

THE
STATUTES OF CALIFORNIA,

PASSED AT THE

NINTH SESSION OF THE LEGISLATURE.

1858.

BEGUN ON MONDAY, THE FOURTH DAY OF JANUARY, AND ENDED ON MONDAY,
THE TWENTY-SIXTH DAY OF APRIL.

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1858.

passed May first, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows :

Appeals in
criminal
cases.

Section four hundred and eighty-one—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 mayor's court, or of the police judge's court, in the city and county of San Francisco. *Second*, To the Supreme Court, from a final judgment of the district court or court of sessions, in all criminal cases amounting to felony. Also, from an order of the district court or court of sessions, granting or refusing a new trial, or which affects a substantive right in a criminal case amounting to felony.

SEC. 2. Section four hundred and eighty-two of the said act is hereby amended so as to read as follows :

Supreme and
county
courts.

Section four hundred and eighty-two—The appeal to the Supreme Court can be taken on questions of law alone. The appeal to the county court can be taken on both questions of law and fact.

Hearing.

SEC. 3. The appeal to the county court from the judgment of a justice's, recorder's, mayor's, or police judge's court, shall be heard upon a statement of the case settled by the justice, police judge, recorder, or mayor, embodying the evidence, and such rulings of the court as are excepted to.

Disposition.

SEC. 4. Upon the appeal to the county court, if a new trial be granted, such new trial shall be had in the county court. If the judgment be affirmed, a copy of the judgment of affirmance shall be sent to the court below, upon the receipt of which the court below shall proceed to enforce its sentence.

Transferred.

SEC. 5. All appeals from a justice's, mayor's, recorder's, or police judge's court, remaining undetermined, and now pending in any court of sessions, shall be transferred to the county court of the proper county, and be heard and determined by said county court, in like manner as if the appeal were originally taken to the county court, under the provisions of this act.

County
excepted.

SEC. 6. Nothing in this act contained shall apply to the police judge's court in the city of San Francisco, save the provisions of section one of this act.

CHAP. CCLXII.—*An Act for the incorporation of Water Companies.*

[Approved April 22, 1858.]

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

Application
of acts.

SECTION 1. The provisions of an act entitled an act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three, and the provisions of an act entitled an act to amend an act entitled an act to provide for the formation of corporations for certain purposes, passed April fourteenth, one thousand eight hundred and fifty-three, and passed on the thirtieth (30th) day of April, one thousand eight hundred and fifty-five, shall extend to and apply to all corporations already formed, or hereafter to be

formed, under said acts, for the purpose of supplying any city and county, or any cities or towns in this state, or the inhabitants thereof, with pure fresh water.

SEC. 2. Any company incorporated for the purposes specified in the preceding section, shall have the right to purchase, or to appropriate and take possession of, and use and hold, all such lands and waters as may be required for the purposes of the company, upon making compensation therefor. The mode of proceeding to appropriate and take possession of such lands and waters, when the parties cannot agree upon a purchase thereof, shall be the same as prescribed in sections twenty-seven, twenty-eight, and twenty-nine, of an act to provide for the incorporating of railroad companies, passed April twenty-second, one thousand eight hundred and fifty-three, except that such proceedings shall be had before the county judge of the county in which such lands or waters, or both, may be situated; *Provided*, that all reservoirs, canals, ditches, pipes, aqueducts, and all conduits heretofore built, or that hereafter may be constructed by any corporation formed under this act, or claiming the privileges, rights, and immunities herein granted, or any of them, shall be used exclusively for the purpose of supplying any city and county, or any cities or towns, in this state, or the inhabitants thereof, with pure fresh water.

Purchase of lands.

Buildings, etc.

SEC. 3. All privileges, immunities, and franchises, that may hereafter be granted to any individual or individuals, or to any corporation or corporations, relating to the introduction of fresh water into the city and county of San Francisco, or into any city or town in this state, for the use of the inhabitants thereof, are hereby granted to all companies incorporated, or that may hereafter become incorporated, for the purposes aforesaid.

Privileges.

SEC. 4. All corporations formed under the provisions of this act, or claiming any of the privileges of the same, shall furnish pure fresh water to the inhabitants of such city and county, or city or town, for family uses, so long as the supply permits, at reasonable rates and without distinction of persons, upon proper demand therefor, and shall furnish water, to the extent of their means, to such city and county, or city or town, in case of fire or other great necessity, free of charge. And the rates to be charged for water shall be determined by a board of commissioners, to be selected as follows: Two by such city and county, or city or town authorities, and two by the water company; and in case that four cannot agree to the valuation, then, in that case, the four shall choose a fifth person, and he shall become a member of said board; if the four commissioners cannot agree upon a fifth, then the sheriff of the county shall appoint such fifth person. The decision of a majority of said board shall determine the rates to be charged for water for one year, and until new rates shall be established. The board of supervisors, or the proper city or town authorities, may prescribe such other proper rules relating to the delivery of water, not inconsistent with this act and the laws and constitution of this state.

Duties.

Rates by commissioners.

SEC. 5. Any corporation created under the provisions of this act, shall have the right, subject to the reasonable direction of the board of supervisors or city or town authorities, as to the mode and manner of exercising such right, to use so much of the

Rights.

streets, ways, and alleys, in any town, city, or city and county, or any public road therein, as may be necessary for laying pipes for conducting water into any such town, city, or city and county, or through or into any part or parts thereof.

Reincorporation.

SEC. 6. Any corporation heretofore formed for the purposes specified in this act, shall have the right to reincorporate under the provisions of this act, without losing, forfeiting, or diminishing any of the rights, privileges, franchises, or immunities, which they have heretofore lawfully acquired.

CHAP. CCLXIII.—*An Act amendatory of and supplementary to an Act entitled "An Act to incorporate the Town of Oroville," approved March fourteenth, one thousand eight hundred and fifty-seven.*

[Approved April 22, 1858.]

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

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

Boundaries.

Section two—The corporate limits of the said town of Oroville shall be as follows: Commencing on the south-east side of Feather River, in the county of Butte, at a point known as Lathrop's Ferry, and running thence south twenty degrees east one hundred and sixty rods; thence west twenty degrees south to the Fourth Avenue, as laid down on the map of the Carleton estate, now on file in the recorder's office of said county; thence along the westerly line of said avenue, in a northerly direction, to Feather River; thence up said river, in an easterly direction, to the place of beginning; the area within said limits not to exceed one square mile.

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

Trustees' power.

Section eight—The board of trustees shall have power to make such by-laws or ordinances not inconsistent with the constitution and laws of the United States, and of this state, as they may deem necessary to prevent and remove nuisances, to prohibit disorderly conduct, to provide for licensing public shows, lawful games, hawkers, and peddlers, and bars at which spirituous liquors are sold, construct pumps, aqueducts, reservoirs, or other works necessary for duly supplying the town with water, to keep in repair public wells, to lay out, alter, keep open, and repair the streets and alleys of the town, and to establish grades of the same; to levy and collect, annually, a tax on all property in the town, not exceeding one and one-half per centum on the assessment valuation thereof, of which tax one-fifth of the net proceeds, together with all fines collected for the violation of any fire ordinance, together with the annual surplus revenue of said town, shall be set apart as an inviolate fund for a fire department in said town, which fund shall be denominated the "engine fund;" also, to levy and collect a poll-tax, of not exceeding one dollar per annum, on every male inhabitant of twenty-one years of age and upwards; to impose and collect a tax