

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.

CHAP. CCLXXXVII.—*An Act to authorize the Judges of the Supreme Court to employ a Secretary.*

[Approved April 23, 1858.]

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

- Salary.** SECTION 1. The judges of the Supreme Court are hereby authorized to employ the services of a secretary whenever they may deem it necessary; *Provided*, that the amount expended for such purpose shall not exceed the sum of one hundred and fifty dollars per month.
- Services certified.** SEC. 2. The services performed under this act shall be certified by the judges of said court, or a majority of them; and the Controller of State shall draw his warrant upon the Treasurer as in other cases, in favor of the person or persons so performing such service.
- Money appropriated** SEC. 3. The sum of eighteen hundred dollars is hereby set apart, and the same shall be paid out of any moneys in the general fund, not otherwise appropriated, to meet the expenses accruing under this act.

CHAP. CCLXXXVIII.—*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 23, 1858.]

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

- Right granted.** SECTION 1. The said George H. Ensign and his associates, and their assigns, shall have the right, and the same is hereby granted to them and their assigns, to lay down distributing iron water-pipes in any of the public streets, ways, or alleys of the city and county of San Francisco; *Provided*, said pipes shall be so laid down as not to interfere with or obstruct any gas or water-pipes, of any other parties, laid down by authority of law for the purpose of introducing and furnishing fresh water for the supply of the inhabitants of said city and county of San Francisco; *Provided*, that to the extent of three thousand running feet of said pipes, be laid down, within one year from and after the passage of this act, and water furnished therefrom to such citizens along the line, street, or streets, where said iron pipes shall be laid down, as may elect to take the same; and the balance of said iron pipes to be laid down as soon thereafter as practicable.
- Not to interfere.** SEC. 2. Said streets, or ways, in which said iron pipes may be laid, to be placed in the same good order and condition by said Ensign, and his associates or assigns, as the same were before said pipes were laid down, at his or their costs and charge, and under the supervision of the superintendent of streets and highways, and to his satisfaction.
- Streets in good order.**

SEC. 3. The chief engineer of the fire department, under the direction of the board of supervisors of said city and county of San Francisco, shall have the right to tap any pipes so laid down, and connect hydrants therewith, and receive water therefrom, for the extinguishment of any fire, or fires, during the pendency of the same, free of charge, to the full capacity of said water-works, up to and until such time as water shall be introduced into said city and county by some other person, or persons, and thereafter said Ensign, and his associates, or their assigns, shall furnish, for fire and other municipal uses, their quota, or proportion, of whatever water may be produced by them, or may be introduced by any other person or persons.

Engineer to use water.

SEC. 4. The rate or price to be charged for water, with the exception mentioned in section three of this act, shall be fixed by five commissioners, two of whom shall be appointed by the board of supervisors and two by the parties named in section one of this act, and they shall choose a fifth, and the rates agreed upon and fixed by a majority of said commissioners shall be the rates charged and received; *Provided*, that the rates so established shall not be so low as to yield less than twenty per cent. per annum on the actual capital invested in said works. And whenever the said city and county of San Francisco shall become the owner of any other works for the supply of the said city with fresh water from any source, west or south of the charter-line of eighteen hundred and fifty-one, then the said city and county may also purchase all the works, appurtenances, and franchises, belonging to said grantees herein, or their assigns, as provided in section five. And if the said city and county shall not elect to purchase, as provided in this section, then the board of supervisors, if not otherwise provided for by law, may fix the rates for water, but shall not fix the rates of water supplied by the grantees herein, below the rates charged by the city and county for water delivered from the works of said city and county.

Rates fixed by commissioners.

SEC. 5. The city and county of San Francisco shall have the right, at any time, after the expiration of twenty years from the passage of this act, on giving six months' notice of their intention so to do, to purchase all the works, and the franchise hereby granted, belonging to said Ensign, his associates, or assigns, which may be in use for the purpose of supplying water to the people of said city and county, at their true value, to be determined by a board of commissioners, to consist of four persons, who shall be civil engineers, two to be designated by the then corporate authorities of said city and county, and two by owners of said water-works and property; and in the event of their disagreement, the said commissioners shall have the right to select a fifth commissioner, and the decision of a majority of said board shall be final.

Corporation right to purchase.

SEC. 6. The privileges herein granted to said parties, named in section one of this act, shall be limited to a period of thirty years.

Limited.

SEC. 7. Nothing in this act shall be construed so as to interfere with any existing rights of either the Mountain Lake or San Francisco City Water-Works Companies.

Previous rights.

SEC. 8. This act shall not take effect unless the parties named in section one shall, within sixty days after its passage,

Take effect.

duly organize themselves, in conformity with the existing laws regulating corporations, now in force in this state.

Act repealed. SEC. 9. All laws, and parts of laws, inconsistent with any of the provisions of this act, are hereby declared to be inoperative, so far as provision is otherwise made by this act.

CHAP. CCLXXXIX.—*An Act for the relief of C. Binney.*

[Approved April 23, 1858.]

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

Moneys appropriated. SECTION 1. The sum of seventy-three dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of paying C. Binney, for articles of stationery furnished State Treasurer's and Quartermaster General's offices, in one thousand eight hundred and fifty-seven.

CHAP. CCXC.—*An Act defining the Legal Distances from each County Seat to the Capitol, Lunatic Asylum, and State Prison.*

[Approved April 24, 1858.]

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

Legal distances : SECTION 1. The distances established by this act shall be, and the same are hereby declared to be, the legal distances for which mileage shall be allowed to the capitol at Sacramento: First, For county treasurers settling their accounts; Second, For conveying the insane to the asylum at Stockton; Third, To sheriffs, for transporting prisoners to the state prison at San Quentin.

Alameda, SEC. 2. From the county seat of Alameda county to Sacramento, one hundred and thirty-five miles; to Stockton, one hundred and forty-five miles; to San Quentin, twenty miles.

Amador, SEC. 3. From the county seat of Amador to Sacramento, fifty-five miles; to Stockton, fifty-six miles; to San Quentin, one hundred and eighty-seven miles.

Butte, SEC. 4. From the county seat of Butte county to Sacramento, seventy-five miles; to Stockton, one hundred and twenty miles; to San Quentin, two hundred and five miles.

Calaveras, SEC. 5. From the county seat of Calaveras county to Sacramento, sixty miles; to Stockton, fifty miles; to San Quentin, one hundred and eighty miles.

Colusa, SEC. 6. From the county seat of Colusa county to Sacramento, seventy-five miles; to Stockton, one hundred and twenty-five miles; to San Quentin, two hundred and five miles.

Contra Costa SEC. 7. From the county seat of Contra Costa county to Sacramento, ninety miles; to Stockton, ninety miles; to San Quentin, forty-five miles.