passage.

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CHAP. CCCCLXI.—*An Act to repeal an Act amendatory of and supplemental to an Act entitled an Act to establish a Standard of Weights and Measures, approved May eleventh, eighteen hundred and sixty-one.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. An Act amendatory of and supplemental to an Act entitled an Act to establish a standard of weights and measures, approved May eleventh, eighteen hundred and sixty-one, is hereby repealed. Act repealed

SEC. 2. This Act shall take effect and be in force from and after its passage.

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CHAP. CCCCLXII.—*An Act for the Relief of James Osborn, County Treasurer of Klamath County.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The sum of forty-eight dollars and thirty-four cents is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to be paid to James Osborn, Treasurer of Klamath County, said amount being the sum unavoidably lost in assaying and coining the State's portion of taxes collected in Klamath County, and for settlement made on the fifteenth day of May, one thousand eight hundred and sixty-two; and the Controller of State is hereby authorized and directed to issue his warrant on the State Treasurer for the above sum to James Osborn, or to his assigns. Appropriation.

CHAP. CCCCLXIII.—*An Act to amend an Act entitled an Act to provide for the Appointment of a Reporter of the Supreme Court, and to define his duties and compensation, approved April nineteenth, one thousand eight hundred and fifty-six.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two is hereby amended so as to read as follows:

Term of  
office.

SECTION 2. The Reporter shall hold his office for the space of four years from the date of his appointment, and until his successor is appointed and qualified.

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CHAP. CCCCLXIV.—*An Act to change the name of Charles G. Scott.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for the person heretofore bearing the name of Charles G. Scott, to change the said name to George C. Bryson.

SEC. 2. This Act shall take effect from and after its passage.

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CHAP. CCCCLXV.—*An Act for the Relief of Matthew Crooks.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Controller  
to issue  
warrant.

SECTION 1. That the Controller of State be and is hereby authorized and directed to issue to Matthew Crooks a State warrant for the sum of seventy-five dollars and sixty cents; provided, that a good and sufficient bond shall be first executed on the part of said Matthew Crooks, in the penalty of one hundred and fifty dollars, to be approved by the Controller, conditioned to indemnify the State from the payment of a State warrant dated October twenty-first, eighteen hundred and sixty-one, Number Four Hundred and Eighty-Eight, for the sum of seventy-five (\$75 60) dollars, alleged to have been lost by said Crooks; and, provided, further, that the said Matthew Crooks

Proviso.



shall furnish satisfactory evidence to the Controller, by affidavit or otherwise, of the loss of such amount.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXVI.—*An Act concerning the Police Judge's Court of the City and County of San Francisco.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Police Judge's Court of the City and County of San Francisco is hereby declared not to be a Court of Record. Not a Court of Record.

SEC. 2. All Acts and parts of Acts in conflict with this Act are repealed so far as they conflict herewith.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXVII.—*An Act to provide for the punishment of Persons cutting Timber upon or carrying the same, when cut down, from any of the Swamp and Overflowed, Tide, or Marsh, or School Lands, belonging to this State.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Any person or persons who shall cut down any timber growing or standing upon any Swamp and Overflowed, Tide, or Marsh, or School Lands, belonging to or claimed by this State, or who shall destroy or carry away any timber, when cut down, for the purpose of selling or in any other manner disposing of the same for money or any valuable thing, shall, upon conviction in a Court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, nor less than fifty dollars, or imprisonment in the County Jail not less than twenty-five nor more than one hundred days, or both such fine and imprisonment, at the discretion of the Court; *provided*, however, that nothing in this Act shall be so construed as to prevent any person or persons from removing and selling any wood which they may have cut or caused to be cut previous to the passage of this Act on any lands belonging to or claimed by this State. Penalties. Proviso.

SEC. 2. All fines collected under the provisions of this Act shall be paid into the County Treasury of the county where the lands are situated, and placed to the credit of the School Fund, if the lands upon which the trespass was committed were School Lands, otherwise to the credit of the Swamp Land Fund.

CHAP. CCCCLXVIII.—*An Act supplemental to and explanatory of an Act entitled an Act to establish the Lines and Grades of Streets in the City and County of San Francisco, approved April thirtieth, eighteen hundred and sixty-two.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The words "the owners or the lawfully authorized Agents of more than one half of the property," as used in the Act to which this Act is supplemental, shall be deemed and held to mean the owners or the lawfully authorized Agents of more than one half in value of the property, according to the assessment roll then last completed.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCLXIX.—*An Act to fix the time of holding the Court of Sessions in the County of Napa for the year A. D. eighteen hundred and sixty-three.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Terms.

SECTION 1. The terms of the Court of Sessions in and for the County of Napa for the year one thousand eight hundred and sixty-three, shall be held at the county seat of said county on the third Monday of May, and on the first Monday of September and December, and the terms shall continue until all the business of the Court is disposed of.

SEC. 2. All Acts or parts of Acts contrary to or inconsistent with the provisions of this Act, so far as they relate to the Court of Sessions of the County of Napa, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXX.—*An Act concerning the Fees of Jurors in Alameda County.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Fees,

SECTION 1. For each day to be paid, in civil cases, to be paid by the party in whose favor verdict is rendered, before the same shall be entered, but the same may be recovered as cost from the

party losing the case, in the Court of Justices of the Peace, two dollars; in the County or District Court, three dollars; *provided*, that in the District Court, County Court, and Court of Sessions, the Clerk shall keep an account of all moneys received for trials by each juror during the term, and if the amount so received by such juror shall not amount to three dollars per day, he shall deliver to such juror a certificate of the time for which he is still entitled to receive pay, which shall be paid out of the County Treasury, as other County dues. If, in any trial in a civil case, before any Court, the jury be, from any cause, discharged without finding a verdict, the fees of the jury shall be paid by the plaintiff, but may be recovered back as cost if he afterwards obtain judgment; until they are paid, no further proceedings shall be allowed in the action. No person shall receive fees for serving on a Coroner's jury.

SEC. 2. This Act to take effect and be in force from and after its passage.

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CHAP. CCCCLXXI.—*An Act fixing the Mileage of the several County Treasurers of this State.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The County Treasurers of the respective counties <sup>Mileage.</sup> of this State shall be allowed twenty cents per mile for traveling to and from the seat of government to make their quarterly or semi-annual settlements with the Controller and Treasurer of State; *provided*, that in the Counties of Los Angeles, San Diego, Santa Barbara, San Bernardino, Klamath, Del Norte, and Humboldt, the mileage shall not exceed the sum of one hundred and fifty dollars at any one settlement; and, *provided*, further, that in no other county in this State shall the mileage exceed the sum of one hundred dollars at any one settlement.

SEC. 2. An Act entitled an Act concerning the duties of County Treasurers, approved April twenty-ninth, eighteen hundred and sixty-two, and all other Acts or parts of Acts, so far as the same may conflict with the provisions of this Act, are hereby repealed.

CHAP. CCCCLXXII.—*An Act to fix the Compensation of the Tax Collector of the County of El Dorado, and his Deputies, in certain cases.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Per diem.

SECTION 1. The Board of Supervisors of the County of El Dorado are hereby authorized and directed to allow the Tax Collector of said county, and his Deputies, a per diem; not exceeding the sum of ten dollars nor less than the sum of seven dollars, for each and every day in which he and they are engaged in collecting taxes on personal property whilst accompanying the Assessor of said county, or his Deputies, as required by law, and said per diem shall be in full compensation for the services of said Collector and his Deputies while engaged in the collection of said taxes.

SEC. 2. This Act shall be in force and take effect from and after its passage.

CHAP. CCCCLXXIII.—*An Act to organize the Fire Department of the Town of Santa Rosa.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Privileges extended.

SECTION 1. Santa Rosa Engine Company Number One, of the Town of Santa Rosa, and County of Sonoma, is hereby allowed and entitled to the same privileges as firemen in other portions of the State, under the provisions of an Act to exempt firemen from militia service and jury duty, approved March twenty-fifth, eighteen hundred and fifty-three.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCLXXIV.—*An Act to repeal Section Eleven of an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May ninth, eighteen hundred and sixty-one.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Section repealed.

SECTION 1. Section eleven of an Act entitled an Act to provide revenue for the support of the government of this State,

approved May ninth, eighteen hundred and sixty-one, is hereby repealed.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCLXXV.—*An Act for the repeal of Section Three of an Act for the Protection and Government of Indians, passed May twenty-second, one thousand eight hundred and fifty, and Section One of an Act amendatory thereof, passed April eighteenth, one thousand eight hundred and sixty.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section three of an Act entitled an Act for the protection and government of Indians, passed May twenty-second, A. D. one thousand eight hundred and fifty, and section one of an Act amendatory thereof, passed April eighteenth, A. D. one thousand eight hundred and sixty, are hereby repealed. Sections repealed.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCCCLXXVI.—*An Act to repeal an Act to provide for the appointment of a Measurer of Wood in and for the City and County of San Francisco, approved April twenty-eighth, eighteen hundred and sixty-two.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Act entitled an Act to provide for the appointment of a Measurer of Wood in and for the City and County of San Francisco, approved April twenty-eighth, eighteen hundred sixty-two, is hereby repealed. Act repealed

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCLXXVII.—*An Act extending the time for J. R. Vineyard, and his assigns, to construct a Toll Bridge across the Yuba River, at or near Parks' Bar, in Yuba County.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Time extended.

SECTION 1. That the time for the commencement and completion of the toll bridge mentioned in an Act granting to J. R. Vineyard, and his assigns, the right to construct and maintain a toll bridge across the Yuba River, near Parks' Bar, in Yuba County, approved April ninth, eighteen hundred and sixty-two, is hereby extended for the term of one year from and after the passage of this Act, on condition that the said J. R. Vineyard, and his assigns, shall pay the same licenses as other toll bridges do in said Yuba County.

SEC. 2. This Act shall be in force from and after its passage.

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CHAP. CCCCLXXVIII.—*An Act to appropriate money to pay Contingent Expenses of the Legislature at its Fourteenth Session.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Appropriation.

SECTION 1. The sum of five thousand dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, two thousand dollars of which is for contingent expenses of the Senate, and three thousand dollars for contingent expenses of the Assembly, at the fourteenth session of the Legislature.

SEC. 2. The sum herein appropriated shall not be subject to any of the provisions of an Act to create a Board of Examiners, &c., approved April twenty-first, eighteen hundred and fifty-eight, or of the Acts amendatory thereof.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCCLXXIX.—*An Act to authorize and sanction the Consolidation and Fusion of certain Joint Stock Associations therein named.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The several assignments and transfers hitherto made by the Glas and Salinas Water Company, and the Crystal Springs Water Company, (two joint stock associations organized under the laws of the State of California for supplying the City of San Francisco with pure fresh water.) unto "The Spring Valley Water Works," a joint stock association organized for the same purpose, of all their respective franchises, immunities, privileges, and other estate and property, and the consolidation and fusion of the said three associations into one, are hereby legalized, sanctioned, and confirmed, and the Trustees or Directors of the said companies or associations are hereby authorized to perfect such assignments, transfers, consolidation, and fusion, by such deed or other instrument as may be deemed necessary; *provided*, that this Act shall have no force or effect until the said Glas and Salinas Water Company and Crystal Springs Water Company shall have paid all their liabilities.

SEC. 2. The company known by the name of the "Spring Valley Water Works," is hereby authorized to increase the number of its Directors, not to exceed seven in all.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCCLXXX.—*An Act to amend an Act entitled an Act to regulate Elections, passed March twenty-third, eighteen hundred and fifty, and the several Acts amendatory thereof and supplemental thereto.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section twenty-nine of said Act is hereby amended so as to read as follows:

Section 29. If such person shall insist that he is entitled to vote, and the challenge shall not be withdrawn, he shall not be entitled to vote unless he take the following oath, to be administered by the Inspector or one of the Judges, viz:

"You do swear (or affirm, as the case may be) that you are a citizen of the United States, that you are of the age of twenty-one years, according to the best of your knowledge and belief, that you have resided in this State six months next preceding this election, and that you have not voted this day."

Upon taking which oath, he shall be entitled to vote for all State officers, and if he offer to vote for any district, county, or township officer, he shall, in addition thereto, make oath that he has resided in such district, county, or township, (as the case may be,) thirty days.

CHAP. CCCCLXXXI.—*An Act concerning the Records and Papers in the Office of the County Clerk of Placer County.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Duties of  
County  
Clerk.

