

Attorney until the next election, after which he may be appointed City Attorney by the Council.

SEC. 46. The Treasurer shall receive and pay out all moneys belonging to the city, and keep an account of all receipts and expenditures, under such regulations as may be prescribed by ordinance; he shall make a monthly statement to the Council of the receipts and expenditures of the preceding month, and keep all the papers and documents belonging to the city, attend the meetings of the Council and keep a journal of their proceedings and a record of all their ordinances, and shall do all other things required of him by ordinance.

SEC. 47. The Marshal shall execute, within the city, and return all processes issued and directed to him by the Justice or Mayor, arrest all persons guilty of a breach of the peace, or of a violation of any ordinance of the Council, and take them before the Mayor, or any other legal authority within the city; he shall pay over all moneys into the City Treasury, received in pursuance of the ordinances of the Council, and shall attend the meetings of the Council; he shall also perform the duties of Street Commissioner, and do and perform such other duties as may be prescribed by ordinance.

SEC. 48. The officers or persons to whom the receipts or expenditures of the moneys or funds of the city shall be intrusted, shall give security in such amount as the Council may require, payable to the city and subject to the approval of the Mayor; such bond or bonds shall be subject to the provisions of the law concerning the official bonds of officers. In case such security becomes insufficient, additional security may be required, and if not given, the Council, by a vote of two thirds of the members, may declare the office vacant and order a new election. [Amended, see Supplemental iii., sec. 7.]

SEC. 49. All fines and other moneys received by any officer or person, under this charter, or collected under ordinance of the Council, shall be paid over every month, by such officer or person, unto the City Treasurer, under oath; and no officer shall be entitled to receive compensation for any services rendered, until he file his affidavit with the Mayor, that he has faithfully accounted for and paid over all moneys received by him, and for which he is bound to account.

SEC. 50. The corporation created by this Act shall succeed to all the legal and equitable rights, claims, and privileges, and shall be subject to all the equal or equitable liabilities and obligations, made *bona fide*, of the Town and City of Oakland. And the City Council shall have full power to maintain suits, in proper courts, to recover any right or interest to property which may have accrued to the Town and City of Oakland.

SEC. 51. All sales or leases of property belonging to the City of Oakland, shall be by public auction, to the highest bidder, and upon such terms and conditions as the Council may, by ordinance, direct; and all contracts for work, or supplies of any kind, for more than fifty dollars, shall be let to the lowest responsible bidder, after ten days' notice given, by posting the same in three of the most public places in the city, or by publishing the same in any newspaper that may be established in said city or county.

SEC. 52. Licenses shall be discriminating and proportionate to the amount of business.

SEC. 53. The style of the city ordinance shall be as follows: "The Council of the City of Oakland do ordain as follows." All ordinances shall be published by written advertisements posted up at the Mayor's office, and at three other public places in the city, or in a newspaper published in the city.

SEC. 54. No executive officer, nor member of the City Council, nor any officer of the corporation, shall be directly or indirectly interested,

Who are these Real Estate men, the KELLYS, and what do they do?