

THE
STATUTES OF CALIFORNIA,

PASSED AT THE

ELEVENTH SESSION OF THE LEGISLATURE,

1860 :

BEGUN MONDAY, THE SECOND DAY OF JANUARY, AND ENDED ON MONDAY,
THE THIRTIETH DAY OF APRIL.

~~~~~  
PUBLISHED BY AUTHORITY.  
~~~~~

SACRAMENTO:
CHARLES T. BOTTS, STATE PRINTER.
1860.

bank of Petaluma Creek; and so much of the Sonoma River as lies between its mouth and a point opposite Fowler's Hotel, in the town of San Luis; and so much of the Napa River as lies between its mouth and the toll-bridge; and so much of the Suisun River as lies between its mouth and the town of Suisun Embarcadero; and so much of the Sacramento River as lies between its mouth and the mouth of Middle Creek; and so much of Feather River as lies between its mouth and the mouth of the Yuba River; and so much of the Yuba River as lies between its mouth and a point at the mouth of the slough, at the foot of A Street, in the city of Marysville; and so much of the San Joaquin River as lies between its mouth and the Tulare Lake; and so much of the Stockton Slough as lies between its mouth and the west line of El Dorado Street, in Stockton; and so much of the Mokelumne River as lies between its mouth and the first falls; and so much of the Tuolumne River as lies between its mouth and Dickinson's Ferry; and so much of Deer Creek as lies between the house of Peter Lassen and its mouth, are hereby declared navigable.

CHAP. CCVII.—*An Act to Ratify and Confirm Order, Number One Hundred and Seventy-Two, of the Board of Supervisors of the City and County of San Francisco.*

[Approved April 12, 1860.]

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

WHEREAS, on the twenty-ninth day of August, one thousand eight hundred and fifty-nine, the Board of Supervisors of the city and county of San Francisco passed an order known as "Order, Number One Hundred and Seventy-Two, amendatory of Order, Number Forty-Six, and repealing Order, Number Sixty-Five and Order, Number Ninety-Two, in relation to the San Francisco City Water Works," which order was duly approved by E. W. Burr, the President of said Board of Supervisors, on the thirtieth day of August, one thousand eight hundred and fifty-nine, of which the following is a copy, to wit :

Preamble.

"Order, Number One Hundred and Seventy-Two, amendatory of Order, Number Forty-Six, and repealing Order, Number Sixty-Five, and Order, Number Ninety-Two, in relation to the San Francisco City Water Works.

[Approved San Francisco, August 30, 1859.]

The People of the City and County of San Francisco do ordain as follows :

SECTION 1. Section one of Order, Number Forty-Six, is hereby amended so as to read as follows :

Sec. 1. The San Francisco City Water Works, a company

Act of incorporation

duly incorporated according to the laws of this State, and their successors and assigns, shall be allowed to introduce pure fresh water, for fire, municipal, and other purposes, into the city and county of San Francisco, through any land claimed as belonging to the city and county of San Francisco, and to conduct water from a dam to be constructed near the mouth of 'Lobos Creek,' so called, by means of a suitable aqueduct of sufficient capacity to carry all the water of said stream, commencing at a point near the mouth of said creek, thence following along near the shore of the bay, to some suitable point at North Beach, near the foot of Van Ness Avenue; at or near which point the said company shall build a reservoir of not less than fifty thousand gallons capacity; and the said work shall be forfeited to the city and county of San Francisco if not completed, as specified in this section, on or before the first day of January, one thousand eight hundred and sixty, unless the progress of the work be suspended by law, in which case an additional time shall be allowed to said company equal to the period during which the progress of the work may have been suspended as aforesaid; *provided*, that said company shall use all due diligence in relieving themselves from such legal impediments.

May be forfeited.

SEC. 2. Section two of Order, Number Forty-Six, is hereby amended so as to read as follows:

Requirements of company.

Sec. 2. Said company shall, from the said point at the North Beach, in said city and county, by suitable and sufficient machinery and pumps, elevate the water hereby authorized to be introduced into the said city and county, into a distributing reservoir, constructed at an elevation of not less than one hundred and thirty feet above the base line of the city grade of streets; which reservoir shall be completed on or before the sixth day of August, one thousand eight hundred and sixty, and shall be constructed of brick and cement, or other material of equal strength and durability, and of sufficient capacity to contain not less than six millions of gallons. Also, a third reservoir shall be begun and completed within the same time as the second reservoir, to be constructed at an elevation sufficiently high to supply the inhabitants of west Stockton Street, and not less than two hundred and fifty feet above the base of city grade, and of not less than two millions of gallons capacity; and the said company shall connect with said reservoirs suitable iron pipes, to be by them laid down through the streets and alleys of said city and county, under the direction of the Board of Supervisors, capable of supplying and discharging not less than two millions of gallons of water every twenty-four hours; said pipes laid or unlaid, and said machinery shall not be converted to the distribution of water in said city and county under any contract or company other than the contract contained in this order; the strength of the pipes to be proved by a pressure equivalent to a column of water four hundred feet in height, the capacity whereof shall be such as are required by the regulations of the Croton Water Works in the city of New York, for like service; *provided*, that a main of not less than sixteen inches in diameter shall be connected to the first-mentioned distributing reservoir, extending with suitable pipes, through such streets as shall be necessary, to Market Street, on or before the sixth day of August, A. D. one