SECTION 1. The County Clerk of Placer County is hereby authorized and required to arrange, in proper and separate files, all the papers in his office belonging to the different cases of the several Courts held in said county from the organization thereof, and to number the said cases or files of each Court in the order in which they were commenced therein; and he is also required to enter, in the registers of actions of the said several Courts, and the indexes thereof, the number corresponding with the number on the file, and all cases or actions commenced prior to October, Anno Domini eighteen hundred and fifty-five, he shall register as is required by law in the register of actions, and in the same manner as such cases should have been registered at the commencement and trial of the said several cases or actions.

Deputy.

SEC. 2. The County Clerk is hereby authorized to appoint a Deputy to do the work provided for in the preceding section, whose salary shall be audited and paid as other bills against the county; *provided*, that such salary shall not exceed one hundred dollars per month, and the whole sum paid shall not exceed the sum of one thousand dollars; and, *provided*, further, that after the Deputy is appointed as aforesaid, the Supervisors of the county may contract with him, or may contract with the County Clerk to do the whole work for a specific sum, not to exceed the said sum of one thousand dollars.

Salary.

SEC. 3. This Act shall take effect and be in force from and after its passage.



CHAP. CCCCLXXXII.—*An Act amendatory of an Act entitled an Act concerning Corporations, passed April twenty-second, eighteen hundred and fifty.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section forty-two of said Act is hereby amended so as to read as follows :

Section 42. The said company may invest its funds by loan thereof, in such manner as the Directors may deem most advantageous, and may take security therefor; but shall not, directly or indirectly, deal or trade in buying and selling any goods, wares, merchandise, property, stocks, or commodities, whatever.

Investment  
of funds of  
company.

SEC. 2. This Act shall be in force from and after its passage.

CHAP. CCCCLXXXIII.—*An Act appropriating Money to pay certain Claims allowed by the Board of Military Auditors.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The sum of one hundred and seven dollars and sixty-five cents (\$107 65) is hereby appropriated, out of any money in the General Fund in the State Treasury not otherwise appropriated, to pay certain claims allowed by the Board of Military Auditors, and the Controller of State is hereby authorized to draw his warrants in favor of Jesse Mackott for thirty-six dollars, (\$36 00); Spirit of the Times, seventeen dollars and fifty cents, (\$17 50); Tuolumne Courier, twenty dollars, (\$20 00); Sacramento Post Office, thirty-four dollars and fifteen cents, (\$34 15); and the Treasurer of State to pay the same.

Appropriations.

CHAP. CCCCLXXXIV.—*An Act to amend an Act entitled an Act concerning Public Ferries and Toll Bridges, passed April twenty-eighth, eighteen hundred and fifty-five.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section fifteen of said Act is hereby amended so as to read as follows :

Recovery  
of damages  
against  
company.

Obstructions

Damage.

Section 15. Any person injured, delayed, or damaged, through any defect, insufficiency, or want of repair in any toll bridge or ferry, shall have a right to sue and recover of the party having a license therefor such damages as he may thereby have sustained, in any Court of competent jurisdiction; and any person or persons who shall wilfully obstruct or damage, or cause to be obstructed or damaged, any lane or road, travelled or used by the public as a highway in going to and from any toll bridge or ferry, so as to render such travel or use of such lane or road impracticable, or more difficult, without first procuring, in the manner now or that may hereafter be provided by law, an order by the Board of Supervisors, or other competent authority, duly vacating such lane or road, shall be liable to pay to any person or persons having a license to keep any toll bridge or ferry, any and all damages he or they may sustain by loss or diminution in the amount of tolls that might have been collected had no such obstruction or damage been created, and all other damages; and any party so aggrieved may sue and recover the same in any Court of competent jurisdiction, with costs of suit.

CHAP. CCCCLXXXV.—*An Act to prohibit the Carrying of Concealed Weapons.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Penalties.

SECTION 1. Every person, not being a peace officer or traveler, who shall wear or carry any dirk, pistol, sword in a cane, slung-shot, or other dangerous or deadly weapon, concealed, shall, upon conviction thereof before any Court of competent jurisdiction, be deemed guilty of a misdemeanor, and shall be imprisoned in the County Jail for not less than thirty nor more than ninety days, or fined in any sum not less than twenty nor more than two hundred dollars.

SEC. 2. Such persons, and no others, shall be deemed travelers within the meaning of this Act, as may be actually engaged in making a journey at the time.

CHAP. CCCCLXXXVI.—*An Act to authorize the Board of Swamp Land Commissioners to allow the Claim of George R. More.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Swamp Land Commissioners are hereby authorized to allow and certify to the Board of State Examiners the claim of George R. More, for fifty dollars, the same being for legal services rendered the Board of Swamp Land Commissioners. Upon the approval of the account by the Board of State Examiners, the Controller shall draw his warrant in payment of the same out of the Swamp Land Fund.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCLXXXVII.—*An Act to authorize the Sacramento, Placer, and Nevada Railroad Company to sell and convey their Road, and other matters relating thereto.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Sacramento, Placer, and Nevada Railroad Company, by and through their Board of Directors, are hereby authorized and empowered to sell and convey, by a proper deed of conveyance, executed by the President and Secretary of said company, and under the corporate seal thereof, to "The Central Pacific Railroad Company of California," a company duly organized under the laws of this State, on the twenty-eighth day of June, eighteen hundred and sixty-one, for the purpose of constructing a railroad from the City of Sacramento, over the Sierra Nevada Mountains, to the eastern boundary of the State of California, and to their successors and assigns, all or any portion of their railroad, together with all other property, franchises, rights, privileges, and appurtenances, belonging or appertaining to said railroad, or owned or possessed by said company, upon such terms, conditions, and stipulations, as may be mutually agreed upon by the Boards of Directors of said companies; but such sale shall not be valid or effectual for any purposes until the same shall have been approved by the holders of at least two thirds of the capital stock of the said Sacramento, Placer, and Nevada Railroad Company.

SEC. 2. This Act shall be deemed a public Act and shall take effect and be in force from and after its passage.

CHAP. CCCCLXXXVIII.—*An Act to amend an Act entitled an Act for the Relief of Insolvent Debtors, and Protection of Creditors, approved May fourth, one thousand eight hundred and fifty-two, and the Act amendatory thereto, approved April twenty-seventh, one thousand eight hundred and sixty.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eight is hereby amended so as to read as follows:

Notice to  
creditors.

Section 8. The Judge granting the order for a meeting of the creditors, shall direct the Clerk of the Court to issue a notice calling the creditors of the insolvent to be and appear upon a specified day, not less than thirty nor more than forty days from the first publication of such notice, before said Judge, either in Chambers or in open Court, as said Judge shall order, to show cause why the prayer of the alleged insolvent should not be granted. Said notice shall be published at least once a week, for four successive weeks, in a newspaper printed in the county in which the application is made, if there is one, if there be none so published, then in a newspaper published in any county adjoining said county.

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CHAP. CCCCLXXXIX.—*An Act to prevent the Fraudulent Conveyance or Encumbrance of Real Estate by Married Women.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Penalty.

SECTION 1. Every married woman who shall fraudulently represent herself as a femme sole, and shall, under such representations, wilfully, by any instrument in writing, convey by deed, mortgage, or otherwise, any real estate which by law is required to be conveyed jointly by herself and husband, or shall create or place upon such real estate any lien or encumbrance, shall be deemed guilty of a felony, and every person so offending shall, upon conviction thereof, be imprisoned in the State Prison for a term not exceeding ten years, or fined in a sum not exceeding ten thousand dollars.

CHAP. CCCCXC.—*An Act to appropriate Money to pay certain Claims.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The sum of five hundred and forty-eight dollars (\$548) is hereby appropriated, out of any money in the General Fund in the State Treasury, not otherwise appropriated, to pay the claim of Robert Robinson for five hundred dollars, (\$500,) for services and expenses as Agent of the State of California on boundary line, and the claim of Homer King, for copies of Sierra Citizen furnished the Legislature during the session of eighteen hundred and sixty-one, amounting to forty-eight dollars, and the Controller of State is hereby authorized and directed to draw his warrant in favor of the claimants named, and the Treasurer of State to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAP. CCCCXCI.—*An Act to authorize the Board of State Prison Directors to allow Interest on certain Claims.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. On all claims, not transferred, now outstanding against the State for merchandise furnished to the State Prison at the regular cash market price during the year eighteen hundred and sixty-two, and for the salaries of the officers, Guards, and other employes of the State Prison, now in their possession, and which have not been transferred, the Board of State Prison Directors are hereby authorized and directed to allow and pay interest at the rate of ten per cent per annum from the time the indebtedness matured to the date of settlement.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. CCCCXCII.—*An Act to appropriate money for the Geological Survey of the State.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The sum of twenty thousand dollars is hereby appropriated, out of any money in the General Fund in the State

Appropriation.

Treasury not otherwise appropriated, to pay the salary of the State Geologist, and other expenses connected with the Geological Survey of the State, and the Controller of State is hereby authorized to draw his warrant on the Treasurer of State in favor of J. D. Whitney, for the sum of twenty-thousand dollars, and the Treasurer of State to pay the same.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCXCIII.—*An Act to amend an Act entitled an Act concerning the Office of State Treasurer, passed January twenty-fourth, eighteen hundred and fifty.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of the above entitled Act is hereby amended so as to read as follows :

Business days and office hours.

Section 1. The Treasurer shall reside and keep his office at the seat of government, which office shall be open for the transaction of business every day in the year, except Sundays, New Year's Day, Fourth of July, Christmas Day, Thanksgiving Day, and the days on which the General Election and the Special Judicial Election are held, from the hour of ten o'clock in the forenoon, to the hour of four o'clock in the afternoon. He shall not absent himself from the State without leave of absence from the Legislature.

SEC. 2. Section four of the above entitled Act is hereby amended so as to read as follows :

Duties of Treasurer.

Section 4. He shall receive and keep all moneys of the State not expressly required by law to be received and kept by some other person. He shall disburse the public moneys upon warrants drawn upon the Treasury according to law, and not otherwise, and shall keep a just, true, and comprehensive account of all moneys received and disbursed, and shall deliver to his successor in office all moneys, records, books, papers, and other things belonging to his office, in good order.

CHAP. CCCCXCIV.—*An Act to authorize Samuel B. Campbell to construct and maintain a Wharf at Punta Arena, in Mendocino County.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Franchise

SECTION 1. The right to build, use, and maintain a wharf in the bay or main ocean at Punta Arena, Mendocino County, is

hereby granted to Samuel B. Campbell, his associates and assigns.

SEC. 2. For the purposes of said wharf there is hereby granted to the said Campbell, his associates and assigns, the right to use and occupy a strip of land three hundred feet wide, commencing at low tide, and extending into the bay or ocean until a sufficient depth shall be obtained for the accommodation of commerce.

SEC. 3. Said Campbell, his associates and assigns, shall commence the construction of said wharf in one and complete the same in two years from the passage of this Act. Said wharf shall be firmly and substantially built, of such materials and of such dimensions as to make it sufficient for the requirements of the commerce of the vicinity. Conditions.

SEC. 4. The Board of Supervisors of Mendocino County shall, from time to time, fix the rates of wharfage to be collected at said wharf; and the said Campbell, his associates and assigns, may charge and collect such wharfage as may be fixed by said Board. The rates of wharfage shall be posted in a conspicuous place on said wharf. Rates of wharfage.

SEC. 5. If said wharf shall not be commenced within one and completed within two years from the passage of this Act, all the rights herein granted shall become forfeited. Conditions.

SEC. 6. The rights and privileges herein granted shall extend and be for the term of twenty years; *provided*, however, that this Act shall not be construed so as to affect or diminish the rights of other parties. Term of franchise.

CHAP. CCCCXCV.—*An Act appropriating Money to pay certain Claims.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of forty-four dollars is hereby appropriated, out of any money in the General Fund in the State Treasury not otherwise appropriated, to pay the claim of T. L. Thompson, for papers furnished the Senate, session eighteen hundred and sixty-two, amounting to seven dollars and fifty cents; the claim of H. L. Weston, for papers furnished the Senate in eighteen hundred and fifty-nine, eighteen hundred and sixty, and eighteen hundred and sixty-two, amounting to twenty-six dollars; and the claim of Robert Nixon, Jr., for papers furnished the Senate, eighteen hundred and sixty-two, amounting to ten dollars and fifty cents; and the Controller of State is hereby authorized and directed to draw his warrants in favor of the above parties and for the amounts named, and the Treasurer of State to pay the same. Appropriation.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCXCVI.—*An Act to amend Section Eighty of an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eighty of said Act is amended so as to read as follows:

Licenses for stallions, etc

Section 80. Every person who shall keep a stallion, jack, bull, ram, or boar, and who shall permit the same to be used for the purposes of propagation for hire or profit, shall annually obtain a license therefor from the Tax Collector, and pay for the same as herein provided. The license for a stallion shall be obtained upon payment of fifty dollars; for a jack, fifty dollars; for a bull, twenty-five dollars; for a ram, twelve dollars and fifty cents; and for a boar, seven dollars and fifty cents. The Tax Collector shall receive the blank licenses provided for in this section from the Auditor; they shall be charged to him, and he shall account for them in the same manner as for other licenses. The Tax Collector shall be entitled to deduct from the moneys received under this section ten per cent, as fees of collection. All moneys collected under this section shall be paid into the County Treasury, for county purposes.

