

THE
STATUTES OF CALIFORNIA,

PASSED AT THE

TENTH SESSION OF THE LEGISLATURE.

1859.

BEGUN ON MONDAY, THE THIRD DAY OF JANUARY, AND ENDED ON TUESDAY,
THE NINETEENTH DAY OF APRIL.

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SACRAMENTO:
JOHN O'MEARA, STATE PRINTER.

1859.

CHAP. CXCI.—*An Act to authorize the Mayor and Common Council of the City of Los Angeles to Contract a Loan for Irrigating, and other purposes.*

[Approved April 11, 1859.]

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

SECTION 1. The Mayor and Common Council of the City of Los Angeles are hereby authorized to borrow money for the purpose of municipal improvements, either of irrigation, or for furnishing water for domestic purposes, and lighting the City, and for any other purpose that may result to the benefit of the City, and belong to the legitimate municipal powers of the corporation, to the amount and in the manner hereinafter set forth.

SEC. 2. The amount borrowed under the provisions of this Act shall not exceed two hundred thousand (\$200,000) dollars. The rate of interest shall not exceed twelve (12) per cent. per annum. The time of payment of the loans shall not exceed twenty (20) years, nor be less than five (5) years.

SEC. 3. The rate of taxation authorized to be levied over and above ordinary taxes, to secure the payment of the money borrowed, shall not exceed, in all, one (1) per cent. per annum on all real and personal property, and the bonds or other evidence of indebtedness shall be issued in amounts of one hundred (\$100) and five hundred (\$500) dollars.

SEC. 4. Whenever the corporation of the City of Los Angeles see fit to borrow money under this Act, an ordinance specifying the purpose for which the loan is to be contracted, the amount, time of payment, rate of interest, specifying the rate of taxation proposed to be levied and collected, to provide for the payment of the principal and interest of the loan proposed, shall be passed by a majority of all the members of the Common Council legally qualified, at a regular meeting thereof, and approved by the Mayor.

SEC. 5. So soon as the Mayor shall have approved and signed the ordinance aforesaid, he shall cause notice to be given of a special election, which shall take place not less than three months from the date of first publication, which notice, together with the ordinance, shall be published in Spanish and English for three months next preceding said special election, in some paper or papers published in Los Angeles City, at least once a week.

SEC. 6. At the special election aforesaid, each voter shall cause to be written or printed on his ticket, "for the loan," or, "against the loan;" and if a majority of the votes thrown at said election shall be in favor of the proposed loan, then the ordinance so voted on shall be valid and in full force; but if a majority vote against the loan, then the ordinance shall be null and of no effect.

SEC. 7. The said amount of two hundred thousand (\$200,000) dollars may be borrowed at different times, and in such amounts as the corporation may see fit, subject to the vote of the electors of the City thereon, as aforesaid.

Interest.

SEC. 8. For the purpose of paying the interest on any debt or debts that may be contracted by the aforesaid corporation under this Act, and to provide for the payment of the principal of the same when due, said corporation is hereby authorized to mortgage the rents and profits derived from the improvements to be made with the money borrowed under the provisions of this Act, and also to levy and collect, in manner as prescribed for the levying and collection of other taxes, a special tax or taxes, not exceeding the rate of one (1) per cent. per annum, on all the taxable property in the City of Los Angeles, should the whole of said amount of two hundred thousand (\$200,000) dollars be borrowed, and in proportion should the loan or loans made be less than said entire sum, and said special tax or taxes shall continue to be levied and collected without increase or diminution of the rate set forth in the notice of election, provided for in section fifth, until the debt, to the payment of which the same is applicable, shall be satisfied.

Separate funds.

SEC. 9. The moneys arising from the taxes herein before authorized, shall be set apart by the City Treasurer, constituting a separate Fund or Funds, one Fund for each and every loan created under this Act. The City Treasurer shall pay, out of said Fund or Funds, annually, the interest accruing on the said loan or loans, respectively; and the surplus of the said Fund or Funds, after such payment of interest, shall be applied as follows: The said Treasurer, annually, immediately on ascertaining the amount of the surplus in said Fund, or Funds, shall advertise for proposals to the holders of the debt or debts, herein before mentioned, for the cancellation of the principal of the same; said proposals to be sealed and submitted to the Mayor and Common Council of said City for approval, and the Mayor and Common Council shall approve and accept the proposal or proposals most favorable to the said City, and order such surplus funds to be applied accordingly: *Provided*, that the Mayor and Common Council may have the power to reject all or any of the proposals made in any one year, and retain the surplus money in such Fund or Funds, to be applied and paid on accepted proposals in the next following year. But such surplus funds shall not be applied to any purpose, other than the satisfaction of the specific debt, for the payment of which they were collected; nor shall the Funds created and authorized under this Act be mixed, one with the other, but for each loan there shall be a separate Fund.

Proposals.

SEC. 10. The notice for proposals to holders of indebtedness, directed by the preceding section, shall be given in English and Spanish, in some newspaper or newspapers published in Los Angeles County, at least once a week, for one (1) month preceding the day fixed for the receipt of such proposals.

Bonds.

SEC. 11. The bonds, or evidence of indebtedness, which may be issued, under this Act, shall be signed by the Mayor of said City, and the President of the Common Council, and countersigned by the City Treasurer; and the Treasurer shall keep a record of the same, in a suitable book, setting forth amount, rate of interest, when and to whom payable, date, and on what Fund issued.

Sureties of Treasurer.

SEC. 12. Upon the creation of any loan under the provisions

of this Act, and previous to the receipt of any money under it, the City Treasurer shall deposit with the Common Council a good and sufficient bond, with three or more sureties, approved by the Mayor and Common Council, in a sum equal to double the amount of such loan, conditioned for the due and faithful discharge of his duty in receiving, keeping, and disbursing such loan, for which services, in so receiving and disbursing—which shall, in all cases, be upon the order of the Common Council—he shall be allowed, upon the disbursement, two per cent. on all sums, and shall file a quarterly report, counting from the first day of May of each year, setting forth a full statement of all receipts and disbursements, with the City Council.

SEC. 13. All and singular of the right, title, interest, and estate of the State of California held by said State as eminent domain, is hereby granted to the corporate authorities of the City of Los Angeles, to the extent which may be required by said City, for a distance of three miles from without the present confirmed limits of the said City, for the purpose of making a water-ditch or water-ditches, dam or dams, a reservoir or reservoirs. The Mayor and Common Council of the said City are hereby invested with all the privileges, powers, and rights, now conferred by law upon railroad companies, in and about the right of way over, and the right of entering into, and the right of appropriating and undermining, for their own use, any lands that they, or their officers, may judge necessary for the suitable prosecution and success of their water-improvements, by section twenty-seventh of said Act, as amended on the tenth of April, one thousand eight hundred and fifty-five. Reservoirs.

CHAP. CXCIV.—*An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River.*

[Approved April 11, 1859.]

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

SECTION 1. To the County of Sutter is hereby granted the right and privilege of constructing and keeping, across Feather River, a bridge for public use, extending from Fifth street of the City of Marysville, in the County of Yuba, to the opposite bank of said River. Authorized to construct bridge.

SEC. 2. The said bridge shall have a double track, of sufficient width and capacity for the accommodation of the public, and shall be constructed in a good and substantial manner, of durable and proper material, with a draw of not less than thirty feet in width. width.

SEC. 3. The Board of Supervisors of said County shall have the power to receive subscriptions and donations for the erection and construction of said bridge, and shall, upon the payment of any such subscription, or the receipt of any such donation, make im- Bridge fund.