thousand eight hundred and sixty, unless the progress of the work be suspended by law; in which case additional time shall be allowed to said company, equal to the time during which the progress of the work may have been suspended as aforesaid; *provided*, that said pipes shall be so laid down as not to interfere with or obstruct any gas or water pipes of other parties laid down by authority of law; and said company shall, within the time prescribed in this section, be prepared to distribute at least two hundred thousand gallons of water daily, and shall thereafter maintain a surplus, beyond the daily consumption, of at least two millions of gallons, to meet any exigencies that may arise.

SEC. 3. Section five of Order, Number, Forty-Six, is hereby amended so as to read as follows:

Sec. 5. In consideration of, and on condition, that the said San Francisco City Water Works shall pass a resolution, and duly certify the same by the signatures of the President and Secretary of the said San Francisco City Water Works, and under the common seal of said company, to be filed with the Clerk of the Board of Supervisors, within ten days from the passage of this Order, agreeing to pay the said city and county of San Francisco hereafter five per cent. of the gross receipts of the said company under its present charter, or any renewal or extension thereof, and, also, accepting all the provisions of this order, and providing that the said five per cent. upon the gross receipts as aforesaid shall be paid into the treasury on the first days of April, July, October, and January, of each year, commencing on the first day of April, one thousand eight hundred and sixty-one; then, and in that event from the first day of January, one thousand eight hundred and sixty-one, the rates to be charged for the use of water may be established by the Board of Supervisors; and the rates so fixed for the first four years ensuing said date, shall be calculated to produce a gross revenue of twenty-four per centum per annum upon the actual cash capital invested, and thereafter for the term of fifteen years, such rates shall be established as will produce a gross revenue of twenty per centum per annum on the cash capital invested, and after the expiration of said last mentioned term, the rates shall be reduced one per centum per annum, until such reduction shall leave to the company eight per centum per annum net revenue upon the actual cash capital invested—unless the said city and county shall have sooner reimbursed to said company the cost of said works, as provided in sections six and seven. Such rate may, if necessary, be established quarterly during the first year, and yearly thereafter; but in no case shall the provisions of this section be so construed as to guarantee to the said San Francisco City Water Works any part of said revenue.

SEC. 4. Whenever it shall become necessary to stop the flow of water through any of the street mains for more than one hour, it shall be the duty of the said company to notify consumers by giving public notice of at least six hours, of such intended stoppage, in three or more of the daily newspapers.

SEC. 5. Section nine of Order, Number Forty-Six, is hereby amended so as to read as follows:

Sec. 9. The books and papers of the San Francisco City Water Works shall at all times be open to the inspection of a committee

Conditions.

Notice, etc.

Books to be open for inspection.

authorized by the Board of Supervisors, and to the President thereof; and the officers of the said San Francisco City Water Works may be examined, under oath, touching the receipts and expenditures of said company. The books of the company shall show the actual cash expenditures and receipts, and the construction account shall be kept distinct from the cost of operating the said works. And the said company shall render to the Board of Supervisors, semi-annually, commencing on the first day of January, A. D. one thousand eight hundred and sixty, a sworn statement of all moneys invested in the construction of said works.

SEC. 6. Section eleven of Order, Number Forty-Six, is hereby amended so as to read as follows:

To erect fountain.

SEC. 11. The said company shall furnish, at their own expense, for the use of the city and county, a "Marble Fountain," to cost not less than two thousand dollars, and to erect the same upon Portsmouth Square, on or before the first day of January, A. D. one thousand eight hundred and sixty-one, under the direction of the Board of Supervisors, and shall furnish a suitable supply of water for the same free of charge; said fountain to be used on Sundays and on all public occasions, and on such other days as shall not interfere with the supply of water for other purposes. The water, after being used by said fountain, may be conducted by said company to any portion of said city and county, as may be required by said company for their use.

Further conditions.

SEC. 7. This amended order is made upon the express condition and understanding, that all the water brought in any of the pipes or works of said company, shall be applied and used exclusively for the use of said city and county and by its inhabitants, on their agreeing to pay the established rates, so far as they may require and make demand for the same, and that no portion of the water shall be used, rented, sold, or appropriated, for supplying machine power, or for manufacturing purposes, to the detriment of said city and county, or the inhabitants thereof, who shall make demand therefor as aforesaid.

Orders repealed.

SEC. 8. Orders, Numbers Sixty-Five and Ninety-Two, are hereby repealed.

In Board of Supervisors, San Francisco, August twenty-ninth, one thousand eight hundred and fifty-nine, finally passed by unanimous vote.

MILO CALKIN,
Clerk.

E. W. BURR,
President Board of Supervisors."

Order ratified.

Be it therefore enacted, that the said Order, Number One Hundred and Seventy-Two, above named and recited, be, and the same is hereby, ratified and confirmed, and declared legal and valid, according to the terms and conditions therein named.