SEC. 2. This Act shall take effect immediately.

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CHAP. CCCCXCVII.—*An Act for the Relief of Matthew Bird.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Controller to draw certain warrants.

SECTION 1. The Controller of State is hereby authorized to draw his warrant upon the Treasurer in favor of Matthew Bird, for the sum of five hundred and ninety-five dollars, in payment of seventeen coupons for the interest, due the first day of July, eighteen hundred and sixty-two, on bonds of the State of California, numbered One Hundred and Five, Three Hundred and Sixty-Three, Three Hundred and Sixty-Four, Six Hundred and Ninety-Six, Eight Hundred and Thirty-Two, Eight Hundred and Thirty-Three, Eight Hundred and Thirty-Seven, Fifteen Hundred and Seventy-One, Fifteen Hundred and Seventy-Five, Three Thousand Two Hundred and Twenty-Seven, Three Thousand Two Hundred and Twenty-Eight, Three Thousand Two Hundred and Twenty-Nine, Three Thousand Two Hundred and Thirty, Two Thousand Six Hundred and Eighty-Four, Three Thousand Four Hundred and One, Three Thousand Four Hundred and Two, and Nine Hundred and Ten, each for the sum of



thirty-five dollars; *provided*, that before said warrant shall be drawn, the said Matthew Bird shall deliver to the Controller his bond, in the sum of one thousand dollars, with two good sureties, who shall be resident freeholders of this State, properly indemnifying the State against the future presentation of said coupons which are alleged to be lost. Bond to be exacted.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. CCCCXCVIII.—*An Act to punish Offences against the Peace of the State.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Every person who shall, in time of actual war waged against the United States, whether by a foreign or domestic foe, profess adherence to the common enemy, or, maliciously abusing the freedom of speech, shall publicly wish evil to the national cause, or that disaster may befall the national arms, or who shall in any manner rejoice at any reverse of the national army, or any part thereof, or who shall in any manner by word indorse, or defend, or cheer any overt attempt, or any person engaged in such overt attempt, to subvert and destroy the lawful authority of the United States in any State thereof, shall be deemed guilty of misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the County Jail for a term not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment. Abuse of freedom of speech. Penalties.

CHAP. CCCCXCIX.—*An Act to amend an Act entitled an Act for the Government and Protection of Indians, passed April twenty-second, eighteen hundred and fifty.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eight of the above entitled Act is hereby amended so as to read as follows:

Section 8. It shall be the duty of the Justices of the Peace, once in six months, in every year, to make a full and correct statement to the Board of Supervisors of their county of all moneys received for fines imposed on Indians, and all fees allowed for services rendered under the provisions of this Act, and said Justice shall pay over to the County Treasurer of their respective counties all money they may have received for fines and not Indian Fund.

appropriated on fees for services rendered under this Act, and the Treasurer shall keep a correct statement of all money so received, which shall be termed the "Indian Fund" of the county. The Treasurer shall pay out any money of said Funds in his hands, on a certificate of a Justice of the Peace of his county, for fees and expenditures incurred in carrying out the provisions of this law.

CHAP. D.—*An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplemental thereto.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section three hundred and thirty-six of said Act is hereby amended so as to read as follows:

Section 336. An appeal may be taken:

*First*—From a final judgment in an action or special proceeding commenced in the Court in which the judgment is rendered, within one year after the rendition of the judgment.

Appeal.

*Second*—From a judgment rendered on an appeal from an inferior Court, within ninety days after the rendition of the judgment.

*Third*—From an order granting or refusing a new trial, from an order granting or dissolving an injunction, and from an order refusing to grant or dissolve an injunction, and from any special order made after final judgment, within sixty days after the order is made and entered in the minutes of the Court.

SEC. 2. Section three hundred and forty-seven of said Act is hereby amended so as to read as follows:

Section 347. An appeal may be taken to the Supreme Court from the District Courts in the following cases:

*First*—From a final judgment rendered in an action or special proceeding commenced in those Courts, or brought into those Courts from other Courts.

*Second*—From an order granting or refusing a new trial, from an order granting or dissolving an injunction, and from an order refusing to grant or dissolve an injunction, and from any special order made after final judgment.

CHAP. DI.—*An Act to audit and allow the Claim of J. H. Sullivan and E. C. Cromwell.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of nine hundred seventy-nine and forty hundredths dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the payment of the claim of J. H. Sullivan and E. C. Cromwell, for writing done for the Assembly, twelfth session, subsequent to adjournment, and the Controller of State is hereby authorized and required to draw his warrant in favor of J. H. Sullivan for eight hundred and nineteen dollars and forty cents, and in favor of E. C. Cromwell for one hundred and sixty dollars, and the Treasurer of State to pay the same. Appropriation.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DII.—*An Act to pay the Claim of Gregory Yale.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of three thousand dollars (\$3,000 00) is hereby appropriated, out of any money in the General Fund in the State Treasury not otherwise appropriated, to pay the claim of Gregory Yale, for professional services rendered as assistant Counsel in contesting the will of the late David C. Broderick. Appropriation.

SEC. 2. The Controller of State is hereby authorized to draw his warrant on the State Treasurer in favor of Gregory Yale for the said sum of three thousand dollars, and the Treasurer of State to pay the same.

SEC. 3. This Act shall be in force from and after its passage.

CHAP. DIII.—*An Act appropriating money to pay the Claim of the San Francisco Gas Company.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of one hundred and forty-seven dollars and twenty-eight cents is hereby appropriated, out of any money Appropriation.

in the General Fund not otherwise appropriated, to pay the claim of the San Francisco Gas Company, for gas furnished the Senate and Assembly during the months of April and May, eighteen hundred and sixty-two, in their chambers on Battery street, San Francisco.

CHAP. DLV.—*An Act to amend an Act concerning Public Ferries and Toll Bridges, passed April twenty-eighth, eighteen hundred and fifty-five.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section nineteen of said Act is hereby amended so as to read as follows:

Rates of toll. SECTION 19. The Board of Supervisors shall establish the rates of toll to be charged and received for crossing all licensed ferries and toll bridges, but such tolls shall not be fixed at a rate so low as to make the net income to the owners thereof less than twenty four per cent per annum on the assessed taxable value of such ferry or toll bridge, and such rates shall be posted up, either written, printed, or painted, at each licensed ferry or toll bridge in the State, by the owner thereof. Any questions arising as to the cost of keeping and maintaining any such ferry or toll bridge, or of the revenue thereof, shall, if the Board of Supervisors and the owners thereof disagree as to the amount, be at once submitted to three Commissioners, chosen as follows: One by the Board of Supervisors, one by the owners of such ferry or toll bridge, and the third by the two so chosen; and the verdict of such Commissioners, or a majority thereof, upon the evidence submitted, shall be final and conclusive as to such question or questions.

CHAP. DV.—*An Act to provide for the better Protection of Private Property in certain Counties of this State.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

TRESPASS UPON PRIVATE PROPERTY. SECTION 1. It shall not be lawful in the County of Santa Clara, for any person or persons to enter upon any inclosure belonging to, claimed, or occupied by another, and build, light, or in any manner or way whatsoever, kindle or carry any fire within said inclosure; nor shall any person or persons discharge any fire-arms, of any kind or description whatever, within any inclosure belonging to, claimed, or occupied by another; *provided*, that the provisions of this Act shall only apply to and be

in force in cases where the owner, claimant, or occupant of the lands in said inclosure shall have posted, in conspicuous places upon such inclosure, a written or printed notice prohibiting persons from violating any of the provisions of this Act.

SEC. 2. It shall not be lawful for any person to pull or tear down, deface, obliterate, or otherwise injure or destroy, in whole or in part, any notice posted as provided in section one of this Act.

SEC. 3. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not more than five hundred dollars. Penalty.

SEC. 4. This Act shall take effect and be in force from and after its passage.

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CHAP. DVL.—*An Act to amend Section Eleven of an Act entitled an Act concerning the Office of County Treasurer, passed March twenty-seventh, eighteen hundred and fifty.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eleven of said Act is hereby amended so as to read as follows:

Section 11. When there shall be sufficient funds in the Treasury of the county to redeem the warrants drawing interest, the County Treasurer shall give notice in some newspaper in his county, or if no newspaper be published in his county, then by written or printed notice, posted upon the Court House door, stating therein that he is ready to redeem said warrants, and from the date of such notice said warrants shall cease to bear interest. In advertising warrants under the provisions of this section in any newspaper, the Treasurer shall not publish the warrants in detail, but shall give notice only that county warrants presented for payment prior to such a date, which shall be stated in the notice, are redeemable; *provided*, however, that when a part only of the warrants presented for payment on the same day are redeemable, the Treasurer shall designate such redeemable warrants in the advertisement. Redemption of warrants drawing interest.

CHAP. DVII.—*An Act to legalize certain Acknowledgments.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Acknowledgments  
legalized.

SECTION 1. All acknowledgments of deeds, and other instrument of writing, whereby real estate, or any interest therein, is conveyed or may be affected, heretofore taken before Justices of the Peace of a county other than that in which such land was situated at the time of the taking of such acknowledgments, and by them certified in the usual legal form, shall, from and after the passage of this Act, have the same force and effect for all purposes as though such acknowledgments had been taken before and certified by an officer authorized by law to take and certify such acknowledgments; and the records of such deeds or instruments, if the same shall have been admitted to record, shall hereafter impart notice to the same extent as though such acknowledgments had been taken before and certified by such legally authorized officer; *provided*, nothing in this Act shall be so construed as in any manner to affect the rights of any subsequent purchaser in good faith.

Proviso.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DVIII.—*An Act making County Warrants drawn on the General Fund of Tulare County receivable in payment for County Taxes.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Warrants  
receivable.

SECTION 1. It shall be lawful for any person to pay all taxes, or any portion thereof, charged to him on the tax duplicates of Tulare County for county purposes, in any warrant or warrants drawn on and payable out of the General Fund of said county; *provided*, that no warrant or warrants shall be received from any person or persons except such as are drawn in favor of the person or persons offering the same in payment for taxes, and received by him or them for services rendered said county.

Proviso.

SEC. 2. The Sheriff or Tax Collector of said county shall receive said warrant or warrants in payment of such tax, and on his settlement with the county, he shall be credited for the amount of warrants received by him as aforesaid, the same as for cash; *provided*, that at the time of such settlement he shall make oath that the identical warrants, as aforesaid, were received by him in payment for county taxes, and from no other source.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. DIX.—*An Act to amend an Act entitled an Act to provide for the construction of a Wagon Road from Sonora, Tuolumne County, to Aurora, Mono County, approved March thirty-first, eighteen hundred and sixty-three.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section twelve of said Act is hereby amended so as to read as follows:

Section 12. It shall be the duty of the County Treasurer and the Board of Supervisors of each of the counties in which bonds may be issued under the provisions of this Act, to keep a correct record of all bonds so issued, showing the number, date, amount of each, and to whom issued; and all duties required to be performed by the County Treasurers and Clerks under this Act, shall be deemed a part of their official duties, and each of such officers shall be allowed such compensation for their services as the Board of Supervisors of their respective counties may determine; *provided*, that in the Counties of Mono and Tuolumne no compensation shall be allowed to such officers for services rendered under the provisions of this Act,

Duties of  
Treasurer  
and  
Supervisors

CHAP. DX.—*An Act respecting the Fees of Court Commissioners.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Said Court Commissioners shall be entitled to charge and receive for their services the following fees, viz: Fees.

For hearing and determining every ex parte motion for any order or writ, three dollars.

For hearing and determining such contested motions or issues of law or fact as may be referred to them, or for taking proof upon or determining any matter of fact upon which information may be required by the Court, five dollars.

For every day spent in the business of the reference in such case, for examining into the qualifications of sureties on bonds or undertakings, when an exception has been taken to their sufficiency, five dollars.

For taking and certifying every affidavit, and for the approval of every bond or undertaking, fifty cents.

And for taking and certifying depositions, twenty-five cents per folio.

Said fees to be paid by the party by whom or at whose instance the matter may be brought before said Commissioner, or if referred by the Court without motion from either party, or if

Payment of.

by consent of parties, then by the plaintiff, and the fees so paid to be taxed, with the costs, against the losing party. Such Court Commissioners shall have the right to demand their fees as aforesaid at the time the services are performed, and may retain any and all papers, in cases where such fees have not been paid, until the same are paid.

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CHAP. DXI.—*An Act to pay certain Claims.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation.

SECTION 1. The sum of sixty-two dollars and thirteen cents (\$62 13) is hereby appropriated, out of any money in the General Fund in the State Treasury not otherwise appropriated, to pay the claims of H. J. Bidleman, for papers furnished the Senate, thirteenth session, amounting to twenty dollars and seventy-five cents (\$20 75;) of Brooks & Lawrence, for papers furnished Senate, same session, amounting to thirty dollars (\$30;) of George I. Lytle, for papers furnished the Senate, same session, amounting to three dollars and thirty-eight cents (\$3 38;) and of A. M. Weiman, eight dollars, for newspapers furnished, fourteenth session; and the Controller of State is hereby directed to draw his warrants in favor of said claimants, and the Treasurer of State to pay the same.

SEC. 2. This Act shall be in effect from and after its passage.

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CHAP. DXII.—*An Act to authorize Antonio Suñol to sell certain Real Estate.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Authority to sell and convey.

SECTION 1. Antonio Suñol, father and natural Guardian of Dolores Suñol, a minor, is hereby authorized to sell the real estate of said minor, or any right, title, or interest in any real estate in the State of California belonging to or claimed by said minor, on such terms and in such manner, at public or private sale, as may be deemed best for the interest of said minor.

SEC. 2. The said Guardian shall make a report of any and all such sales as shall be made by him, to the Probate Court of the County of Santa Clara, and the Judge of said Court shall, either in term time or vacation, in open Court or at Chambers, examine the report, and confirm or set aside said sale, as in other



cases of sales of real estate by Guardians, Executors, or Administrators.

SEC. 3. The said Guardian is hereby authorized, upon the confirmation of any such sale as hereinbefore provided, to execute, acknowledge, and deliver to said purchaser or purchasers, a legal conveyance of the real estate and premises sold, which shall be a good and valid title.

CHAP. DXIII.—*An Act to authorize Juan La Coste to sell certain Real Estate.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Juan La Coste, father and natural Guardian of José Francisco La Coste, a minor, is hereby authorized to sell the real estate of said minor, or any right, title, or interest in any real estate in the State of California belonging to or claimed by said minor, on such terms and in such manner, at public or private sale, as may be deemed best for the interest of said minor. Authority to sell and convey.

SEC. 2. The said Guardian shall make a full report of any and all such sales as shall be made by him, to the Probate Court of the County of Santa Clara, and the Judge of said Court shall, either in term time or vacation, in open Court or at Chambers, examine the report, and confirm or set aside said sale, as in other cases of sales of real estate by Guardians, Executors, or Administrators.

SEC. 3. The said Guardian is hereby authorized, upon the confirmation of any such sale as hereinbefore provided, to execute, acknowledge, and deliver to said purchaser or purchasers, a legal conveyance of the real estate and premises sold, which shall be a good and valid title.

CHAP. DXIV.—*An Act to confer additional Powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize the appropriation of Moneys by said Board.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Board of Supervisors of the City and County of San Francisco have hereby conferred upon them further powers, as follows :

Powers.

*First*—To allow and order paid to Jesse D. Carr, out of the General Fund, such sum, not exceeding six thousand three hundred and eighty-five dollars, as they may find due to him for city scrip owned by him and burned in the fire of May, eighteen hundred and fifty-one.

*Second*—To allow and order paid, out of the General Fund, the sum of twenty five dollars per month to each of the Criminal Court Interpreters, in addition to one hundred dollars per month now allowed by law to each of said Interpreters.

*Third*—To allow and order paid, out of the General Fund, two hundred and fifty dollars for Counsel fees in the suit of Minturn vs. Burr, for services rendered in said suit by Hoge & Wilson.

SEC. 2. The Auditor of said city and county is hereby authorized to audit and allow the sums, and the City Treasurer is hereby authorized and required to pay the sums so audited, as specified in the first section of this Act.

SEC. 3. All Acts and parts of Acts inconsistent herewith are hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

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CHAP. DXV.—*An Act to appropriate money to pay a Claim, arising under a Commission authorized by the Assembly at the Thirteenth Session of the Legislature, to take Testimony in the Contested Election of Gordon vs. McAllister.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Appropriation.

SECTION 1. The sum of two hundred and ninety-one dollars and five cents is hereby appropriated, out of any money in the General Fund not otherwise appropriated, to pay the claims audited and allowed by the Assembly of the thirteenth session of the Legislature, for services under the commission authorized to take testimony in the contested election of Gordon vs. McAllister, and the Controller of State is hereby authorized and directed to draw his warrant in favor of Valentino B. Doub, for two hundred and ninety-one dollars and five cents, and the Treasurer of State is required to pay the same.

SEC. 2. This Act shall take effect immediately.

CHAP. DXVI.—*An Act supplemental to an Act entitled an Act for the Encouragement of Agriculture and Manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Any person producing or manufacturing any one <sup>Premiums.</sup> of the articles or things named in the Act to which this is supplemental, in one fourth or one half the quantity named therein, and exhibiting the same in like manner and form as specified in said Act, shall be entitled to one fourth or one half the premium (as the case may be) offered in said Act for the production or manufacture of said article or thing, to be awarded by the Board of Judges therein named, and in accordance with the provisions of said Act; <sup>Proviso.</sup> provided, however, that no person shall receive a premium under this Act for any article or thing in any given year, when a premium has been claimed and awarded for the same kind of article or thing in the same year, under the Act to which this Act is supplemental; and claims for premiums under said Act shall not be prejudiced by claims under this.

SEC. 2. This Act shall be in effect from and after its passage.

CHAP. DXVII.—*An Act to provide for the Appointment of a Weigher of Coal in and for the City and County of San Francisco, California.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Board of Supervisors of the City and County <sup>Weigher of Coal.</sup> of San Francisco are hereby authorized to appoint a Weigher of Coal in and for the City and County of San Francisco, who shall reside in said place, and continue in office for the term of two years from the date of his appointment, and until his successor is appointed and qualified.

SEC. 2. Said Weigher, before entering upon the duties of his <sup>Oath.</sup> office, shall take and subscribe the oath of office, and give bonds, <sup>Bond.</sup> in the sum of ten thousand dollars, for the faithful discharge of his duties, which oath shall be administered by the County Judge, and said bond acknowledged before him and approved, or before some other competent officer, the oath and bond to be filed in the office of the Auditor of said city and county.

SEC. 3. When requested to do so by any person interested in <sup>Duties.</sup> knowing the weight of any coal, it shall be the duty of said Weigher to weigh all coal brought to his scales to be weighed, and, unless some other price be agreed upon by said Weigher and the person or persons making such request, he may charge and collect ten cents per ton for such service.

SEC. 4. Said Weigher shall have and maintain at suitable places such number of scales as he may deem necessary; but this Act shall not be so construed as to enable said Weigher to create any liability against said city and county.

SEC. 5. This Act shall take effect from and after its passage.

CHAP. DXVIII.—*An Act to amend an Act concerning Corporations, passed April twenty-second, eighteen hundred and fifty.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The thirty-second section of an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, is hereby amended so as to read as follows:

Liabilities of stockholders

Section 32. Each stockholder of any corporation shall be severally, individually, and personally, liable for such proportion of all its debts and liabilities as the amount of stock owned by him in such corporation bears to the whole of the capital stock of the corporation, for the recovery of which joint or several actions may be instituted and prosecuted, and in any such action against any of the stockholders of a corporation, the Court shall ascertain and determine the proportion of the debt which is the subject of the suit for which each of the stockholders who are defendants in the action are severally liable, and judgment shall be given severally in conformity therewith. If any stockholder in a corporation shall pay his proportion of any debt due by such corporation, he shall be released and discharged from any further individual or personal liability for such debt.

May be released.

SEC. 2. This Act shall take effect immediately.

CHAP. DXIX.—*An Act to authorize the Board of Supervisors of the County of Sonoma to levy an additional Tax for Road Purposes.*

[Approved April 27, 1863.]

*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 Sonoma shall have power, at their next regular meeting, or at a special meeting called for such purpose, to levy an additional property tax for the year eighteen hundred and sixty-three, for road purposes, beyond that they are already authorized to levy; such additional property tax not to exceed ten cents on the one hundred dollars worth of taxable property in said county, which

additional tax, so levied, shall be assessed and collected by the Assessor and Collector or Collectors of Taxes of the county, in the same manner and at the same time as the other taxes levied by said Board are authorized to be collected and enforced; and all moneys so collected shall be paid by the Collector or Collectors to the County Treasurer, who shall set aside the same, and keep it in the Fund known as the "County Road Fund." The Board of Supervisors shall have control of the money so raised by this additional tax, with power to appropriate the same for road purposes, the same as other moneys in said Fund.

SEC. 2. This Act shall take effect and be in force from and after its passage.

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CHAP. DXX.—*An Act to amend an Act to provide for the establishment, maintenance, and protection of Public and Private Roads, approved May sixteenth, eighteen hundred and sixty-one.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section twenty-one of the above mentioned Act is hereby amended so as to read as follows:

Section 21. The Counties of Klamath, Sacramento, Sutter, Placer, San Joaquin, Humboldt, Plumas, Nevada, Trinity, Mendocino, and Butte, and all incorporated cities and towns, are exempted from the provisions of this Act, and the Counties of Sonoma and Marin from the provisions of the thirteenth to the twentieth section, inclusive, and the County of Sierra from the provisions of the thirteenth to the eighteenth sections, both inclusive. This Act shall not apply to the City and County of San Francisco, except so much of it as provides for the location, alteration, or vacation of any road or highway; and said portion of this Act shall only apply to road districts which may be established in the eleventh and twelfth election districts of said city and county.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DXXI.—*An Act supplemental to an Act to amend an Act entitled an Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers, approved March twentieth, eighteen hundred and fifty-five, approved April thirteenth, eighteen hundred and sixty-three.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Act to which this Act is supplemental shall not apply to the County of Calaveras.

SEC. 2. This Act shall take effect from and after its passage.

CHAP. DXXII.—*An Act authorizing the County Treasurer of Placer County to transfer money from the General Fund to the School Fund of the County.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Transfer.

SECTION 1. The Treasurer of Placer County is hereby authorized and required to transfer from the General Fund to the School Fund of said county, the sum of three thousand dollars, and said moneys, when so transferred, shall become, to all intents and purposes, a part of the School Fund, and subject to such disposition as may be legally made of the School Fund of said county.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DXXIII.—*An Act supplementary to an Act entitled an Act to authorize Joseph M. Wood, his associates and their assigns, to build a Wharf in the City and County of San Francisco, approved April eighteenth, eighteen hundred and sixty-two.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Rights granted.

SECTION 1. The Fillmore Street Warehouse Dock and Wharf Company, successors in interest to Joseph M. Wood, are hereby authorized to extend their wharf in the City and County of San Francisco, outwardly into the Bay of San Francisco to the depth not to exceed twenty-five feet of water at low tide; *provided*, that said wharf shall not be an obstruction of the navigation of

the Bay of San Francisco, and the said company shall be entitled to all the right of the State of California to the overflowed lands for the two hundred feet on each side of said wharf heretofore erected and hereby extended, and the same is hereby released to said company and their successors for the period mentioned in the Act to which this Act is supplementary.

SEC. 2. The said company is hereby authorized to construct, <sup>Same.</sup> in the Bay of San Francisco, from their said wharf, as the same is now erected or hereafter may be extended, a T, easterly one hundred feet, and westerly one hundred feet, and all the right of the State of California to the overflowed lands for the distance of two hundred feet on each side of such T is hereby released to said company for the period mentioned in the Act to which this Act is supplementary, for the purposes of said wharf and the business of said company; *provided*, the extension of said wharf, as provided in the first section of this Act, shall be commenced within one year after the passage of this Act, and shall be completed within three years thereafter.

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CHAP. DXXIV.—*An Act to amend an Act entitled an Act relating to the Levying of Taxes, approved May fifteenth, one thousand eight hundred and sixty-two.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section 1. Whenever an ad valorem or other tax upon the assessed value of property is levied by law, and the rate or percentage of such tax is established by law, and required to be collected annually, or in any year, it shall be the duty of the County Auditor of each county, or city and county, or the officer discharging the duties of Auditor, to enter upon the assessment roll or rolls the amount of such tax upon each parcel of property assessed, in the same manner and at the same times as if the Board of Supervisors had levied such tax or added the same to the other taxes levied by law.

Auditor to enter taxes upon assessment roll.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DXXV.—*An Act to amend an Act entitled an Act to punish Vagrants, Vagabonds, and Dangerous and Suspicious Persons, approved April thirtieth, eighteen hundred and fifty-five.*

[Approved April 27, 1863.]

*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 :

Vagrants.

Section 1. All persons (except California Indians) without visible means of living, who have the physical ability to work, and who do not, for the space of ten days, seek employment, nor labor when employment is offered them; all healthy beggars who solicit alms as a business; all persons who roam about from place to place without any lawful business; all idle or dissolute persons, or associates of known thieves, who wander about the streets at late or unusual hours of the night, or who lodge in any barn, shed, shop, outhouse, vessel, or place, other than such is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof; all lewd and dissolute persons, who live in and about houses of ill fame; all common prostitutes, and common drunkards, may be committed to jail, and sentenced to hard labor, for such time as the Court before whom they are convicted shall think proper, not exceeding ninety days.

Commitment of.

SEC. 2. This Act shall take effect thirty days after its passage.

CHAP. DXXVI.—*An Act making Appropriations for Deficiencies for the Thirteenth Session of the Legislature.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows :*

Appropriations.

SECTION 1. The sum of thirteen thousand dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the following purposes :

The sum of three thousand dollars, for per diem and mileage of Lieutenant-Governor and Senators for the thirteenth session of the Legislature.

Three thousand dollars, for contingent expenses of Senate, thirteenth session of Legislature.

The sum of four thousand dollars, for per diem and mileage of the Assembly for the thirteenth session of Legislature.

And the sum of three thousand dollars for contingent expenses of Assembly, thirteenth session of Legislature.

SEC. 2. The sum herein appropriated shall not be subject to any of the provisions of an Act entitled an Act to create a



Board of Examiners, &c., approved April twenty-first, eighteen hundred and fifty-eight.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. DXXVII.—*An Act amendatory of an Act providing for an Attorney and Counsellor in and for the City and County of San Francisco, approved March twenty-fifth, one thousand eight hundred and sixty-two.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of said Act is hereby amended so as to read as follows :

Section 1. There shall be elected hereafter, for the City and County of San Francisco, by the qualified electors thereof, on the third Tuesday of May, eighteen hundred and sixty-two, and every two years thereafter, one Attorney and Counsellor, learned in the law, who shall hold his office for two years, and until his successor shall have been duly elected and qualified, and shall be paid, by said city and county, a salary of five thousand dollars per annum, to be audited and paid monthly, in the same manner as the salary of the County Judge is by law audited and paid. Said Attorney and Counsellor shall perform such duties as Attorney and Counsellor in and for the said city and county as the Board of Supervisors of said city and county shall from time to time prescribe.

Election.

Salary.

Duties.

CHAP. DXXVIII.—*An Act to amend an Act entitled an Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplemental thereto.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section three hundred and ninety-five of said Act is hereby amended so as to read as follows :

Section 395. A husband may be a witness for or against his wife, and a wife may be a witness for or against her husband, and where husband and wife are parties to an action or proceeding, they, or either of them, may be examined as witnesses in their own behalf, or in behalf of each other, or in behalf of any of the parties thereto, the same as any other witness ; but this section shall not apply to cases of divorce, neither shall any

Husband or wife may be a witness in certain cases

husband or wife be competent or compellable to disclose any communication made to him or her by the other during marriage.

CHAP. DXXXIX.—*An Act to amend an Act for the better Protection of Farmers in certain portions of Sacramento County, approved April twenty-fifth, A. D. eighteen hundred and sixty-two.*

[Approved April 27, 1863.]

*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:

Animals  
trespassing.

Section 1. If any horse, mule, jack, jennet, hog, sheep, goat, or any head of neat cattle, shall trespass upon any cultivated field during the sowing, planting, growing, or harvesting season, and until the crop or crops are removed, or shall trespass upon any garden, or orchard, whether such cultivated field, orchard, or garden is or is not inclosed by a lawful fence, the owner or owners of any such horse, mule, jack, jennet, sheep, hog, goat, or head of neat cattle, shall be liable for all damages sustained by reason of such trespass, the same as if such cultivated field, garden, or orchard, were inclosed by a lawful fence; *provided*, that this Act shall only apply to that portion of Sacramento County lying south of the American River, on the east bank of the Sacramento River, and extending from the Sacramento River to the lower Stockton road; and, *provided*, further, that this Act shall not apply to that portion of Sacramento County lying south of the Cosumnes River.

Damages.

Proviso.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DXXX.—*An Act to authorize the Board of Supervisors of Solano County to levy an additional Road Tax.*

[Approved April 27, 1863.]

*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 Solano County is hereby authorized, at their regular meeting in February, A. D. eighteen hundred and sixty-four, and at their regular meeting in February, A. D. eighteen hundred and sixty-five, to levy an additional tax, not exceeding fifty cents on each one hundred dollars, on all taxable property in said county. Said tax shall be assessed and collected in the same manner as other taxes are assessed and collected, and when collected shall be paid into the Treasury, and placed to the credit of the Road Fund

of said county, and shall be subject to the order of the Board of Supervisors. Said funds shall be used for no other purpose than for laying out and improving public roads and building and repairing bridges in Solano County.

SEC. 2. This Act shall remain in force until the first day of January, eighteen hundred and sixty-six, and no longer.

CHAP. DXXXI.—*An Act for the Relief of John Herzo.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of two hundred and fifty-two dollars and ninety cents is hereby appropriated, out of any money in the General Fund not otherwise appropriated, and the Controller of State required to draw his warrant for said amount, in payment and upon surrender of a certificate of the State Treasurer, issued July first, A. D. eighteen hundred and sixty-one, Number Forty-Six, in favor of John Herzo or order, being the remaining unredeemed balance of State indebtedness.

CHAP. DXXXII.—*An Act supplementary to an Act entitled an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city, passed April twenty-fourth, eighteen hundred and sixty-two.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All fees, costs, and expenses, connected or that arise from or in prosecution before Justices of the Peace, or in the Mayor's Court, for offences committed within the charter limits of the City of Oakland, and which said prosecutions shall be tried and finally determined within the said city, shall be paid by the city, and all fines imposed and collected in such cases, and all costs and fees collected in such cases, shall be paid into the Treasury of said city.

SEC. 2. This Act shall take effect and be in force from and after its passage.

CHAP. DXXXIII.—*An Act to appropriate Money to pay the Claim of A. E. Sherwood.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Appropriation.

SECTION 1. The sum of one hundred and thirty-one dollars and forty-one cents is hereby appropriated, out of any money in the General Fund not otherwise appropriated, to pay the claim of A. E. Sherwood, for supplies furnished the expedition against the Indians in the Counties of Tehama, Shasta, Plumas, and Butte, under the command of General Wm. C. Kibbe, in the year eighteen hundred and fifty-nine.

SEC. 2. The Controller of State is hereby authorized to draw his warrant on the Treasurer of State for the sum of one hundred and thirty-one dollars and forty-one cents, in favor of A. E. Sherwood, for supplies furnished, and the Treasurer of State is hereby authorized and required to pay the same.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. DXXXIV.—*An Act concerning Hogs running at large in the County of Contra Costa.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

Hogs trespassing.

SECTION 1. Any hog or hogs found trespassing upon the premises of any person or persons in the County of Contra Costa may be taken up by the owner or owners of such premises, and safely kept, at the expense of the owner or owners of such hog or hogs so found trespassing, and be subject to all the provisions of the second, third, fourth, fifth, sixth, seventh, eighth, and ninth sections of an Act of March twenty-sixth, eighteen hundred and fifty-seven, concerning hogs found running at large in the Counties of Colusa, Tehama, Butte, Sonoma, and Napa.

Act made applicable.

SEC. 2. All Acts or parts of Acts in conflict with this Act, so far as relates to the County of Contra Costa, are hereby repealed.

CHAP. DXXXV.—*An Act supplementary to an Act entitled an Act to provide for the Incorporation of Colleges, passed April twentieth, eighteen hundred and fifty.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Trustees of any college incorporated under the Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty, are hereby authorized and empowered to borrow, in the name of such college, and for and in its behalf, such sums of money as may be necessary to purchase or pay for land, or to erect, repair, or complete any building required for the use of such college, and in the name of and for and in behalf of the college, to execute any instruments in writing, or evidences of debt, or mortgages, or deeds of trust, containing usual or necessary covenants to secure the payment by the college of the money borrowed for the purposes aforesaid, and to bind the property of the college for the payment thereof.

Trustees may borrow money and execute securities.

SEC. 2. Every college included in section one of this Act shall be held bound by the act of its Trustees, and by every instrument and every mortgage and deed of trust executed by such Trustees for the purposes mentioned in section one of this Act, and every recital admission of covenant contained in such instrument, deed, or deed of trust, shall be conclusive proof of the truth thereof against the college, and the receipt of the Trustees shall be sufficient discharge to any party loaning money to the college from all obligation to see to the proper application of the money so loaned.

Receipt.

SEC. 3. This Act shall take effect from and after its passage.

CHAP. DXXXVI.—*An Act supplementary to an Act entitled an Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in the County of Humboldt, in this State, approved March thirteenth, eighteen hundred and sixty-two.*

[Approved April 27, 1863.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sum of three hundred and forty-nine dollars and fifty cents is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the payment of indebtedness not included in the Act of which this Act is supplemental.

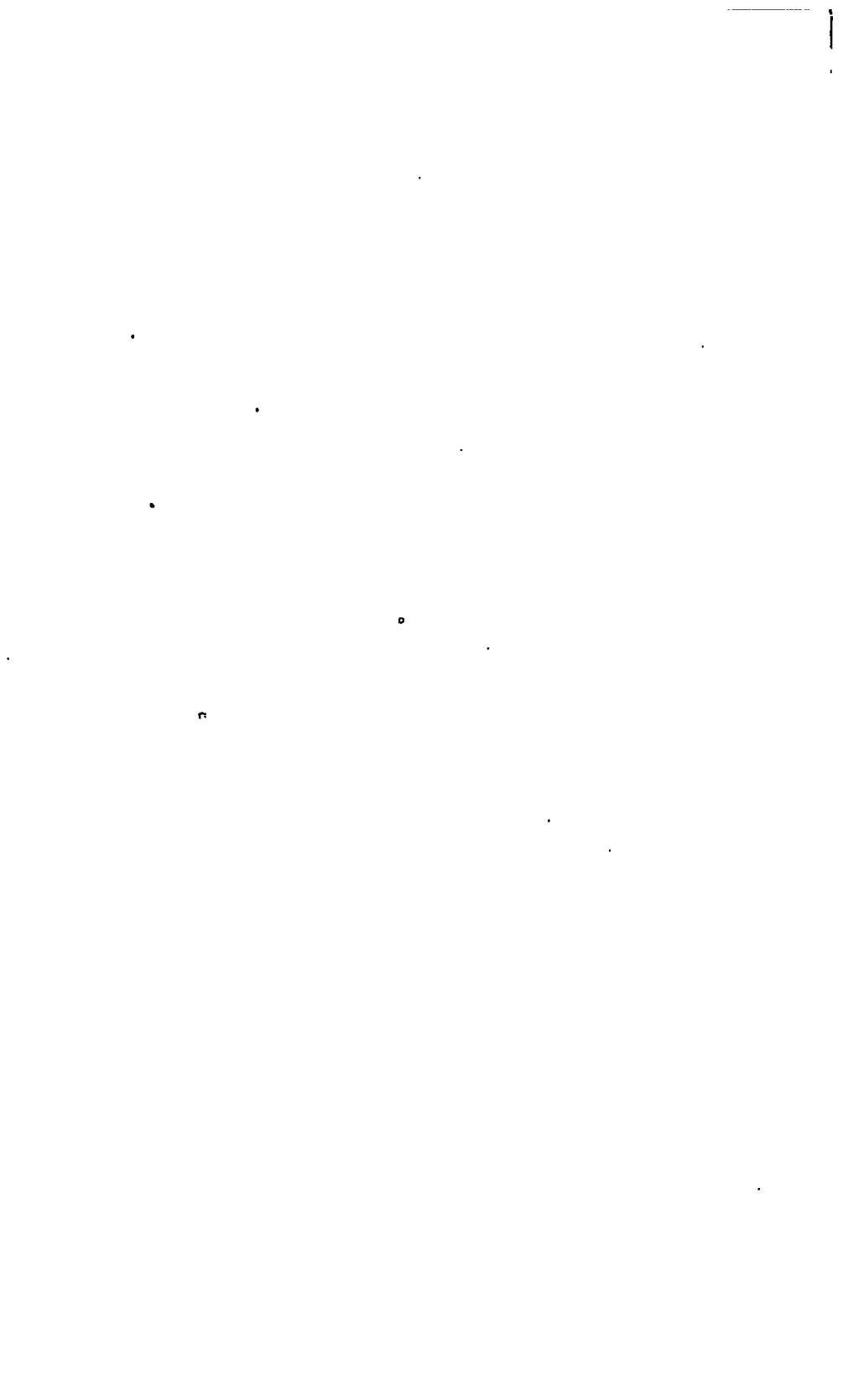
Appropriation.

SEC. 2. The Controller shall draw his warrant on the Treas-

Controller  
to draw  
warrants.

urer in favor of H. F. Janes, for the sum of two hundred and thirty-five dollars; and in favor of J. C. Bull, for the sum of fifty-nine dollars and fifty cents; and in favor of G. W. Reed, for forty-three dollars; and in favor of Seaman Wright, for eleven dollars and fifty cents.

# RESOLUTIONS.





# CONCURRENT AND JOINT RESOLUTIONS.

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## ASSEMBLY RESOLUTIONS.

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### NUMBER I.—*Concurrent Resolution.*

*Resolved*, By the Assembly, the Senate concurring, that there be printed in the Spanish language, four hundred and eighty copies of the Governor's Annual Message, and two hundred and forty copies of each of the Reports of the Controller, Treasurer, Surveyor-General, and Superintendent of Public Instruction; *provided*, the Translator shall not receive more than fifteen cents per folio for arranging figures and proper names which require no translation; and that the Sergeant-at-Arms of the two Houses be requested to deliver the same to the members having Spanish constituencies.

Relative to printing Governor's Message and reports of State officers in Spanish language.

Adopted in the Assembly, January thirty-first, eighteen hundred and sixty-three.

W. N. SLOCUM,

Assistant Clerk of the Assembly.

Adopted in the Senate, January thirty-first, eighteen hundred and sixty-three.

H. G. STEBBINS,

Assistant Secretary of the Senate.

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### No. II.—*Concurrent Resolution.*

*Resolved*, By the Assembly, the Senate concurring, that John Humo, District Attorney for El Dorado County, be and is hereby granted leave of absence from this State for the period of six months, at such time as he may select during his present term of office.

Relative to leave of absence to John Humo.

Adopted in the Assembly, February eleventh, eighteen hundred and sixty-three.

HENRY G. WORTHINGTON,

Clerk of the Assembly.

Adopted in Senate, February eleventh, eighteen hundred and sixty-three.

HENRY G. STEBBINS,

Assistant Secretary of the Senate.

No. III.—*Concurrent Resolution.*

Relative to  
Joint Con-  
vention for  
election of  
U. S.  
Senator.

*Resolved*, By the Assembly, the Senate concurring, that the two Houses of the Legislature meet in Joint Convention this day, February tenth, eighteen hundred and sixty-three, at twelve o'clock, M., in the Assembly Chamber, for the purpose of electing a United States Senator to fill the vacancy occasioned by the expiration of the term of the Hon. M. S. Latham.

T. N. MACHIN,  
Speaker of the Assembly.

A. M. CRANE,  
President pro tem of the Senate.

Adopted in Assembly, February tenth, eighteen hundred and sixty-three.  
HENRY G. WORTHINGTON,  
Clerk of the Assembly.

Adopted in Senate, February tenth, eighteen hundred and sixty-three.  
HENRY G. STEBBINS,  
Assistant Secretary of the Senate.

No. IV.—*Concurrent Resolution.*

[Adopted February 11, 1863.]

Relative to  
furnishing  
the Governor  
with printed  
bills.

*Be it Resolved*, By the Assembly, the Senate concurring, that the Sergeant-at-Arms of the Assembly, and the Sergeant-at-Arms of the Senate, are hereby authorized and required to furnish the Governor of the State with copies of all bills printed for the use of either House.

No. V.—*Concurrent Resolution.*

[Adopted January 24, 1863.]

Relative to  
translating  
laws into  
Spanish.

*Resolved*, By the Assembly, the Senate concurring, that a committee of three from each House be appointed to select proposals for translating into the Spanish language the laws of the present session.

No. VI.—*Concurrent Resolution.*

[Adopted February 11, 1863.]

Leave of  
absence.

*Resolved*, By the Assembly, the Senate concurring, that John W. Shore, County Clerk of the County of Los Angeles, is here-

by granted leave of absence from this State for the term of five months of the present year; *provided*, that the said County Clerk shall leave a competent Clerk or Clerks to discharge the duties of said office during said absence.

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No. VII.—*Concurrent Resolution.*

[Adopted January 22, 1863.]

*Resolved*, By the Assembly, the Senate concurring, that the members of the Assembly and Senate will meet in Joint Convention in the Assembly Chamber, on January twenty-ninth, A. D., one thousand eight hundred and sixty-three, at twelve o'clock, noon, for the purpose of electing one member to the Board of Trustees of the State Library, to fill the vacancy occasioned by the resignation of John R. McConnell.

Joint Convention to elect Trustees to State Library.

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No. VIII.—*Concurrent Resolution.*

[Adopted January 14, A. D., 1863.]

*Resolved*, By the Assembly, the Senate concurring, that when bills are ordered to be printed by the Assembly or the Senate, members of both Houses shall be served with a copy.

Printed bills

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No. IX.—*Concurrent Resolution.*

[Adopted February 21, A. D. 1863.]

*Resolved*, By the Assembly, the Senate concurring, that the State Printer be authorized and directed to furnish the Trustees of the Insane Asylum five hundred copies of their annual report, instead of two hundred and forty copies authorized by the joint report of the Senate and Assembly Committees on Printing.

Insane Asylum Report.

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No. X.—*Concurrent Resolution.*

[Adopted January 6, 1863.]

*Resolved*, By the Assembly, the Senate concurring, that a committee of three from each branch of the Legislature be appointed by their respective presiding officers, to wait upon the

Committee to wait upon the Governor

Governor, and inform him that the Legislature is now organized and ready to receive any communication that he may be pleased to make.

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No. XI.—*Concurrent Resolution.*

[Adopted February 26, 1863.]

Gallant  
conduct of  
Col. Conner.

*Resolved*, By the Assembly, the Senate concurring, that this Legislature and the people of California have heard with pride and satisfaction of the heroic conflict of the California Volunteers, under Colonel Conner, with a greatly superior force of Indians, at Bear River, Washington Territory, which conflict resulted in a complete and important victory over the savages who have for years past made dangerous and bloody the path of the overland emigration to this State.

*Resolved*, That the hearty thanks of the people of this State are due and hereby tendered to the gallant soldiers who have demonstrated in this signal manner the valor of Californians, and done so much to make the future way of the emigrant a safe one; while to the friends of those who fell on the field of honor, and to the intrepid men who are now languishing with wounds received thereon, are extended assurances of earnest sympathy and good wishes.

*Resolved*, That the Governor be requested to forward a copy of these resolutions to Colonel Conner, to be read to the officers and men under his command.

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No. XII.—*Concurrent Resolution.*

[Adopted March 3, 1863.]

Discharging  
Committee  
on legal  
tender notes  
transaction.

*Resolved*, By the Assembly, the Senate concurring, that the Joint Committee raised by the two Houses to investigate the purchase of legal tender notes with coin by the State Treasurer to pay California's quota of direct tax, is hereby discharged.

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No. XIII.—*Concurrent Resolution.*

[Adopted March 5, 1863.]

Inviting  
Prof. Whitney  
to  
address both  
Houses.

*Resolved*, By the Assembly, the Senate concurring, that Professor Whitney, State Geologist, be and he is hereby invited to address the two Houses of the Legislature, in the Assembly Chamber, at such time as may suit his convenience; and he be

and is hereby requested to present his views concerning the relations of the Geological Survey to the interests of the State.

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No. XIV.—*Concurrent Resolution.*

[Adopted March 5, A. D. 1863.]

WHEREAS, Many citizens of this State, in the years eighteen hundred and fifty-nine and eighteen hundred and sixty, were employed in the service of the United States by the Agents of the Indian Department, and others furnished the Agents of the Government with supplies for the several Indian Reservations in California, upon the assurance and belief that the accounts therefor would be speedily paid, which has not to the present time been done; and, whereas, there is now an unexpended balance in the Treasury of the United States of the appropriation for defraying the expenses of the Indian service in this State, and which is applicable to the accounts mentioned, and which has been withheld from the objects intended by the Congress making said appropriation; therefore, be it—

*Resolved*, By the Assembly, the Senate concurring, that our Senators be instructed and our Representatives requested to urge on the proper authorities in Washington a prompt examination and settlement of the accounts aforesaid. Expenses in Indian service.

*Resolved*, That the Governor be requested to transmit a copy of the foregoing to each of our Senators and Representatives in Congress, to the Secretary of the Interior, and to the Commissioner of Indian Affairs.

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No. XV.—*Concurrent Resolution.*

[Adopted March 11, 1863.]

*Resolved*, By the Assembly, the Senate concurring, that our Senators in Congress be instructed and our Representatives requested to use all honorable means in their power to procure the establishment of a weekly mail from Keyssville, on Kern River, Tulare County, to Union Mills, on Owen River, via Walker's Pass, Little Owen Lake, and Big Owen Lake, and a weekly mail route from Crescent City, in California, to Waldo, Oregon. Weekly mail from Keyssville to Union Mills.

*Resolved*, That His Excellency the Governor be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

No. XVI.—*Concurrent Resolution.*

[Adopted March 16, 1863.]

WHEREAS, Congress has levied a tax of five cents per gallon on all wine made in the United States; and, whereas, the value of must, (or wine fresh from the press,) does not exceed fifteen cents per gallon in the largest wine-making district of this State, thus making the tax on the wine three hundred per cent more than that on manufactured articles generally; and, whereas, the unequal and consequently unjust taxation is levied chiefly at the expense of California, which is now the first wine-making State in the Union, and will next year produce more than all the other States; and, whereas, this tax is not only very unjust, but in many cases almost ruinous to the producer, and must have been adopted in misapprehension of the facts; therefore—

Tax on  
native wine.

*Resolved*, By the Assembly, the Senate concurring, that our Senators and Representatives in Congress be requested to lay the facts stated in the preceding preamble before that body, and urge a reduction of the tax on wine to the same rate with that on manufactured articles generally.

And, be it further *Resolved*, that the Governor be requested to furnish a copy of these resolutions to each of our Senators and Representatives in Congress.

No. XVII.—*Concurrent Resolution.*

[Adopted March 13, 1863.]

Mail from  
Red Bluff  
to Shasta.

*Resolved*, By the Assembly, the Senate concurring, that our Senators in Congress be instructed and our Representatives be requested to use their influence to procure the establishment of a weekly mail from Red Bluff, Tehama County, to Shasta, Shasta County, via Zolley's Ferry, Battle Creek, Parksville, Millville, and Buckeye; and also, the establishment of Post Offices at Zolley's Ferry, Battle Creek, Parksville, and Buckeye.

*Resolved*, That His Excellency the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

No. XVIII.—*Concurrent Resolution.*

[Adopted March 19, 1863.]

Lecture  
of State  
Geologist.

*Resolved*, By the Assembly, the Senate concurring, that the members of the two Houses meet in the Assembly Chamber, on

Thursday evening, March nineteenth, eighteen hundred and sixty-three, at eight o'clock, for the purpose of hearing an address on the subject of "The Relations of the Geological Survey to the Interests of the State," by Professor Whitney, State Geologist.

No. XIX.—*Concurrent Resolution.*

[Adopted March 21, 1863.]

*Joint Resolution declaratory of the Adoption of the Amendments to the Constitution proposed by the Legislature at its Twelfth Session.*

WHEREAS, The Legislature of this State, at the twelfth session, Preamble. proposed certain Amendments to the Constitution of the State, which were agreed to by a majority of the members elected to each of the two Houses, and entered on their Journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen; and, whereas, further, in the Legislature next chosen, at the thirteenth session thereof, said proposed Amendments were agreed to by a majority of all the members elected to each House, and submitted by said Legislature to the people of the State for their approval and ratification, at the general election held in the year one thousand eight hundred and sixty-two, at which election the people approved and ratified said proposed Amendments, by a majority vote of the electors qualified to vote for members of the Legislature voting thereat; therefore—

*Resolved*, By the Senate and Assembly, that the following are the said Amendments :

ARTICLE FOUR.—LEGISLATIVE DEPARTMENT.

SECTION 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days. Sessions of Legislature.

SEC. 3. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the first Wednesday in September, unless otherwise ordered by the Legislature, and their term of office shall be two years. Members of Assembly chosen.

SEC. 5. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly; and no person shall be a member of the Senate or Assembly, who has not been a citizen and inhabitant of the State, and of the county or district for which he shall be chosen, one year next before his election. Senators chosen.

SEC. 6. The number of Senators shall not be less than one

**Number of Senators.** third, nor more than one half, of that of the members of the Assembly; and at the first session of the Legislature after this section takes effect, the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one half shall be chosen biennially.

**Apportionment.** SEC. 30. When a Congressional, Senatorial, or Assembly District shall be composed of two or more counties, it shall not be separated by any county belonging to another District. No county shall be divided in forming a Congressional, Senatorial, or Assembly District, so as to attach one portion of a county to another county; but the Legislature may divide each county into as many Congressional, Senatorial, or Assembly Districts, as such county may by apportionment be entitled to.

SEC. 39. In order that no inconvenience may result to the public service from the taking effect of the Amendments proposed to Article Four by the Legislature of eighteen hundred and sixty-one, no officer shall be suspended or superseded thereby, until the election and qualification of the several officers provided for in said Amendments.

#### ARTICLE FIVE.—EXECUTIVE DEPARTMENT.

**Election of Governor.** SEC. 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday in December subsequent to his election, and until his successor is elected and qualified.

**Of State officers.** SEC. 18. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General, shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor.

**Duty of Secretary of State.** SEC. 19. The Secretary of State shall keep a fair record of the official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law; and in order that no inconvenience may result to the public service from the taking effect of the Amendments proposed to said Article Five by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded or suspended thereby until the election and qualification of the several officers provided for in said Amendments.

#### ARTICLE SIX.—JUDICIAL DEPARTMENT.

**Judicial power.** SEC. 1. The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts, and in Justices of the Peace, and in such Recorders' and other inferior Courts as the Legislature may establish in any incorporated city or town.

**Supreme Court.** SEC. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three Justices shall be necessary for the transaction of business, excepting



such business as may be done at Chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State, at special elections to be provided by law, at which elections no officer other than judicial shall be elected, except a Superintendent of Public Instruction. The first election for Justices of the Supreme Court shall be held in the year eighteen hundred and sixty-three. The Justices shall hold their offices for the term of ten years from the first day of January next after their election, except those elected at the first election, who, at their first meeting, shall so classify themselves by lot, that one Justice shall go out of office every two years. The Justice having the shortest term to serve shall be the Chief Justice.

Election  
of Justices.

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity, also in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; also in all cases arising in the Probate Courts; and also in all criminal cases amounting to felony, on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State, upon petition on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any District Court or any County Court in the State, or before any Judge of said Courts.

Jurisdiction  
and powers.

SEC. 5. The State shall be divided by the Legislature of eighteen hundred and sixty-three, into fourteen Judicial Districts, subject to such alteration from time to time, by a two thirds vote of all the members elected to both Houses, as the public good may require; in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the District, at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this Article. The District Judges shall hold their offices for the term of six years from the first day of January next after their election. The Legislature shall have no power to grant leave of absence to a judicial officer, and any such officer who shall absent himself from the State for upwards of thirty consecutive days shall be deemed to have forfeited his office.

Judicial  
Districts.

Election  
of District  
Judges.

SEC. 6. The District Courts shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; and also, in all criminal cases not otherwise provided for. The District Courts and their Judges shall have power to issue

Powers and  
jurisdiction  
of District  
Courts.

writs of habeas corpus on petition by or on behalf of any person held in actual custody in their respective districts.

County  
Courts.

SEC. 7. There shall be in each of the organized counties of the State a County Court, for each of which a County Judge shall be elected by the qualified electors of the county, at the special judicial elections to be held, as provided for the election of Justices of the Supreme Court by section three of this Article. The County Judges shall hold their offices for the term of four years from the first day of January next after their election. Said Courts shall also have power to issue naturalization papers. In the City and County of San Francisco the Legislature may separate the office of Probate Judge from that of County Judge, and may provide for the election of a Probate Judge, who shall hold his office for the term of four years.

Jurisdiction.

SEC. 8. The County Courts shall have original jurisdiction of actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and of all such special cases and proceedings as are not otherwise provided for; and also, such criminal jurisdiction as the Legislature may prescribe; they shall also have appellate jurisdiction in all cases arising in Courts held by Justices of the Peace and Recorders, and in such inferior Courts as may be established, in pursuance of section one of this Article, in their respective counties. The County Judges shall also hold, in their several counties, Probate Courts, and perform such duties as Probate Judges as may be prescribed by law. The County Courts and their Judges shall also have power to issue writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties.

Probate  
Courts.

Justices of  
the Peace.

SEC. 9. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties, and responsibilities; *provided*, such powers shall not, in any case, trench upon the jurisdiction of the several Courts of record. The Supreme Court, the District Courts, County Courts, the Probate Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.

Recorder's  
Courts.

SEC. 10. The Legislature shall fix by law the jurisdiction of any Recorder's or other inferior municipal Court which may be established in pursuance of section one of this Article, and shall fix by law the powers, duties, and responsibilities of the Judges thereof.

Clerk of  
Supreme  
Court, etc.

SEC. 11. The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensation; County Clerks shall be ex officio Clerks of the Courts of record in and for their respective counties. The Legislature may also provide for the appointment by the several District Courts of one or more Commissioners in the several counties of their respective districts, with authority to perform Chamber business of the Judges of the District Courts and County Courts, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by law.

Commis-  
sioners.

- SEC. 12. The times and places of holding the terms of the several Courts of record shall be provided for by law. Holding Court.
- SEC. 13. No judicial officer, except Justices of the Peace, Recorders, and Commissioners, shall receive to his own use any fees or perquisites of office. To receive no fees.
- SEC. 14. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person. Report of Supreme Court.
- SEC. 15. The Justices of the Supreme Court, District Judges, and County Judges, shall severally, at stated times during their continuance in office, receive for their services a compensation, which shall not be increased or diminished during the term for which they shall have been elected; *provided*, that County Judges shall be paid out of the County Treasury of their respective counties. Compensation of Judges.
- SEC. 16. The Justices of the Supreme Court, and the District Judges, and the County Judges, shall be ineligible to any other office than a judicial office during the term for which they shall have been elected. Judges ineligible.
- SEC. 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law. Charge to juries.
- SEC. 18. The style of all process shall be "The People of the State of California," and all prosecutions shall be conducted in their name, and by their authority.
- SEC. 19. In order that no inconvenience may result to the public service from the taking effect of the Amendments proposed to said Article Six by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded thereby, nor shall the organization of the several Courts be changed thereby, until the election and qualification of the several officers provided for in said Amendments.

## ARTICLE NINE—EDUCATION.

SEC. 1. A Superintendent of Public Instruction shall, at the special election for judicial officers to be held in the year eighteen hundred and sixty-three, and every four years thereafter at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election. Superintendent of Public Instruction.

And that the same have been constitutionally adopted, and have become a part of the Constitution, to take effect as provided in said Amendments.

No. XX.—*Concurrent Resolution.*

[Adopted April 3, 1863.]

Adjournment.

*Resolved*, By the Assembly, the Senate concurring, that the Senate Concurrent Resolution Number Nineteen, relative to the adjournment of the Legislature sine die, on Monday, the eighth day of April, eighteen hundred and sixty-three, be and the same is hereby rescinded.

And be it further *Resolved*, That the Legislature will adjourn sine die on Monday, the twentieth day of April, eighteen hundred and sixty-three, at twelve o'clock, at noon, and that no new business shall hereafter be introduced without the concurrence of three fourths of the members present of either House.

No. XXI.—*Concurrent Resolution.*

[Adopted April 7, 1863.]

Leave of absence.

*Resolved*, By the Assembly, the Senate concurring, that John T. Peabody, County Surveyor of Solano County, be and he is hereby granted leave of absence from this State for the period of four months, at such time as he may select during his present term of office.

No. XXII.—*Concurrent Resolution.*

[Adopted April 10, 1863.]

Clerical error.

*Resolved*, By the Assembly, the Senate concurring, that the Enrolling Committee of Assembly be authorized to correct a clerical error in Assembly Bill Number Two Hundred and Eighty-Five, an Act to regulate and license places of public amusement, by inserting in line twelve of section second the word "ten" in place of "twenty."

No. XXIII.—*Concurrent Resolution.*

[Adopted April 17, 1863.]

Adjournment.

*Resolved*, By the Assembly, the Senate concurring, that the Resolution fixing the time for the final adjournment of this Legislature for the twentieth day of April, instant, is hereby rescinded, and the day for the adjournment sine die fixed for the twenty-seventh day of April, A. D. eighteen hundred and sixty-three, at twelve o'clock, noon, and that no new business shall be introduced except by unanimous consent.

No. XXIV.—*Concurrent Resolution.*

[Adopted April 20, 1863.]

*Resolved*, By the Assembly, the Senate concurring, that the Enrolling Clerk of the Assembly be and he is hereby authorized to strike out the word "nine," in Senate amendment to Assembly Bill Number Three Hundred and Eighty-Two, and in place thereof insert the word "seven." Assembly  
bill No. 382.

No. XXV.—*Concurrent Resolution.*

[Adopted April 17, 1863.]

*Resolved*, By the Assembly, the Senate concurring, that peace with rebels, on any terms except an unconditional surrender to the National authority, would be dishonorable; that the surest and quickest way to vindicate justice and honor, is a vigorous prosecution of the war; and that, believing the war so prosecuted must end in the permanent establishment of one Government over one people, we are for the war to that glorious consummation, at any cost of life and means. Patriotic  
resolutions.

*Resolved*, That while our soldiers are fighting under one banner, with one purpose, in the field, we should be united in defence of the Government at home.

*Resolved*, That adherence to old party ties in this crisis is unpatriotic and mischievous, and that all who truly love their country should be pledged to unanimity of sentiment and action in its behalf against all foes, military or political.

*Resolved*, That we will band ourselves in one Union League, to sustain the Administration in its efforts to restore the National authority, and to crush treason and traitors from our soil.

No. XXVI.—*Concurrent Resolution.*

[Adopted April 20, 1863.]

*Resolved*, By the Assembly, the Senate concurring, that the Secretary of State be and he is hereby authorized and required to prepare and have printed, in the volume of laws passed at the Fourteenth Session of the Legislature, the Constitution of the State of California, with the Amendments thereto proposed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two, and confirmed by the people of the State at the general election held on the third Wednesday of September, A. D. one thousand eight hundred and sixty-two. Constitution  
and Amend-  
ments.

No. XXVII.—*Concurrent Resolution.*

[Adopted April 23, 1863.]

Assembly  
bill No. 319.

*Resolved*, By the Assembly, the Senate concurring, that the Enrolling Committee of the Assembly are hereby authorized to insert in tenth line of section nine, Assembly bill Number Three Hundred and Nineteen, concerning the militia of this State, after the words "commissioned officers," the words "non-commissioned officers."

No. XXVIII.—*Concurrent Resolution.*

[Adopted April 25, 1863.]

General E.  
V. Sumner.

*Resolved*, By the Assembly, the Senate concurring, that the loyal people of the State of California have heard with deep and abiding regret the death of Major-General E. V. Sumner, of the United States Army, by whose timely arrival here, and prompt and decisive action, this State was saved from anarchy and the horrors of civil war.

*Resolved*, That the heroic conduct of this veteran officer on the field of battle, and the distinguished services rendered by him to our country in this hour of trial and public calamity, entitles his name to a high place on the roll of honor, and him to grateful remembrance so long as a friend of our Government survives.

No. XXIX.—*Concurrent Resolution.*

[Adopted April 25, 1863.]

J. W.  
Osborn.

*Resolved*, By the Assembly, the Senate concurring, that by the death of J. W. Osborn, of Napa, California has been deprived of one of her most valuable citizens, and the interests of agriculture have sustained an irreparable loss.

No. XXX.—*Concurrent Resolution.*

[Adopted April 25, 1863.]

Transfer  
of money.

*Resolved*, By the Assembly, the Senate concurring, that seven hundred dollars is hereby transferred from the Legislative Fund, as follows: Three hundred and fifty dollars to the Contingent Fund of Senate, and three hundred and fifty dollars to the Contingent Fund of the Assembly, which amounts shall be applied

to the payment of the per diem of the attachés of the Legislature, and be distributed pro rata among said attachés.

No. XXXI.—*Concurrent Resolution.*

[Adopted April 22, 1863.]

*Resolved*, By the Assembly, the Senate concurring, that Professor J. D. Whitney, State Geologist, John Swett, State Superintendent of Public Instruction, and J. F. Houghton, Surveyor-General, be and they are hereby constituted a Board of Commissioners to report to the Legislature, on or before the second Monday of December, one thousand eight hundred and sixty-three, upon the feasibility of establishing a State University, embracing an Agricultural College, "A School of Mines," and a Museum, including the Geological Collection of this State, and that said Board report such facts and considerations as they may deem important in connection therewith.

SENATE RESOLUTIONS.

NUMBER I.—*Concurrent Resolution.*

[Approved January 26, 1863.]

*Resolved*, By the Senate, the Assembly concurring, that the loyal State of California receives with earnest favor the recent Proclamation of Freedom issued by the President of the United States, as Commander-in-Chief of the Army and Navy, regarding the measure as necessary for the success of the efforts of the Government for the suppression of a desperate and wicked rebellion, and the re-establishment of its authority, consistent with the laws of war, and full of promise for the future permanence, unity, and prosperity of the nation, and we hereby pledge to the measure the cordial and earnest support of the people of California.

*Resolved*, That the Governor be requested to forward a copy of these resolutions to the President of the United States.

Adopted in Senate, January sixth, eighteen hundred and sixty-three.

J. F. CHELLIS,  
President of the Senate.

Adopted in Assembly, January tenth, eighteen hundred and sixty-three.

T. N. MACHIN,  
Speaker of the Assembly.

No. II.—*Concurrent Resolution.**Concurrent Resolutions relative to the Miranda Claim to Rancho Arroyo de San Antonio.*

[Adopted February 24, 1863.]

WHEREAS, An attempt is being made to revive by an Act of Congress the Miranda claim to the Rancho Arroyo de San Antonio; and, whereas, the reviving of said claim would be an act of great injustice to the people of Sonoma County; and, whereas, the public interest requires that land titles in California should be settled as speedily as possible, and when once settled should not be disturbed; therefore, be it—

Miranda  
claim.

*Resolved*, By the Senate, the Assembly concurring, that our Senators in Congress are instructed and our Representatives requested to oppose the reviving or opening of said claim; and also, to oppose the opening of any Mexican grant claim in California which has been settled by law.

*Resolved*, That his Excellency the Governor be requested to forward a copy of the above resolutions to each of our delegation in Congress.

No. III.—*Concurrent Resolution.*

[Adopted March 10, 1863.]

Pay of U. S.  
officers, etc.

*Be it Resolved*, By the Senate, the Assembly concurring, that our Senators in Congress be instructed and our Representatives requested to impress upon the Executive the necessity which exists of having officers and soldiers of the United States Army, officers, seamen, and mariners of the United States Navy, and all citizens employés in the service of the Government of the United States, serving west of the Rocky Mountains and on the Pacific Coast, paid their salaries and pay in gold and silver currency of the United States; *provided*, the same be paid in as revenue on this coast.

*Be it Resolved*, That these resolution be, without delay, telegraphed by the Governor of this State to our delegation in Congress, in order that immediate action may be had upon the same.

No. IV.—*Concurrent Resolution.*

[Adopted March 4, 1863.]

Lands at San  
Quentin.

*Resolved*, By the Senate, the Assembly concurring, that the Attorney-General be and he is hereby directed to investigate all questions affecting the title of the State to the lands at Point



San Quentin, covered by or adjacent to any of the Prison buildings or improvements; and the Surveyor-General is also hereby directed to make a survey and plat which shall embrace all such lands, and report the same immediately to the Legislature.

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No. V.—*Concurrent Resolution.*

[Adopted March 11, 1863.]

*Resolved*, By the Senate, the Assembly concurring, that this Legislature will adjourn, sine die, on Monday, the eighth day of April, Anno Domini eighteen hundred and sixty-three, at twelve o'clock, at noon, of that day, and that no new business shall be introduced after the thirty-first day of March, without the concurrence of three-fourths of the members present of either House. Adjourn-  
ment.

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No. VI.—*Concurrent Resolution.*

[Adopted March 23, 1863.]

*Resolved*, By the Senate, the Assembly concurring, that it becomes the State of California to recognise the fame reflected on her name by the splendid services of General Joseph Hooker in the national cause, and to convey to that heroic soldier an expression of her satisfaction with his promotion to the command of the Army of the Potomac, and her confidence that he will lead that army to victories through which peace may return to the nation and new glory given to her flag. General Jos.  
Hooker.

*Resolved*, That the Governor be requested immediately to transmit a copy of these resolutions to General Hooker.

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No. VII.—*Concurrent Resolution.*

[Adopted March 31, 1863.]

*Resolved*, By the Senate, the Assembly concurring, that the Enrolling Clerk of the Senate is hereby required to make a correction of a verbal error in Senate bill Number Two Hundred and Thirty-Five, an Act to provide for the maintenance and supervision of Common Schools, by inserting in section twenty-eight of said Act the words "tenth of September" in place of the words "fifteenth of August." Senate bill  
No. 235.

No. VIII.—*Concurrent Resolution.*

[Adopted April 4, 1863.]

Eastern  
boundary  
line.

*Resolved*, By the Senate, the Assembly concurring, that our Senators in Congress be instructed and our Representatives be requested to use their exertions to secure the passage of an Act by Congress changing the eastern boundary line of California, so as to run from Fort Mohave, up the Colorado River, to the southern boundary line of Utah Territory; thence west, along said line, to the State of California; thereby attaching to California all of that portion of the Territory of New Mexico lying west of the Colorado River and south of Utah Territory.

No. IX.—*Concurrent Resolution.*

[Adopted April 7, 1863.]

Senate bill  
No. 295.

*Resolved*. By the Senate, the Assembly concurring, that the Enrolling Clerk of the Senate be and he is hereby authorized to correct a clerical error in the title of Senate Bill Number Two Hundred and Ninety-Five, entitled an Act supplemental to and explanatory of an Act entitled an Act to allow James E. Nuttman, Marcus Harlow, and their assigns, to construct and maintain a toll road in the County of San Mateo, passed March twenty-sixth, eighteen hundred and sixty-three, by striking out the word "sixth" in line six of the title of the original of the above entitled bill, and insert the word "fourth" instead thereof.

No. X.—*Concurrent Resolution.*

[Adopted April 8, 1863.]

Taxes, and  
collection  
of revenue.

*Resolved*, By the Senate, the Assembly concurring, that the Controller of State be and is hereby authorized and required to collate the laws relating to the levy of taxes and the collection of revenue in this State that may be in force at the close of the present session of the Legislature, and with all practicable dispatch to cause one thousand nine hundred and twenty copies thereof, in pamphlet form, to be published and distributed to the various county, district, and township officers intrusted with the execution of said laws, together with such forms and instructions as may be deemed necessary to insure their uniform operation and faithful execution.

No. XI.—*Concurrent Resolution.*

[Adopted April 20, 1863.]

*Concurrent Resolution authorizing the Secretary of State to purchase one hundred additional copies of the Statutes of eighteen hundred and sixty-three, from the State Printer.*

*Resolved*, By the Senate, the Assembly concurring, that the Secretary of State be and is hereby authorized and required to purchase from the State Printer one hundred copies of the Statutes of eighteen hundred and sixty-three, in addition to the number now authorized by law, at a price not exceeding that authorized by law. Statutes  
of 1863.

No. XII.—*Concurrent Resolution.*

[Adopted April 20, 1863.]

*Concurrent Resolution relative to Indian Affairs.*

WHEREAS, The Legislature at its last session, in view of the fact that vast sums of money had been expended by the Government in regard to Indian matters on this coast, without resulting in any advantage or benefit either to the frontier settlers or to the Indians themselves, memorialized Congress for a change of policy in the premises, asking for a removal of all undomesticated Indians to distant Reservations, so they could not return; whereas, no action has yet been taken by the General Government in compliance with said memorial; and, whereas, during the last year, Indian disturbances, depredations, and murders, have been of frequent occurrence through an extensive portion of the State; and, whereas, it is now attempted to have the General Government confirm the selection of a Reservation in Smith River Valley, Del Norte County, and another in Round Valley, Mendocino County, against the remonstrance and protests of the people in those and other counties in that portion of the State; and, whereas, those Reservations being within easy communication with the section mostly infested with hostile tribes, the Indians can, and do, as often as captured and taken to said Reservations, escape therefrom, to repeat with increased effectiveness their deeds of plunder and murder; and, whereas, the purchase of these Reservations, while it would be a useless expense to the Government, would also inflict an irreparable injury upon that part of the State; and, whereas, the appropriations now annually wasted upon the various Reservations in this State, with but a small portion of the means exhausted in military expeditions employed in attempting to subdue the Indians, or in trying to guard the lives and property of our citizens against sudden outbreaks and attacks, would, if upon one Reservation distant from their former homes, thoroughly guard all the Indians in Indian  
affairs.

the State, and make their condition far more comfortable than at present; therefore—

Indian  
affairs.

*Resolved*, By the Senate, the Assembly concurring, that this State, as a matter of justice and right, do hereby request of the General Government, whose duty it is to take care of its wards, the Indians, that some speedy action whereby our people may be relieved from the present incessant disturbances, depredations, and murders, committed by these savages, that as a practical mode of remedying existing evils in this regard, a competent and suitable Agent should be appointed by the Government to select a Reservation sufficiently distant and detached from the section principally infested by hostile Indians, on which said Indians, as fast as they can be gathered in by the military, or otherwise, should be removed and there colonized, the Government having exclusive jurisdiction over said Reservation, so as to prevent conflicts with local authorities.

*Resolved*, That our Senators in Congress be instructed and our Representatives requested without delay to bring the subject of Indian affairs on this coast to the attention of the Government, and to use their influence to have the changes herein suggested adopted and carried into effect.

*Resolved*, That His Excellency the Governor be requested to transmit a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

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### No. XIII.—*Concurrent Resolution.*

[Adopted April 24, 1863.]

State Harbor  
Commissioner.

*Resolved*, By the Senate, the Assembly concurring, that the Senate will meet the Assembly in Joint Convention at eight o'clock this evening, for the purpose of electing a State Harbor Commissioner, as provided in an Act entitled an Act to provide for the improvement and protection of the wharves, docks, and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three.

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### No. XIV.—*Concurrent Resolution.*

[Adopted April 24, 1863.]

Public  
domain.

WHEREAS, The State of California, through her officers properly authorized by law, has made selections of land from the public domain in part satisfaction of the various donations made to the State by Acts of Congress; and, whereas, the State has made sales of the lands so selected to purchasers in good faith, received partial or whole payments therefor, and has issued

certificates of purchase, or patents, to such purchasers for the lands so selected, thereby pledging her honor to the procurement of good and sufficient titles for the same; and whereas, the Honorable Commissioner of the General Land Office at Washington, giving a different construction to some of said laws of donation from that entertained by the authorities of the State, has decided many of such selections to have been improperly made; be it therefore—

*Resolved*, By the Senate, the Assembly concurring, that our Senators and Representatives in Congress are hereby requested to procure the passage of a law which shall provide that wherever the proper authorities of the State have in good faith selected any portion of the public domain in part satisfaction of any grant made to the State by any Act of Congress, and have sold the same in good faith, the said selections shall be confirmed to the State, and the State hereby pledges herself that, if upon final investigation and decision, it shall appear that the State has selected any lands to which she is not entitled, she shall pay into the Sub-Treasury of the United States at San Francisco, to the credit of the United States, the sum of one dollar and twenty-five cents for each and every acre of land so determined to have been improperly selected.

*Resolved*, That a copy of these resolutions be immediately sent by the State Register, under his seal, to the Honorable Secretary of the Interior, and one copy to the Honorable Commissioner of the General Land Office at Washington.